



**CITY HALL**

207 Lafayette Street  
P.O. Box 378  
Winona, MN 55987-0378  
FAX: 507/457-8212

July 7, 2016

Planning Commissioners  
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, July 11, 2016, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. **Call to Order**
2. **Approval of Minutes – June 27, 2016**
3. **Public Hearing – Final Plat – Pelzer Properties**
4. **Public Hearing – Temporary Family Health Care Dwelling Units**
5. **Discussion – Development Code Update**
6. **Other Business**
7. **Future Action Items**
8. **Adjournment**

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Espinosa".

Carlos Espinosa  
City Planner

## **PLANNING COMMISSION MINUTES**

**DATE:** June 27, 2016

**TIME:** 4:30 p.m.

**PRESENT:** Chairman Hahn, Commissioners Boettcher, Buelow, Porter, L. Olson, Paddock, and Shortridge

**ABSENT:** Commissioners M. Olson and Ballard

**STAFF PRESENT:** City Planner Carlos Espinosa

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The meeting was called to order at 4:30 p.m. by Chairman Hahn.

### **Approval of Minutes – June 13, 2016**

The minutes for June 13, 2016 were approved without changes and upon motion by Commissioner Shortridge, and second by Commissioner Porter.

### **Discussion – Development Code Update**

Jeff Miller and Rita Trapp from HKGI presented the work completed thus far on the Development Code Update.

The first item of discussion was a limit on the number of attached townhouses in the R-1, R-1.5 and R-2 zoning districts. Mr. Miller stated that currently the maximum number of attached townhome/rowhouse units is four. Developers may want to have more units per building in order to make project financially feasible. Mr. Miller clarified that the number of total units allowed on a property would not increase – thus density would not increase, just the number of buildings units allowed to be part of the same building.

Commissioner Shortridge noted that additional units would result in buildings with a larger mass and may change the character of single family neighborhoods. Mr. Miller responded that the attached townhomes, especially closer to downtown and shopping areas, may better fit the character of the area than single family homes. Mr. Espinosa noted that new townhomes could also be required to be on a principal or arterial street at the edges of residential areas.

Commissioner Shortridge asked if the number of attached townhomes could be changed based on zoning district. Mr. Espinosa replied affirmatively.

There being no further comments, Mr. Miller continued with the presentation.

Commissioner Shortridge asked about fuel stations in the downtown districts. Mr. Miller stated that typically fuel stations wouldn't be permitted in core downtown areas, but if design standards are applied they could be made more visually appealing.

**PLANNING COMMISSION MEETING MINUTES**  
**JUNE 27, 2016**  
**PAGE 2**

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Commissioner Boettcher noted that downtown fuel stations are moving away from providing repair services on the same property – there's either gas or repair.

Commissioner L. Olson noted that a more appropriate term would be "gas" stations instead of "fuel" stations.

Commissioner Boettcher noted hospitals and vet clinics for large animals may not be well suited for business districts in the core of the city due to needs for exercise areas and space requirements for the animals. Mr. Miller noted that potential issues with treating large animals could be specified in the use specific standards for animal hospitals and veterinary clinics.

The next discussion area was district purpose statements. Commissioner Paddock noted that the word "vibrant" might be removed from the DTMU description.

Commissioner Shortridge asked what is meant by pedestrian oriented in the two downtown districts. Ms. Trapp and Mr. Miller responded that the form-based design standards, zero or reduced setbacks, increased densities, the mix of uses, and signage types will help to define and create a pedestrian-oriented environment in the downtown districts.

Following miscellaneous discussion, there was a consensus to remove the reference to truck traffic in the M-2 purpose statement.

Commissioner Shortridge asked about how to make uses in the Downtown Fringe area more compatible with adjacent or nearby residential uses. Ms. Trapp stated that use specific standards could apply in the fringe district. In this manner, specific regulations could apply to uses in the fringe district that wouldn't apply in other areas of the City.

Next, there was discussion about requiring 1,000 square feet of lot area for all dwellings in the business and mixed use districts. Following questions about how this standard would apply to reuse of existing buildings, it was noted that the number may have to be reduced in the downtown area in order to encourage reuse of historic buildings. Mr. Espinosa stated that he'd examine changing the recommendation and bring the results to a future Commission meeting.

Regarding lot frontages in downtown, Commissioner Shortridge noted that the typical width of rowhouses in historic districts is 20 feet. Thus, a 30 foot required frontage may be too much.

Commissioner Shortridge questioned the setbacks in the Downtown Fringe area which are recommended to be the same as the adjacent residential district. Mr. Shortridge commented that perhaps the setbacks should be reduced for residential dwellings in the Downtown Fringe. Mr. Miller stated that if the intent of the Downtown Fringe is to move toward the Downtown Mixed Use District, a reduced setback would be appropriate.

At the end of the discussion about the Development Code Update, there was interest in revisiting the map and the use table before adding them to the project website. Mr. Espinosa stated that he could bring the most recent drafts of both to the next Commission meeting.

**Other Business**

Various Commissioners asked about the status of the landscaping at the Franklin and Broadway project. Mr. Espinosa stated that he'd check and bring the results to the next meeting.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 7:30 p.m.

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Carlos Espinosa  
City Planner

# PLANNING COMMISSION

**AGENDA ITEM: 3. Public Hearing – Final Plat – Pelzer Properties**

**PREPARED BY: Mark Moeller**

**DATE: July 11, 2016**

## BASE DATA

- Petitioner:** Steve Kohner (Winona, MN)
- Location:** Exhibit A – Northwest corner of West Fifth and Pelzer Streets
- Existing Zoning:** B-2 (Central Business District)
- B-2 District Lot Development Standards:**
- Minimum lot area/frontage – No requirement.
  - Front Yard Setback – None, unless either side yard abuts a residential district, then 25 feet.
  - Side Yard Setback – None, unless a side yard abuts a residential district, then the same as required for one family dwelling as in the residential district.
  - Rear Yard Setback – None, unless a rear yard abuts a residential district, then the same as required for one family dwelling in the residential district.
- (Note: Previous requirements pertaining to front, side, and rear yards are certified in accordance with site review/approval).
- Area of Land to be Subdivided:** 6.04 Acres
- Proposed Number of Lots:** Exhibit B. Four + 2 Outlots
- Proposed Lot Areas:**
- Lot 1 – 2.35 acres (Fronts W. Fifth and Pelzer Streets)
  - Lot 2 – .98 acres (Fronts W. Fifth Street)
  - Lot 3 – 1.08 acres (Fronts Sebo Street)
  - Lot 4 – 1.63 acres (Fronts Pelzer Street)

**Proposed Vehicular/Pedestrian Access:**

Lot 3 has/will continue to be accessed from Sebo Street. As shown on Exhibit C, vehicle access to/from lots 1, 2, and 4, to W. Fifth and Pelzer Streets, will be “controlled,” through shared access points at Outlots A and B. Since both outlots generally align with intersecting streets (Whitten and Broadway) located north and east of W. Fifth and Pelzer Street, and are located outside of W. Fifth and Pelzer Street intersection traffic lane medians, outlot locations should permit turning movements in any direction.

In addition to vehicular flow, pedestrian movement, throughout the neighborhood, is provided by existing sidewalks located along W. Fifth and Pelzer Streets.

**Proposed Public Dedications:**

Pursuant to plat language, the only public dedication proposed is Outlot B (Referenced as a utility easement).

**Other Plat Features:**

Given review of Exhibit B, the plat references a 15.25 foot wide ingress-egress easement that runs parallel with the south line of proposed lots 3 and 4. Historically, this easement dates back to development of the Penney’s site, and the retention of the strip of land (by the Red Top), for mobile home park access purposes. Given recent discussion between Mr. Kohner and Fastenal (current owners of Penney site), staff understands that agreement has been reached to both retain/formalize the agreement. Although the easement won’t play a role in accommodating day to day traffic through the area, it could be used for emergency/incidental purposes, and would restrict the construction of a building/building addition (on the Penney’s site) to the south line of lots 3 and 4.

**Proposed Utilities:**

Future redevelopment of the site will have access to existing mains serving the neighborhood. All are of adequate capacity to serve the site.

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**Current Use:**

Exhibit A, lot 3 presently includes a number of storage structures built in the mid 80's. Lots 1, 2, and 4 previously accommodated the former Red Top Mobile Home Park that was officially closed (vacated) in June of 2015. Although no official proposal has been received for redevelopment of the site, any such proposal will require site plan review/approval.

**Area Streets:**

As previously noted, the plat will be served by three streets including Sebo (a "local" street) and West Fifth and Pelzer Streets (both designated as minor arterials). For reference, 2011 average daily vehicle counts on W. Fifth were 8,300 and on Pelzer Street were 10,000. Additionally, although Pelzer is a City street, W. Fifth Street falls under Winona County jurisdiction, as County State Aid Highway 32.

**Environmental:**

The platted site is not located within a designated flood hazard area or Shoreland Overlay District. Additionally, given information provided by the National Wetland Inventory and Winona County Soil Survey, no known wetlands exist on the site. No other known environmental concerns have been identified to the site.

**DISCUSSION/CONSIDERATION**

This request relates to a proposal that will split a single land parcel into 4 lots + 2 outlots for future sale and redevelopment.

Historically, lot 3 was rezoned (R-3 to B-2) in 1983 for the present storage use. The remainder of the site was rezoned (R-3 to B-2) in mid-November, 2015. With this, and given demands for available commercial land within the City, it is anticipated that redevelopment will entail commercial use. Again, whereas the purpose of the plat is to simply define how the parcel will be split, the actual detail of redevelopment will occur, once specific proposals site plans, etc. are received.

Given review of the base data section, although the layout of this plat is not subject to a significant amount of requirements/guidance, it may be concluded that:

1. All lots will front on existing public streets.
2. All lots will be sized to facilitate/support reasonable development.
3. All lots will have access rights to abutting streets.
4. All lots will access existing utility mains with adequate capacities.

In further addressing Point 3, although a bit unusual, access to/from all lots will be “pre-structured” by way of the two Outlots proposed. Although abutting property owners will equally share rights/responsibilities to these areas, their design will include a “single” driveway to West Fifth and Pelzer Streets. These single drives will then be accessed from adjoining parcels from outside of Outlots. Given discussion with the City Engineer, staff suggests that, should the plat be approved, it be tied to a condition ensuring that Outlots be designed to include one driveway. Again such a condition could be certified with future site plan reviews/approvals for individual lots.

Along with the previous, it is noted that the developer’s engineer has been working with the City Engineer in planning for a new left hand turn lane for north bound traffic, from Pelzer to Outlot B. Additionally, the project surveyor has advised staff that the developer has been discussing needed access provisions, related to West Fifth Street (again a County Highway), with the County Engineer. Although comments from that agency have been invited, none have yet been received. Should these be identified, they will be brought to the meeting for consideration.

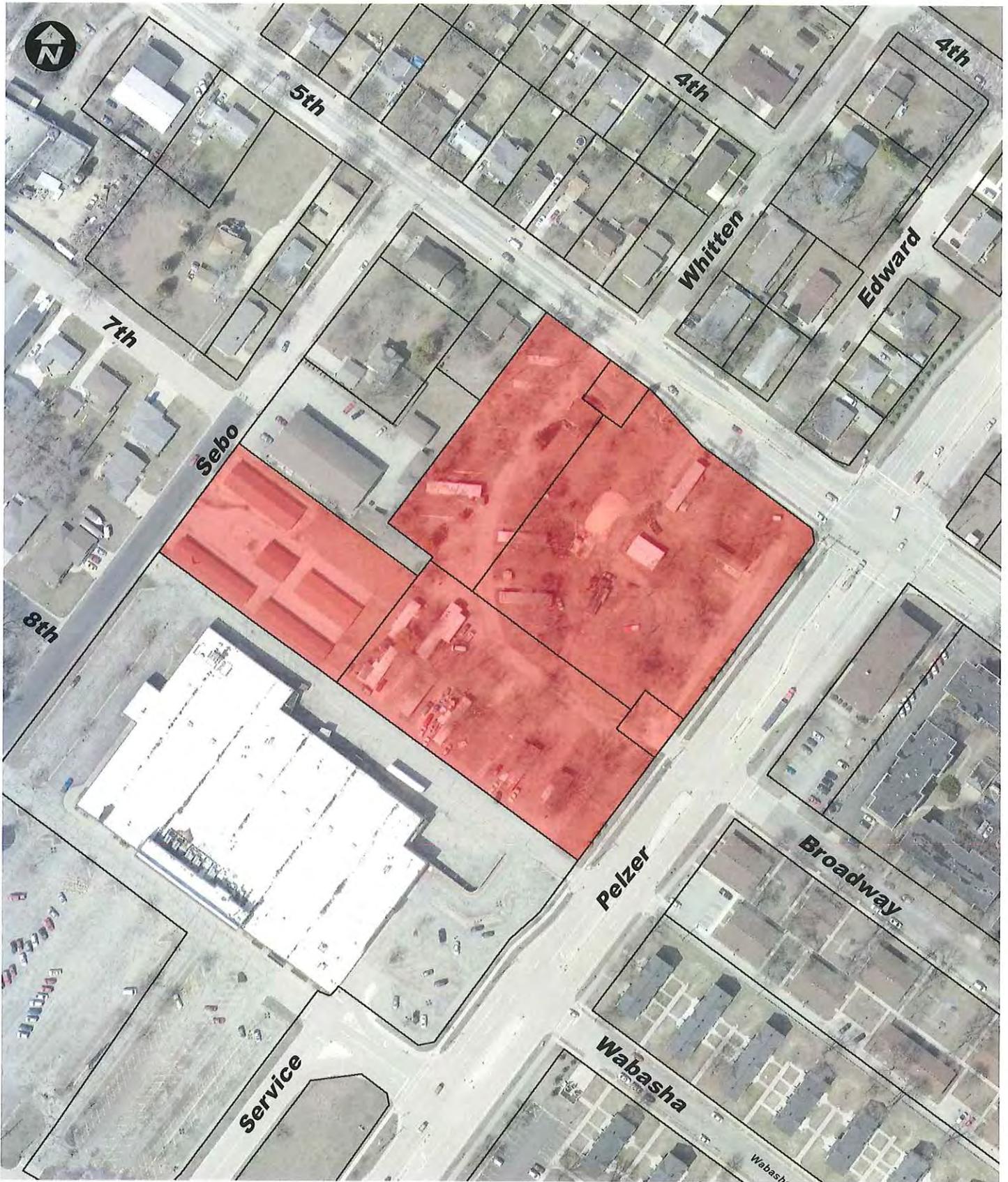
#### **RECOMMENDATION**

Approval of this plat is recommended subject to the condition that both Outlots be designed for no more than a single driveway, and subject to County Highway Department comments. In consideration of this matter, the following alternatives are available to the Commission:

1. Recommend approval of the request, adopting the analysis above as the findings of the Planning Commission.
2. Recommend denial of the request. If denial is recommended, specific reasons should be given.
3. Recommend modification of, and/or conditions to, the request.
4. Table the item to allow staff additional time to answer questions.

Attachments

# Pelzer Properties Exhibit A



This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any of the features depicted and any assumptions of the legal status of this map is hereby disclaimed. Imagery from 2013

0 50 100 200 Feet

June 1, 2016



# PLANNING COMMISSION

**AGENDA ITEM: 4. Public Hearing: Temporary Family Health Care Dwelling Units**

**PREPARED BY: Carlos Espinosa**

**DATE: July 11, 2016**

In this year's legislative session, a bill was passed that requires cities to allow temporary accessory dwelling units (e.g. temporary tiny houses). Attached is a memo from the League of Minnesota Cities (Attachment A) which describes the bill (Attachment B). Cities must either opt out of the bill or begin issuing permits for the temporary dwelling units by September 1<sup>st</sup>. Staff has the following primary concerns about the bill's application in the City of Winona:

- 1) Utility Connections: While the bill requires connections to water and electric utilities, connection to sewer utilities is not required. The bill only requires an executed contract for septic service. This translates into the potential for temporary septic systems in residential areas of the city where they typically wouldn't be allowed.
- 2) Administration and Enforcement: The temporary and "health care" nature of these dwellings produces many questions about City administration and enforcement of the bill. The legislation requires the City to review and enforce its provisions, but does not provide the tools and finances to do so.

Additional concerns about the potential impact of the legislation are detailed in the attached staff reports to the Burnsville, Minnesota Planning Commission and City Council (Attachment C).

The potential need for Accessory Dwelling Units is better addressed through specific zoning regulations in the Development Code Update process. Accessory Dwelling Units are currently listed in the draft accessory use table as "permitted with standards." The Commission will need to discuss appropriate standards for these uses at a future meeting. In the meantime, there are several alternatives in Winona to house those needing temporary housing for health reasons. These alternatives include family member spare bedrooms, apartments, assisted living facilities, short-term health care facilities, and group homes.

Given the information presented above, staff recommends opting out of the legislation by recommending adoption the ordinance provided in Attachment D.

Attachments:

- A) League of Minnesota Cities Memo
- B) Legislation
- C) City of Burnsville Planning Commission and City Council Staff Reports
- D) Opt-Out Ordinance



## Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

### Introduction:

On May 12, 2016, Gov. Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.<sup>1</sup> Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.<sup>2</sup>

### Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

### Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

### Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. When analyzing whether or not to opt out, cities may want to consider that:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

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<sup>1</sup> [2016 Laws, Chapter 111](#).

<sup>2</sup> Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that individual's power of attorney sign the permit application or a consent to release his or her data.
- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties<sup>3</sup>. Cities should consider whether there is an interplay between these two statutes.

**Do cities need to do anything to have the new law apply in their city?**

No, the law goes into effect Sept. 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances.

**Do cities lose the option to opt out after the Sept. 1, 2016 effective date?**

No, the law does not set a deadline for opting out, so cities can opt out after Sept. 1, 2016. However, if the city has not opted out by Sept. 1, 2016, then the city must not only have determined a permit fee amount<sup>4</sup> before that date (if the city wants to have an amount different than the law's default amount), but also must be ready on that date to accept applications and process the permits in accordance with the short timeline required by the law. Cities should consult their city attorney to analyze how to handle applications submitted after Sept. 1, 2016, but still pending at the time of a later opt out.

**What if a city already allows a temporary family health care dwelling as a permitted use?**

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

**What process should the city follow if it chooses to opt out of this statute?**

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.<sup>5</sup>

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<sup>3</sup> See Minn. Stat. §394.307

<sup>4</sup> Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

<sup>5</sup> For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the

**Does the League have a model ordinance for opting out of this program?**

Yes. Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

**Can cities partially opt out of the temporary family health care dwelling law?**

**Not likely.** The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

**Can a city adopt pieces of this program or change the requirements listed in the statute?**

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

**What is required in an application for a temporary family health care dwelling permit?**

The mandatory application requests very specific information including, but not limited to:<sup>6</sup>

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”<sup>7</sup>

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statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

<sup>6</sup> New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

<sup>7</sup> This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

### **Who can host a temporary family health care dwelling?**

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

### **Is this program just for the elderly?**

**No.** The legislature did not include an age requirement for the mentally or physically impaired dweller.<sup>8</sup>

### **Who can live in a temporary family health care dwelling and for how long?**

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

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<sup>8</sup> The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

### **What structures qualify as temporary family health care dwellings under the new law?**

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;
- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means<sup>9</sup>);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter [1360](#) (prefabricated buildings) or [1361](#) (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”<sup>10</sup>; and
- Must contain a backflow check valve.<sup>11</sup>

### **Does the State Building Code apply to the construction of a temporary family health care dwelling?**

**Mostly, no.** These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

### **What health, safety and welfare requirements does this new law include?**

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

### **What local ordinances and zoning apply to a temporary health care dwelling?**

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings.

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<sup>9</sup> The Legislature did not provide guidance on what represents “other comparable means”.

<sup>10</sup> ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

<sup>11</sup> New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city's other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

### **What permit process should cities follow for these permits?**

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame within which the local governmental unit can make a decision on the permit. Due to the time sensitive nature of issuing a temporary dwelling permit, the city does not have to hold a public hearing on the application and has only 15 days (rather than 60 days) to either issue or deny a permit. For those councils that regularly meet only once a month, the law provides for a 30-day decision. The law specifically prohibits cities from extending the time for making a decision on the permit application. The new law allows the clock to restart if a city deems an application incomplete, but the city must provide the applicant written notice within five business days of receipt of the application identifying the missing information.

### **Can cities collect fees for these permits?**

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

### **Can cities inspect, enforce and ultimately revoke these permits?**

Yes, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

### **How should cities handle data it acquires from these permits?**

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state "that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living", without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

### **Should the city consult its city attorney?**

Yes. As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

Temporary Family HealthCare Dwellings  
June 27, 2016  
Page 7

**Where can cities get additional information or ask other questions.**

For more information, contact Staff Attorney Pamela Whitmore at [pwhitmore@lmc.org](mailto:pwhitmore@lmc.org) or LMC General Counsel Tom Grundhoefer at [tgrundho@lmc.org](mailto:tgrundho@lmc.org). If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.

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Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

### Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code I19.2; and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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**ITEM**

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Ordinance Opting Out of Recently Passed Legislation (Chapter 111, 2016 Minnesota Session Laws)  
Requiring Cities to Permit Temporary Family Health Care Dwelling Units

**POLICY DECISION / ACTION REQUESTED**

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Adopt the Ordinance as recommended by the Planning Commission.

**BACKGROUND**

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The purpose of this item is to adopt an ordinance opting out of recently approved legislation requiring cities to allow temporary family health care dwelling units in Burnsville. If the City does not adopt the opt out ordinance, starting September 1, 2016 people will be able to move in temporary buildings (similar to a "Tiny House") onto a lot that has an existing home. The legislation includes a provision for cities and counties to opt out and the attached draft ordinance is based on the model ordinance drafted by the League of Minnesota Cities.

The legislation is written so that cities have little review or enforcement authority, are limited to charging a \$100.00 permit fee at most, are not be able to require the applicant to submit a survey, are not able to have the structure removed in less than 60 days and cannot charge an escrow deposit to cover staff time for permit administration, inspections or enforcement action.

This legislation may be well-intended but it does not adequately address concerns of the City. There are provisions within the legislation that are in conflict with other statutes. Some of the information required for permits is private and as such there are HIPPA data handling concerns. The legislation requires the City to review and enforce its provisions but does not provide the tools and finances to do so.

This law also has many implications to the City and neighborhoods as it creates higher densities by allowing two dwelling units on lots zoned for only one dwelling unit. Based on Burnsville's adopted policies, ordinances, and codes the provisions of this legislation are not consistent with the our objectives. The legislation allows people to live in a structure that does not have to meet state building, plumbing, electrical code or building permit requirements.

There are existing alternatives in Burnsville to house those needing temporary housing for health reasons. Those include family member spare bedrooms, apartments that are conveniently located throughout the City, assisted living facilities, short term health care facilities, hotels and various group homes.

The Planning Commission held the public hearing for the proposed opt out ordinance on June 13, 2016. No one spoke for or against the proposed ordinance. The Commissioners concurred that the legislation needs more work and research. Commissioners were concerned that these units are not required to meet basic life and safety codes and there is limited ability for the City to regulate and inspect them. The Planning Commission voted unanimously (5 - 0) to recommend the City adopt the opt out ordinance as presented.

**RECOMMENDATION**

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The Planning Commission recommends to the City Council that the opt out ordinance should be adopted as presented.

## RELATED ENDS & OUTCOMES STATEMENT(S)

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*COMMUNITY ENRICHMENT: Community members, including youth, have the opportunity to participate in a broad range of programs, community service and facilities that are built on strong, sustainable partnerships.*

*NEIGHBORHOODS: People feel Burnsville has quality housing through other licensing and regulatory activities to enhance health/safety for the residents/visitors.*

### ATTACHMENTS:

*Description*

06/13/2016 Unapproved Planning Commission Minutes

06/13/2016 Planning Commission Background

Ordinance

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Staff Contact: Deb Garross

Department: Planning



## Planning Commission AGENDA REPORT

6/13/2016  
Item No. 5.  
DEV2016-0018

### **ITEM**

Public Hearing - Consider an Ordinance opting out of recently passed legislation (Chapter 111, 2016 Minnesota Session Laws) requiring cities to permit temporary family health care dwelling units

### **PRESENTER(S)**

Deb Garross, Planner

### **BACKGROUND/OVERVIEW**

In this year's legislative session a bill was passed that requires cities to allow temporary accessory dwelling units. The law exempts said applications from typical zoning authority and requires cities to approve them within 15 days. The law also allows them to be permitted with a doctor's note for the residents and provides for exceptions to typical building, zoning, and fire regulations. The City presented its many concerns and objections to allowing said structures for health, safety, and neighborhood concern's to the legislature through the League of Minnesota Cities. The end result was adoption of a law requiring cities and counties allow them; however, the law also provides that cities and counties may opt out of the law by ordinance. The new law goes into effect on September 1, 2016. The League of Minnesota Cities has prepared the attached opt out ordinance for consideration. The City Attorney has also reviewed the ordinance and is in support.

### **PLANNING CONSIDERATIONS**

From a planning standpoint there are many concerns with the new law including allowing two dwelling units (even temporary) on a parcel in which its only zoned for one dwelling ; not requiring a survey (as is required for other permits and structures) so the actual location may not be correct; there is no means to process or reject a temporary CUP; the permit circumvents the public input process; the permit is automatically extended with no reasons to not extend provided for; and there is no reference to compliance with shoreland, floodplain or wetland requirements. There are several alternatives in Burnsville to house those needing temporary housing for health reasons. Those include family member spare bedrooms, apartments are conveniently located throughout the city, assisted living facilities, short term health care facilities, and various group homes.

There are also several other concerns that affect the City outside of a land-use issue that are just as impactful and will cost the city resources to allow such units including: A \$100 permit fee that does not cover the City costs; Allowing people to reside in structure that do not have to meet MN state building, plumbing, electrical code or building permit requirements; compliance and removal issues particular allowing 60 days for removal and not allowing an escrow deposit; utility hook-up concerns as the MN State plumbing code requires buildings/structures to be hooked up to public utilities if available; and HIPPA data handling concerns.

### **ROLE OF THE PLANNING COMMISSION**

The role of the Planning Commission is to review the ordinance and technical aspects of the legislation related to the Zoning Ordinance. The temporary dwellings are excluded from local zoning controls.

### **RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of the Ordinance opting out of allowing temporary dwelling units.

**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF WINONA, MINNESOTA**  
**AN ORDINANCE OPTING-OUT OF**  
**THE REQUIREMENTS OF**  
**MINNESOTA STATUTES §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 WINONA ORDAINS AS FOLLOWS:

Section 1. Pursuant to authority granted by Minn. Stat. §462.3593, subdivision 9, the City of Winona opts-out of the requirements of Minn. Stat. §462.3593 which defines and regulates Temporary Family Health Care Dwellings.

Section 2. This ordinance shall take effect upon its publication.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

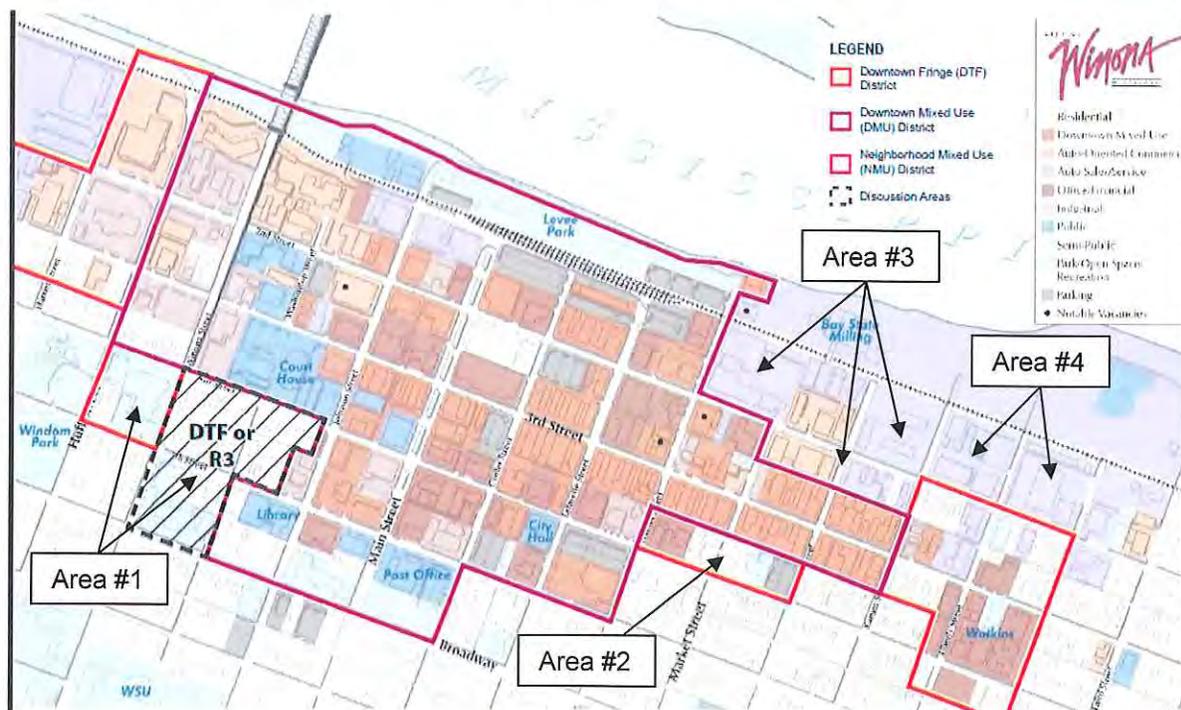
# PLANNING COMMISSION

AGENDA ITEM: 5. Discussion – Development Code Update

PREPARED BY: Carlos Espinosa

DATE: July 11, 2016

As part of the Development Code Update, this meeting will be focused on the updated zoning map for downtown and the use tables. At the last Commission meeting, there was interest in discussing these items further. The map has been updated based on discussion at the June 13<sup>th</sup> meeting. Those updates are:



## Area #1

1. Include the one-four family residential properties in either Downtown Fringe (DTF) zoning or R-3 zoning.
2. Maintain the Downtown Mixed Use (DTMU) boundary which includes the middle school auditorium building.
3. Change the YMCA block from proposed DTMU zoning to DTF zoning.

Area #2

1. Maintain current zoning for the Valley View residential tower.
2. Change the proposed zoning for the two ½ blocks north of 4<sup>th</sup> street from DTMU to DTF.

Area #3

1. Maintain the current boundary which excludes all properties north of Second Street and the two ½ blocks occupied by Kendell Lumber and Coca Cola from DTF or DTMU zoning. Zoning may be changed as necessary in the future related to a specific project.

Area #4

1. Maintain the current boundary which excludes the referenced properties from DTF or DTMU zoning. Zoning may be changed as necessary in the future related to a specific project.

After discussion, staff is seeking confirmation from the Commission that the map and use table can be posted to the Development Code Update section of the City's webpage. The post would note that further changes will likely be made to the documents based on discussion about use specific standards, definitions, and the second round of public input to occur this fall.

Attachments

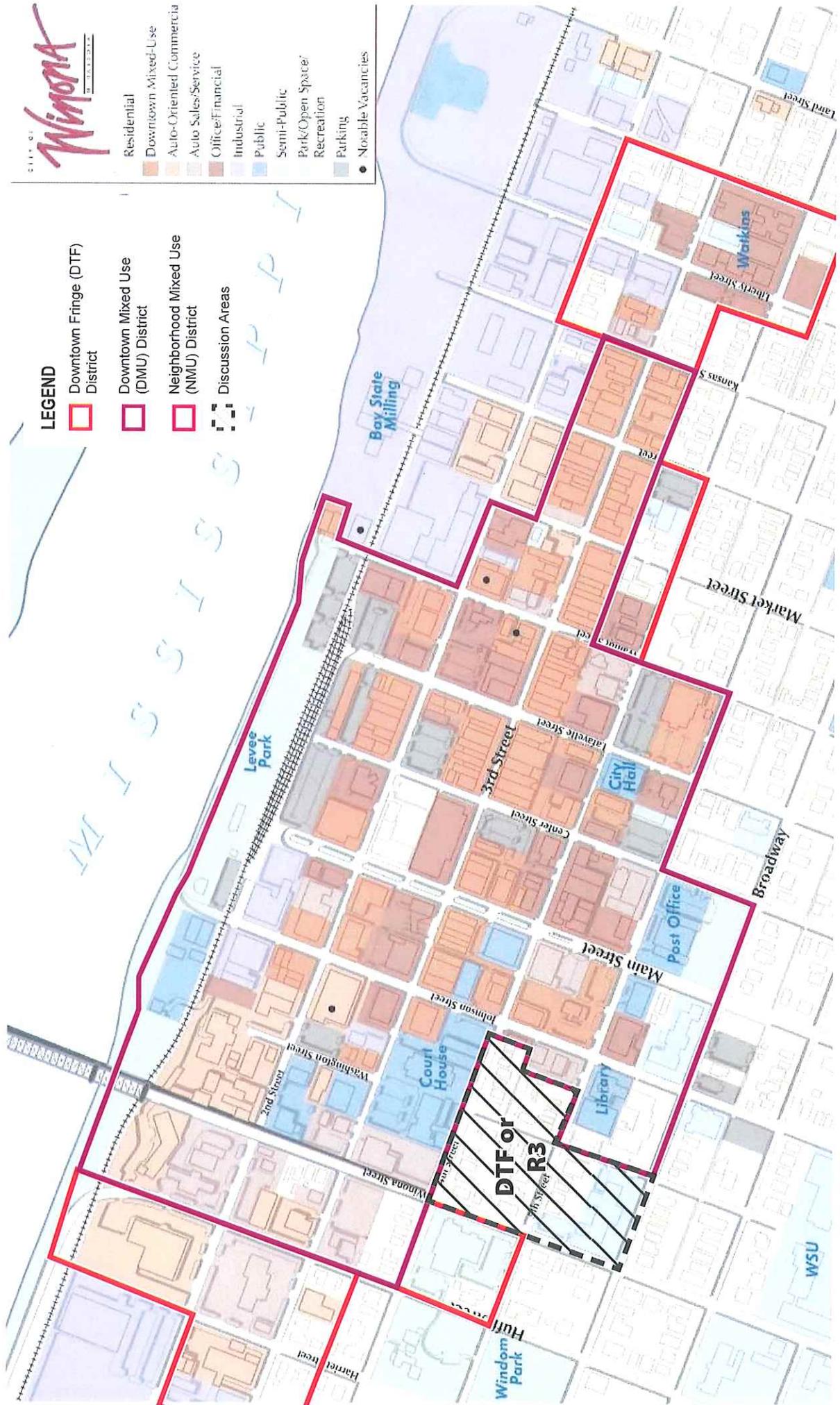
1. Maps
2. Use Tables



- Residential
- Downtown Mixed-Use
- Auto-Oriented Commercial
- Auto Sales/Service
- Office/Financial
- Industrial
- Public
- Semi-Public
- Park/Open Space/Recreation
- Parking
- Notable Vacancies

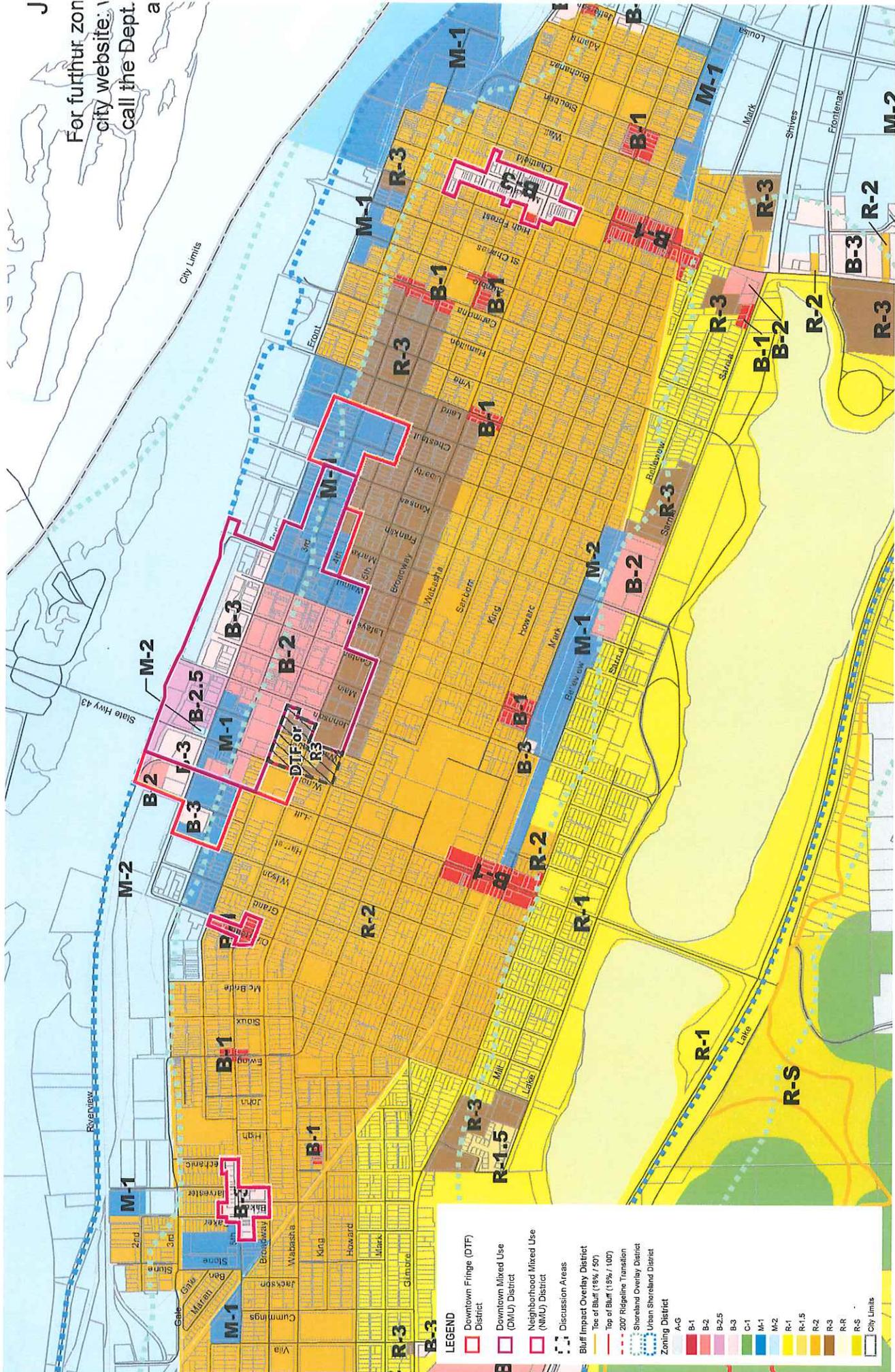
LEGEND

- Downtown Fringe (DTF) District
- Downtown Mixed Use (DMU) District
- Neighborhood Mixed Use (NMU) District
- Discussion Areas



DTF or R3

J  
 For further zon  
 city website  
 call the Dept. a



**LEGEND**

- Downtown Fringe (DTF) District
- Downtown Mixed Use (DMU) District
- Neighborhood Mixed Use (NMU) District
- Discussion Areas
- Bluff Impact Overlay District
- Top of Bluff (18% / 50')
- 200' Ridgeline Transition
- Shoreland Overlay District
- Urban Shoreland District
- Zoning District

A-G	B-1	B-2	B-2.5	B-3	C-1	M-1	M-2	R-1	R-1.5	R-2	R-3	R-4	R-5	R-S	City Limits
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**DRAFT Principal Uses Summary Table DRAFT**

*P = Permitted*

*PS = Permitted with Standards*

*C = Conditional*

*Blank Cell = Prohibited*

USE TYPE	RESIDENTIAL						MIXED USE			BUSINESS			INDUSTRIAL		AGRICULTURAL	USE SPECIFIC STANDARDS
	R-R	R-S	R-1	R-1.5	R-2	R-3	MU-DT	MU-F	MU-N	B-1	B-2	B-3	M-1	M-2	AG	
<b>Residential</b>																
<b>Household Living</b>																
Dwelling, single-family	P	P	P	P	P	P			P						P	
Dwelling, two- to four-family			PS	P	P	P			P							Yes
Dwelling, conversion to two-, three-, and four-family			C	PS	PS	PS			PS	PS	PS	PS				Yes
Dwelling, attached townhouse or rowhouse			C	PS	PS	PS		PS	PS	PS	PS	PS				Yes
Dwelling, apartment				C	C	P		P	P	PS	PS	PS				Yes
Dwelling, apartment mixed use							PS	PS	PS	P	P	P				Yes
Manufactured home park	C	C	C	C	C	C	C	C	C							Yes
<b>Group Living</b>																
Assisted living facility					C	P	C	C		P	P	P				
Long-term or transitional care facility					C	P	C	C		P	P	P				
Residential care, licensed in-home (6 or fewer persons)	P	P	P	P	P	P	P	P	P	P	P	P			P	
Residential care, licensed in-home (7 or more persons)				P	P	P	P	P	P	P	P	P				
Roominghouse (3 or greater units)							C	C		C	C	C				
<b>Lodging</b>																
Bed and breakfast, owner-occupied tourist homes																
< 3 rooms	C	C	C	C	C	C	C	C	C	C	C	C			C	Yes
< 4 rooms			C	C	C	C	C	C	C	C	C	C				Yes
< 6 rooms					C	C	C	C	C	C	C	C				Yes
any number of rooms					C	C	C	C	C	C	C	C				Yes
Hotel							PS	PS			PS	PS				Yes
Motel or motor hotel								PS			PS	PS				Yes
Residential retreat center, non-owner occupied tourist homes	C	C	C	C	C	C	C	C	C	C	C	C			C	Yes
<b>Public and Institutional</b>																
Cemetery	P	P													P	
Club or lodge					C	C	C	C	C	C	C	C				
Emergency service facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			PS	Yes
Hospital						C				C	C	C				Yes
Municipal, county, state, or federal administrative building	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Yes
Religious facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Yes
School, college or university	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			PS	Yes
School, elementary or secondary	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			PS	Yes
School, nursery or preschool	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			PS	Yes
School, trade or business	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			PS	Yes

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	R-R	R-S	R-1	R-1.5	R-2	R-3	MU-DT	MU-F	MU-N	B-1	B-2	B-3	M-1	M-2	AG		
<b>Commercial</b>																	
<b>Food, Beverage, and Indoor Entertainment</b>																	
Adult use establishment													PS	PS	PS		Yes
Bar, cocktail lounge, and night club							P	P	C	C	P	P	PS	PS			Yes
Brewpub							P	P	C	C	P	P	PS	PS			Yes
Commercial recreation or entertainment facility, indoor							PS	PS			PS	PS	PS				Yes
Conference or convention center							C	C			C	C	C	C			Yes
Public recreation facility, indoor					PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Yes
Restaurant							P	P	P	P	P	P	PS	PS			Yes
Restaurant, drive-through or drive-in								PS		C	C	PS	PS	PS			Yes
Theater							PS	PS	C	C	PS	PS	PS	PS			Yes
<b>Retail Sales</b>																	
Automotive fuel station							C	C	C	PS	PS	PS	PS	PS			Yes
Automotive sales and leasing								C			PS	PS	PS	PS			Yes
Billboard or outdoor advertising, off-premise sign							C	C		PS	PS	PS	PS	PS			Yes
Grocery, food, or beverage store							P	P	P	P	P	P	PS	PS			Yes
Heavy consumer goods store							C	P		C	P	P	PS	PS			Yes
Pharmacy or convenience store							P	P	P	P	P	P	PS	PS			Yes
Retail store, not listed							P	P	P	P	P	P	PS	PS			Yes
<b>Personal Services</b>																	
Animal hospital or veterinary clinic							C	C		PS	PS	PS	PS	PS			Yes
Animal kennel															PS		Yes
Automotive repair, minor							C	PS	C	PS	PS	PS	PS	PS			Yes
Automotive repair, major								PS				PS	PS	PS			Yes
Bank, including drive-up facility							C	PS	C		PS	P	PS	PS			Yes
Clinic						P	P	P	P	P	P	P	PS	PS			Yes
Day care facility							P	P	P	P	P	P	PS	PS			Yes
Funeral home or mortuary						C		C	C	C	C	P	PS	PS			Yes
Personal service and repair business							P	P	P	P	P	P	PS	PS			Yes
Storage facility										P	P	P	PS	PS			Yes
<b>Business and Technical Services</b>																	
Business, professional, or administrative office						C	P	P	P	P	P	P	PS	PS			Yes
Publishing							P	P		P	P	P	PS	PS			Yes
Research or scientific laboratory							C	C		P	P	P	PS	PS			Yes
Studio, commercial art or performance						C	C	C		C	P	P	PS	PS			Yes
Studio, visual or sound production							C	C		C	P	P	PS	PS			Yes

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	R-R	R-S	R-1	R-1.5	R-2	R-3	MU-DT	MU-F	MU-N	B-1	B-2	B-3	M-1	M-2	AG	
<b>Manufacturing</b>																
Brewery, large														PS		Yes
Brewery, small							C	C				PS	PS	PS		Yes
Construction contractor yard								C				PS	PS	PS		Yes
Crematory														PS		Yes
Farm winery															C	
Manufacturing, Light							C	C				PS	PS	P		Yes
Manufacturing, Heavy														C		Yes
Meat packing, stockyard or slaughterhouse														C		
Microdistillery							C	C				PS	PS	PS	C	Yes
Printing							C	C			P	P	P	P		Yes
Scrap or salvage yard														PS		Yes
Silica sand processing facility														C		Yes
Warehouse or wholesale trade								C				P	P	P		
<b>Recreation and Open Space</b>																
Active park, playground, or playfield	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Campground															PS	Yes
Golf course	C	C	C	C	C	C									C	
Marina													P	P		
Passive park, open space, or natural area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Preserve, sanctuary, or historic area															P	
Commercial recreation, outdoor							C	C		PS	PS	PS	PS	PS		Yes
Public recreation, outdoor					PS	PS	C	C	PS	PS	PS	PS	PS	PS		Yes
<b>Natural Resources and Agricultural</b>																
Agriculture - raising of crops	P														P	
Agriculture - raising of livestock	PS														PS	Yes
Animal stable															PS	Yes
Commercial greenhouse, nursery, tree farm, or orchard	PS										C	C	PS	PS	P	Yes
Community garden	P	P	P	P	P	P	P	P	P						P	
Extraction pit															C	Yes
Land alteration when not incidental to construction of a permitted use	C	C	C		C	C				C					C	
Timber harvesting															P	

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	R-R	R-S	R-1	R-1.5	R-2	R-3	MU-DT	MU-F	MU-N	B-1	B-2	B-3	M-1	M-2	AG	
<b>Utilities &amp; Transportation</b>																
Airport														C	C	
Electric or heat generation plant														C		
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking, structural or non-structural							C	C	C	PS	PS	PS	PS	PS		Yes
Public/utility maintenance facility					P	P				P	P	P	P	P		
Railroad yard or freight station														PS		Yes
Regional utility lines and towers (pipelines, power transmission lines, commercial radio, television and communication towers)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Solar or wind farm															C	
Transfer station														PS		Yes
Transportation facility used to ship silica sand														C		Yes
Water or sewer treatment facility														C		

DRAFT Accessory Uses Summary Table DRAFT

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Use Type	RESIDENTIAL						MIXED USE			BUSINESS				INDUSTRIAL		AGRICULTURAL	USE SPECIFIC STANDARDS
	R-R	R-S	R-1	R-1.5	R-2	R-3	MU-DT	MU-F	MU-N	B-1	B-2	B-2.5	B-3	M-1	M-2	AG	
Accessory building	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Yes
Accessory dwelling unit	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS				Yes
Agriculture temporary or seasonal roadside stand	P									P	P	P	P	P	P	P	
Any building or structure relating to permitted agricultural activities	P															P	
Billboard or outdoor advertising										PS	PS	PS	PS	PS	PS		Yes
Construction site home	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Yes
Detached heating system	PS															PS	Yes
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Yes
In-home family or group daycare	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Land alteration when incidental to construction of a permitted use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Noncommercial garden and household pets not including fowl or farm animals	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Noncommercial radio and television antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Outdoor dining area							PS	PS	PS	PS	PS	PS	PS	PS	PS		
Outdoor sales/display							PS	PS	PS	PS	PS	PS	PS	PS	PS		
Parking, structural or nonstructural facilities exclusively for the use of the permitted use				P	P	P	P	P	P	P	P	P	P	P	P	P	
Rooming unit, the keeping of not more than 2 roomers or boarders by a resident family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sign	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Yes
Small-scale wind energy turbines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Solar panel	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Swimming pool, private	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Yes
Vending machine	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Yes
Wireless antenna attached to existing structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	