

ZONING DISTRICTS

§ 151.20 CLASSIFICATION OF ZONING DISTRICTS.

- (A) R-1 Single Family Residential District
- (B) R-2 Multi-Family Residential District
- (C) C-1 Central Business District
- (D) C-2 Central Business District
- (E) I Industrial
- (F) Rural Residential and Agricultural District

CITY OF HENNING

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to "opt out" of those regulations;

THE CITY COUNCIL OF THE CITY OF HENNING, ORDAINS as follows:

Chapter 151. City Code, Section 151.21 is amended as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION 151.21. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Henning opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 151.21. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 7th day of February, 2017, by the City Council of the City of Henning.

By: Jim Hermanson

ATTEST:

Gina Ellingson

§ 151.21 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the **R-1** Single Family Residential District is to provide for moderate density one and two-family dwelling units and directly related, complementary uses.

(B) *Permitted uses and structures.*

(1) One and two-family dwelling units.

(2) Public, government owned parks, playgrounds, athletic fields and other public recreational uses.

(3) Churches and places of religious assembly, public and private schools and government-owned buildings and facilities.

(4) Agricultural gardens and forestry.

(5) Manufactured homes which meet the standards set forth in § 151.24.

(6) As required by **M.S.** § 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility or a housing with services establishment registered under M.S. Ch. 144D, as it may be amended from time to time, serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

(C) *Accessory uses.*

(1) Customary accessory uses incidental to the principal uses such as gardens, private garages, screen porches, play equipment, signs, as set forth in division (D)(1) of this section, one storage shed not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located, satellite dishes and antennae, solar equipment, greenhouses not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located and swimming pools intended for single-family use.

(2) The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

(D) *Conditional uses.* Within the R-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this section.

- (1) Home occupations in a residence.
- (2) Hospitals and nursing homes, licensed day care centers serving 12 or more persons and cemeteries.
- (3) Accessory buildings other than those listed in (C)(1), including storage sheds and greenhouses over 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located.
- (4) Wind energy conversion systems or windmills.
- (5) Private recreational facilities as a principal use and excluding accessory play equipment and swimming pools intended for single family use.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in an R-1 District, subject to additional requirements, exceptions and modifications set forth in this chapter:

- (1) *Lot area.* 10,000 square feet (100 x 100).
- (2) *Lot width.* 75 feet.
- (3) *Setbacks.*
 - (a) *Front yards.* Not less than 30 feet;
 - (b) *Side yards.* 5 feet.
 - (c) *Side yards, corner lots.* 25 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.
 - (d) *Rear yards.* 30 feet.
- (4) *Detached accessory building setback requirements.* Not less than 5 feet from rear yard line and not less than 4 feet from the side yard lines in the rear yard. On corner lots not less than 25 feet from the adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(5) *Access.* All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed 2 stories or 35 feet, whichever is less.

(G) *Parking.* Refer to §§ 151.35 through 151.39.

(H) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by § 150.04.

(I) *Conditional use permit standards for the R-1 Single-Family Residential District.*

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

- (a) The use is consistent with the intent of this chapter;
- (b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;
- (c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- (d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

- (a) Licensed day care facilities for 15 or more persons:
 - 1. Located only on a collector or arterial roadway as designated in the comprehensive plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties; and

5. One parking space provided for each six children based upon the licensed capacity of the center;

(b) Storage sheds or greenhouses in excess of 500 square feet of gross floor area or 12 feet in height or occupying more than 30% of the side or rear yard in which they are located:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater:

2. Not to be used for commercial activities:

3. Structure to be architecturally consistent with the principal structure;

4. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

5. Minimum lot size of four acres; and

6. Must be located in a side or rear yard.

(c) Home occupations in a residence:

1. Such occupation shall be carried on in the-main building;

2. Not more than 25% of the floor space of the residence is used for this purpose;

3. No articles for sale be displayed so as to be visible from the street;

4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling;

5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;
6. Only limited retail sales activity;
7. Maximum of one outside employee;
8. Adequate off-street parking based on number of employees and customers per day;
9. Parking area screened from offsite views;
10. No outside storage;
11. Shall not result in significant levels of noise, air or other pollution and shall meet the performance standards of§ 151.30;
12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and
13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one-ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(d) Private recreational facilities as a principal use:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2. Buildings set back 50 feet from all property lines;
3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped in accordance with§ 151.31;
4. Signs shall be designed to be consistent with the principal use;
5. Adequate off-street parking based on number of employees and customers per day;
6. Parking area and waste management areas screened from offsite views;
7. No outside storage; and

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

8. Shall not result in significant levels of noise, air or other pollution.

(e) Wind energy conversion systems (WECS):

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;

2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;

3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;

4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;

5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;

6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and

7. The WECS shall meet the performance standards of § 151.30.

(t) Hospitals or nursing homes:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;
6. Parking area and waste management areas screened from offsite views;
7. No outside storage; and
8. Shall not result in significant levels of noise, air or other pollution and shall meet the performance standards of § 151.30.

Penalty, see § 151.99

§ 151.22 R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the R-2 Multiple Family Residential District is to provide for medium density housing in multiple family structures and directly related complementary uses.

(B) *Permitted uses and structures.*

(1) Any permitted use in a Single-Family Residential District.

(2) Multiple-family dwelling.

(C) *Accessory uses.* Any accessory use permitted in Single-Family Residential District.

(D) *Conditional uses.* Within the R-2 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (H) of this section.

(1) Any conditional use permitted in Single-Family Residential District.

(2) As required by M.S. § 462.357, Subd. 8, a state licensed residential facility serving from 7 through 16 persons under **M.S.** Ch. 144D, as it may be amended from time to time, or a licensed day care facility serving from 13 through 16 persons.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in R-2 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* 10,000 square feet for one and two-family dwellings and 3,000 square feet per dwelling unit for multiple-family dwellings.

(2) *Lot width.* 75 feet for one and two-family dwellings, and 100 feet for multiple family dwellings.

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

(3) *Setbacks.*

(a) *Front yards.* Not less than 30 feet.

(b) *Side yards.* 5 feet.

(c) *Side yards, corner lots.* 25 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(d) *Rear yards.* 30 feet.

(4) *Detached accessory building setback requirements.* Not less than 5 feet from the rear lot line and not less than 4 feet from the side yard line in the rear yard. On corner lots, not less than 25 feet from adjacent lot which has its front yard on the same street.

(5) All lots shall front on and have ingress and egress by means a public right-of-way.

(F) *Parking.* Refer to §§ 151.35 through 151.39.

(G) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by§ 150.04.

(H) Conditional use permit standards for the R-2 Multiple-Family Residential District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

(a) A state licensed residential facility serving from 7 through 16 persons under **M.S.** Ch. 144D, as it may be amended from time to time, or a licensed day care facility serving from 13 through 16 persons.

1. Located only on a collector or arterial roadway as designated in the comprehensive plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;

5. One parking space provided for each six attendees based upon the licensed capacity of the center; and

6. Meets the performance standards of§ 151.30.

(b) Storage sheds or greenhouses in excess of 500 square feet of gross floor area or 12 feet in height or occupying more than 30% of the side or rear yard in which they are located:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

2. Not to be used for commercial activities:

3. Structure to be architecturally consistent with the principal structure:

4. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

5. Minimum lot size of four acres;

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

6. Must be located in a side or rear yard.

(c) Home occupations in a residence:

1. Such occupation shall be carried on in the-main building;
2. Not more than 25% of the floor space of the-residence is used for this purpose;
3. No articles for sale be displayed so as to be visible from the street;
4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling;
5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;
6. Only limited retail sales activity;
7. Maximum of one outside employee;
8. Adequate off-street parking based on number of employees and customers per day;
9. Parking area screened from offsite views;
10. No outside storage;
11. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of§ 151.30;
12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and
13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one-ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(d) Private recreational facilities as a principal use:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2. Buildings set back 50 feet from all property lines;
3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
4. Signs shall be designed to be consistent with the principal use;
5. Adequate off-street parking based on number of employees and customers per day;
6. Parking area and waste management areas screened from offsite views;
7. No outside storage; and
8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of § 151.30.

(e) Wind energy conversion systems (WECS):

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;
6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and

7. The WECS shall meet the performance standards of§ 151.30.

(t) Hospitals or nursing homes:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;

6. Parking area and waste management areas screened from offsite views;

7. No outside storage; and

8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of§ 151.30.

Penalty, see § 151.99

§ 151.23 MANUFACTURED HOME PARKS.

(A) *General.* Manufactured home parks that are licensed by the State Department of Health are conditional uses in any zoning district that allows the construction or placement of a building used or intended to be used by two or more families. All manufactured home parks shall, in addition to any requirements imposed by rule of the State Department of Health or law, meet the following performance standards and any other conditions placed on them by the conditional use permit.

(B) Permitted uses and structures.

(1) Manufactured homes.

- (2) Essential services such as water, sewer, telephone and electric utilities.

(C) *Accessory uses.*

- (1) Recreational vehicles and equipment.

(2) Recreational facilities, gardens, commons and open space which are operated for the enjoyment and convenience of the residents of the principal use and their guests, such as tennis courts and swimming pools.

- (3) Building for storage of maintenance equipment incidental to the principal use.

- (4) Solar panels and equipment.

(D) *Conditional use.* Customary home occupations as set forth in § 151.21(D).

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in a manufactured home park, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* Each individual manufactured home site shall contain at least 5,000 square feet for exclusive use of the occupant.

(2) *Lot width.* Each individual manufactured home site shall have a lot width of at least 50 feet.

(3) *Setbacks for each individual manufactured home site.*

(a) *Front yards.* Not less than 15 feet.

(b) *Side yards.* 5 feet.

(c) *Rear yards.* 8 feet.

(4) *Detached accessory building setback requirements.* Not less than 5 feet from the rear lot line and not less than 4 feet from the side yard lines in the rear yard.

(F) *Parking.* Refer to §§ 151.35 through 151.39.

Penalty, see § 151.99

§ 151.24 MANUFACTURED HOMES.

The city authorizes the placement of manufactured homes in residential districts within the city if such manufactured homes comply with the following conditions:

(A) Manufactured homes shall comply with all zoning regulations for the district in which they are located.

(B) A building permit and any other required permits shall be obtained for manufactured homes.

(C) All such manufactured homes shall be built in compliance with any Minnesota Statutes regulating manufactured homes.

(D) Connection to city utilities, if available, shall be required.
Penalty, see § 151.99

§ 151.25 C-1 CENTRAL BUSINESS DISTRICT.

(A) *Purpose.* The purpose of the C-1 Central Business District is in recognition of the existing downtown business and commercial development and the need for its future expansion, rehabilitation and redevelopment.

(B) *Permitted uses and structures.*

(1) Business and commercial establishments including:

(a) Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; eating and drinking places, auto dealers, automobile service stations, farm implement dealerships, farm supply stores, seasonal evergreen sales and meat locker shops.

(b) Personal services, including laundries, beauty shops, barber shops, funeral homes, shoe repair shops, printing and publishing shops and photographic studios.

(c) Professional services, including medical and dental clinics and attorney's offices.

(d) Repair services, including automobile, jewelry, radio and television repair shops, appliance repair shops, farm and implement repair shops, plumbing contractor's shop and electrical contractor's shop.

(e) Entertainment and amusement services, including motion picture theatres, recreation halls and bowling alleys.

(f) Lodging services, including hotels and motels.

(g) Finance, insurance, real estate and tax services.

(2) Public and semi-public buildings, including post office, fire hall and city hall.

(3) Private clubs.

(4) Apartments, provided they are located above the first-floor level.

(5) Automobile parking lots.

(6) Essential services, such as sewer, water, telephone and electric utility facilities.

(7) Churches and places of religious assembly.

(C) *Accessory uses.* Uses incidental to the foregoing principal uses, such as off-street parking and loading and unloading areas, signs, indoor storage of merchandise and wholesaling and manufacturing, when incidental to a permitted use, solar panels, satellite dishes and antennas.

(D) *Conditional uses.* Within the C-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this section.

(1) One and two-family dwellings and multiple-family dwellings, including manufactured homes meeting the standards as set forth in § 151.24, and manufactured home parks licensed by the state.

(2) Nonresidential licensed day care facilities.

(3) Outdoor storage incidental to a principal use.

(4) Drive-thru or drive-up window accessory to a principal use.

(5) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in C-1 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* None.

(2) *Lot width.* None.

(3) *Setbacks.*

(a) *Front yards.* None.

(b) *Side yards.* None.

(c) *Rear yards.* 15 feet.

(4) All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed 3 stories or 45 feet, whichever is less.

(G) *Parking.* Refer to §§ 151.35 through 151.39.

(H) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by § 150.04.

(I) *Conditional use permit standards for the C-1 Central Business District.*

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(e) The use meets meet the performance standards of§ 151.30.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this division (I) will be met.

(a) One and two family dwellings and multiple-family dwellings, including manufactured homes meeting the standards set forth in§ 151.24 and manufactured home parks licensed by the state.

1. Building and site design shall provide a quality residential environment which is compatible with the permitted use;

2. At least two off-street parking spaces must be provided for each residential unit, with such parking to be in a garage, carport or on a paved area specifically intended for that purpose;

3. The dwelling unit must be in compliance with all applicable building, housing, electrical, plumbing, heating and related city codes;

4. The use will be permitted only where the dwelling unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the neighborhood character;

5. The city may require buffering or screening if needed.

(b) Nonresidential licensed daycare facilities.

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;

2. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);

3. One parking space for each six attendees based on the licensed capacity of the center shall be provided; and

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

4. Shall obtain all applicable state, county and city licenses.

(c) Outdoor storage incidental to a principal use.

1. Outdoor storage shall not be located within 100 feet of any residential parcel;

2. Outdoor storage shall be screened by suitable materials, such as a fencing or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;

3. Outdoor storage must be located in a rear or side yard;

4. Shall be kept in a neat and orderly fashion;

5. Shall not contain any unlicensed or inoperable motor vehicles; and

6. Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

(d) Drive-thru or drive-up windows accessory to a principal use.

1. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel;

2. Stacking areas shall provide for a minimum of six cars per aisle;

3. Public address system shall not be audible from any residential parcel;

4. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and

5. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian movements.

(e) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

1. Shall be located in a controlled or cordoned-area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;
 3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
 4. Shall not be located to obstruct parking spaces;
 5. Shall be located adjacent to an entrance to the principal use;
 6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and
 7. Shall not have speakers or audio equipment which is audible from adjacent parcels.
- Penalty, see § 151.99

§ 151.26 C-2 COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-2 Commercial District is to provide for commercial development outside of the C-1 Central Business District.

(B) *Permitted uses and structures.* All uses of a commercial nature, including retail, light industrial, wholesale, service, office, financial, recreational, professional, lodging, and sexually oriented businesses in compliance with Chapters 119 and 153, including all uses permitted in the C-1 Central Business District, and those other commercial uses as are not considered industrial as listed in § 151.27.

(C) *Accessory uses.* Those accessory uses permitted in the C-1 Central Business District.

(D) *Conditional uses.* Within the C-2 district no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in section (I) of this ordinance: All conditional uses permitted in the C-1 District.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in C-2 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* None.

(2) *Lot width.* None.

(3) *Setbacks.*

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

- (a) *Front yards.* None.
- (b) *Side yards.* None.
- (c) *Rear yards.* 15 feet.

(4) All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed three stories or 45 feet, whichever is less.

(G) Parking. Refer to §§ 151.35 through 151.39.

(H) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by § 150.04.

(I) Conditional use permit standards for the C-2 Central Business District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

- (a) The use is consistent with the intent of this chapter;
- (b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;
- (c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

(d) The use does not have an undue adverse impact on the public health, safety or welfare;
and

(e) The use meets the performance standards of§ 151.30.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

(a) *One and two family dwellings and multiple family dwellings, including manufactured homes meeting the standards set forth in§ 151.24 and manufactured home parks licensed by the state.*

1. Building and site design shall provide a quality residential environment which is compatible with the permitted use;

2. At least two off-street parking spaces must be provided for each residential unit, with such parking to be in a garage, carport or on a paved area specifically intended for that purpose;

3. The dwelling unit must be in compliance with all applicable building, housing, electrical, plumbing, heating and related city codes;

4. The use will be permitted only where the dwelling unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the neighborhood character; and

5. The city may require buffering or screening if needed.

(b) *Nonresidential licensed daycare facilities.*

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;

2. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);

3. One parking space for each six attendees based on the licensed capacity of the center shall be provided; and

4. Shall obtain all applicable state, county and city licenses.

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

(c) Outdoor storage incidental to a principal use.

1. Outdoor storage shall not be located within 100 feet of any residential parcel;
2. Outdoor storage shall be screened by suitable materials, such as a fencing or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;
3. Outdoor storage must be located in a rear or side yard;
4. Shall be kept in a neat and orderly fashion;
5. Shall not contain any unlicensed or inoperable motor vehicles; and
6. Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

(d) Drive-thru or drive-up windows accessory to a principal use.

1. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel;
2. Stacking areas shall provide for a minimum of six cars per aisle;
3. Public address system shall not be audible from any residential parcel;
4. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and
5. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian movements.

(e) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;
2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

- circulation;
3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
 4. Shall not be located to obstruct parking spaces;
 5. Shall be located adjacent to an entrance to the principal use;
 6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and
 7. Shall not have speakers or audio equipment which is audible from adjacent parcels.

§ 151.27 INDUSTRIAL.

(A) *Purpose.* The purpose of the I Industrial District is to provide for industrial development outside of the other districts authorized by this chapter. Development within the district shall be regulated through the performance standards outlined in § 151.30 of this chapter to promote sensitive site design and to mitigate external site impacts.

(B) *Permitted uses and structures.* Within the I District no structure or land may be used except for the following uses occurring within an enclosed building:

- (1) Warehouse
- (2) Storage
- (3) Manufacturing
- (4) Processing
- (5) Office
- (6) Wholesale
- (7) Research
- (8) Government buildings

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

(9) Other such industrial uses which in the determination of the City Council and as formally documented will be compatible and will not be detrimental to uses allowed in this or contiguous districts.

(C) *Accessory structures and uses.* Within the I District the following accessory uses are permitted provided they are subordinate to and associated with a permitted use:

(1) Living quarters for security personnel, provided they are located within the principal structure;

(2) Overnight outside storage of vehicles, provided the vehicles are associated with the business and are screened from view from residential properties or public views;

(3) Outside storage, including fuel storage, provided it is screened from general public view;

(4) Retail or service uses not exceeding 25% of the gross floor area of the principal structure;

(5) Other uses customarily associated with but subordinate to a permitted use, as determined by the city.

(6) Solar panels and equipment, satellite dishes and-antennas.

(D) *Conditional uses.* Within the I District no land or structure may be used for the following except by conditional use permit and in conformance with the performance standards contained in § 151.30 of this ordinance:

(1) Retail, or service uses occupying between 25 % and 50% of the gross area of the principal structure.

(2) Wind energy conversion systems or windmills.

(E) *District standards.* No building or land in the I District shall be used except in conformance with the following:

(1) *Building height.* Maximum of 45 feet or three stories, whichever is less;

(2) *Front yard setback.* Minimum of 35 feet from local and neighborhood collector streets as identified in the comprehensive plan, if any, or the zoning map if no comprehensive plan is in existence; or a minimum of 50 feet from railroad lines and from major collector or arterial roadways as designated in the comprehensive plan if any, or the zoning map if no comprehensive plan is in existence;

(3) *Side and rear yard setbacks.* Minimum setbacks shall be in accordance with the following when measured from land designated accordingly in the comprehensive plan if any, or the zoning map if no comprehensive plan is in existence:

- (a) 70 feet from R-1 and R-2 residential uses;
- (b) 30 feet from C-1 and C-2 commercial business uses; and
- (c) 20 feet from I District uses.

(4) *Lot coverage.* Maximum lot coverage shall be 85% and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by any impervious surface;

(5) Access: from a collector or arterial roadway as designated in the comprehensive plan, if any, or a street specifically designed to accommodate industrial traffic;

(6) Trash enclosures or accessory buildings not to exceed 600 square feet in size shall be located behind the front building line of the principal building and not in any required set back;

(7) Parking shall be regulated pursuant to §§ 151.35 through 151.39; and

(8) Performance standards shall be regulated pursuant to § 151.30.

(F) Conditional use permit standards for the Industrial District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan. The Planning Commission, if any, may recommend and the City Council may impose conditions on such uses in order to ensure compliance or to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if any;

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

- (c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
 - (d) The use is in compliance with the performance standards specified in § 151.30, of this chapter; and
 - (e) The use does not have an undue adverse impact on the public health, safety or welfare.
- (3) In addition to the standards specified in division (2), no conditional use permit shall be granted unless the City Council determines that each of the following specific standards will be met.
- (a) Retail or service uses occupying between 25% and 50% of the gross area of the principal structure:
 - 1. Shall be no exterior modifications to the building;
 - 2. Shall have no outside storage or display and no accessory structures for retail sales purposes; and
 - 3. Shall have sufficient parking to accommodate the additional retail traffic.
 - (b) Wind energy conversion systems or windmills.
 - 1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
 - 2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area:
 - 3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
 - 4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
 - 5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition; and

6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice.

§ 151.28 RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT.

(A) *Purpose.* The purpose of the Rural Residential and Agriculture District is to allow suitable areas of the city to be retained and utilized in open space and/or agricultural uses.

(B) *Permitted uses.* The following are permitted uses in the Rural Residential and Agriculture District:

(1) Agriculture, including farm dwellings and agricultural related buildings and structures subject to state pollution control standards, but not including commercial feedlots or other commercial operations.

(2) One-family dwelling units.

(3) Public, government owned parks, playgrounds, wild life areas and game refuges, athletic fields and other public recreational uses.

(4) Churches and places of religious assembly, public and private schools and government-owned buildings and facilities.

(5) Manufactured homes which meet the standards set forth in § 151.24.

(6) As required by M.S. § 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility or a housing with services establishment registered under M.S. Ch. 144D, as it may be amended from time to time, serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single-family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

(C) *Accessory uses.* The following are permitted accessory uses in the Rural Residential and Agriculture District:

(1) Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.

(2) Boat houses, piers and docks serving a single-family residence.

(3) Private garages, screen porches, play equipment, solar panel equipment, satellite dishes and antennae.

(4) The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.

(D) *Conditional uses.* Within the Rural Residential and Agriculture District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this chapter.

(1) Bed and breakfast inns.

(2) Wind energy conversion systems or windmills.

(3) Home occupations.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in the Rural Residential and Agriculture District, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* A minimum of two and one-half acres of upland area, upland being land above the 100-year flood elevation or non-wetland.

(2) *Lot width.* A minimum of 200 feet.

(3) *Lot depth.* A minimum of 300 feet.

(4) *Setbacks.*

(a) *Front yard.* A minimum of 40 feet.

(b) *Side yards.* A minimum of 10 feet.

(c) *Side yards, corner lots.* A minimum of 30 foot on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(d) *Rear yard.* A minimum of 30 feet.

(e) *Rear yard, corner lots.* A minimum of 15 on side adjacent to street, but in no case less than the setback of an adjacent lot which has its rear yard on the same street.

(5) *Detached accessory building setback requirements.* Not less than five feet from rear yard line and not less than four feet from the side yard lines in the rear yard. On corner lots not less than 25 feet from the adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(6) *Access.* All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed two stories or 35 feet, whichever is less.

(G) *Parking.* Refer to §§ 151.35 through 151.39.

(H) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by § 150.04.

(I) Conditional use permit standards for the Rural Residential and Agriculture Single-Family Residential District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2), no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this division will be met.

(a) *Home occupations.*

1. Such occupation shall be carried on in the main building;
2. Not more than 25% of the floor space of the residence is used for this purpose;
3. No articles for sale be displayed so as to be visible from the street;
4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling.
5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
6. Only limited retail sales activity;
7. Maximum of one outside employee;
8. Adequate off-street parking based on number of employees and customers per day;
9. Parking area screened from offsite views;
10. No outside storage;
11. Shall not result in significant levels of noise, air or other pollution;
12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and

13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one-ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(b) Wind energy conversion systems (WECS).

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;
6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and
7. The WECS shall meet the performance standards of§ 151.30.

(c) Bed and breakfast inns.

1. The conduct of the bed and breakfast inn shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the bed and breakfast inn, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling.
2. No traffic shall be generated by such bed and-breakfast inn in greater volume than would normally be expected in a residential neighborhood.