

## SECTION 9 – COMMERCIAL DISTRICT

### SUBDIVISION 9.01: PURPOSE.

The purpose of the Commercial District is to provide locations for businesses that achieve the following purposes:

- A. To provide retail and service uses that serve the whole community and cater to the whole range of goods and services by the resident population.
- B. To permit development of a size and in the appropriate location shown on the Land Use Map.
- C. To protect adjacent properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, traffic, fire, explosion, noxious fumes, and other hazards.
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking, truck loading areas, and on-site stormwater retention.

### SUBDIVISION 9.02: PERMITTED USES.

Retail Sales

Service Businesses

Shopping Centers

Motels

Office Buildings

Permanent and Temporary Government Structures

Convenience Store

Personal Service Businesses Including Barber and Beauty Shops and Tanning Salons

Commercial Child Care Facilities

Public Buildings

Commercial Agriculture Uses

Office / Showroom

Office / Warehouse

Athletic Clubs of no more than 1,200 square feet

### SUBDIVISION 9.03: CONDITIONAL USES.

Land in the Commercial District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to Section 16 for a additional Conditional Use Permit requirements.

Vehicle Sales Meeting Specified Design Standards

Farm Equipment Sales

Auto Repair Shops

Pawnbroker

Medical and/or Dental Offices

Restaurants

Automobile Service Stations

Veterinary Clinics with Kennels

Commercial Recreation Excluding Motor Sports

Radio Facilities

Communication Towers (See Section 17, Telecommunications Towers and Facilities)

Private Utilities

Religious Institutions

Athletic Clubs exceeding 1,200 square feet

### SUBDIVISION 9.04: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 9.05: ACCESSORY USES.

Solar Energy Systems – Accessory

*Ordinance 2016-01; January 26, 2016*

SUBDIVISION 9.06: DIMENSIONAL REGULATIONS (ALL DIMENSIONS ARE MEASURED IN FEET).

All commercially developed property **must** be platted prior to building permit issuance.

1. Minimum Lot Size:

Serviced with public sewer and water: 22,500 Square Feet

Private on-site sewer and water: 2.5 Acres

2. Minimum Lot Size:

Width: 150 feet (measured at the building setback line)

Depth: 150 Feet

3. Minimum Setbacks, Principal or Accessory Structures:

Front (from Right of Way):

Township Road: 67 feet

County Road: 50 feet

County State-Aid Highway: 70 feet

Highway 25: 80 feet

Highway 10: 100 feet

Interior Side: 20 feet

Rear: 20 feet

County Ditch

(From top of ditch bank): 50 feet

When a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of the lot.

4. Minimum Setbacks, Commercial Driveways or Parking Areas:

Front: 10 feet

Side: 10 feet

Rear: 10 feet

As measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Commercial Buildings: 2 and ½ Stories or 35 feet. This height limitation does not apply to farm buildings, grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.

**SUBDIVISION 9.07. ACCESS REQUIREMENTS.**

1. The location of any driveway from a public road shall require approval by the Town Board with advice from the Township and County Engineers.
2. The minimum distance between any two driveway – road intersections shall be 75 feet. No driveway shall be located closer than 75 feet to the intersection of the pavement of two public roads.

**SUBDIVISION 9.08. LANDSCAPE STANDARDS.**

1. Parking setback areas must be landscaped and maintained as a protective buffer and may not be used for storage; nor any structure or building other than a fence.
2. Minimum landscape requirements in the protective buffer must include one tree (at least 2 inch caliper deciduous tree or six foot high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs.

**SUBDIVISION 9.09. LOT SCREENING.**

All commercial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings (at least 2 inch caliper deciduous tree or six foot high conifer tree) as approved by the Planning Commission shall be measured at the time of installation.

#### SUBDIVISION 9.10. LOT COVERAGE.

Impervious lot coverage shall not exceed 75% of the lot area. Storm water treatment meeting State regulations is required for all developments.

#### SUBDIVISION 9.11. STORAGE AND DISPLAY.

All storage, display, service, repair, or processing must be conducted wholly within an enclosed building or behind an opaque fence or wall not less than six feet high, provided that materials stored shall not exceed the height of the fence. Outdoor storage is permitted only in conjunction with a principal building on the same property.

#### SUBDIVISION 9.12. SOLID WASTE.

Incineration of solid waste must be conducted in equipment approved by the Minnesota Pollution Control Agency regulations.

#### SUBDIVISION 9.13. BUILDING DESIGN REQUIREMENTS.

Building design standards are hereby established to ensure commercial buildings meet acceptable aesthetic standards.

1. Applicability. The design standards in this section shall apply to the following:
  - (a) New principal buildings;
  - (b) New accessory buildings;
  - (c) Remodeling of existing buildings that result in “refacing” of the wall oriented towards roads described in Section 2. (b) below.
  - (d) Additions to buildings that increase the gross floor area by more than 25%. Additions not exceeding this threshold may be constructed using exterior materials that match or are compatible with the existing building materials.
2. Design Standards.
  - (a) Height. The maximum height of all buildings must not exceed the lesser of two and one half stories or 35 feet. This height limitation does not apply to farm buildings, grain elevators, silos,

windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.

- (b) Allowed materials for buildings. Commercial buildings in the commercial zoning district shall use the following materials on the front façade, or on any exterior facades facing State or County highways or County roads when the property on which the principal building sits is abutting the right-of-way of such highways and roads:
  - (1) Brick;
  - (2) Natural Stone or Stone Veneers;
  - (3) Decorative concrete block (color impregnated with a split faced, robbed or textured surface;
  - (4) Glass curtain wall panels or windows;
  - (5) Stucco or synthetic stucco;
  - (6) Exterior insulation and finish systems (EIFS);
  - (7) Wood; and
  - (8) New materials. The Town recognizes that technologies change and new products are continually available which may not be listed as allowed under these building design requirements. If an applicant wishes to utilize a non- listed material, they must first receive approval from the Town Board. In reviewing a request to consider a new material, the Town will consider the following:
    - a. Is the proposed material of sufficient quality to ensure on-going maintenance will not be of concern (applicant should provide detailed information on the proposed product and its history of use);
    - b. Will the style, color, and appearance of the proposed product integrate with adjacent commercial properties and other materials currently allowed within the commercial zoning district;
    - c. Will the style, color and appearance of the proposed product be acceptable in cases when visible from residential units on adjacent properties?

Any material from the list may be used on the remaining sides of the buildings, as may be steel and non-enhanced concrete block.

- (c) Mechanical protrusions. All necessary mechanical protrusions visible to the exterior must be screened or painted in a manner so they are not visually obvious and are compatible with the surrounding development. Satisfaction of this requirement must be demonstrated by the screening of the equipment in such a manner that it is not visible from a point six feet above any common property line or street right of way. Screening must consist of either a parapet wall along the roof's edge or by an opaque screen constructed of the same material as the building's primary vertical exposed exterior finish. All mechanical protrusions must be highlighted on the site plan.
3. Performance standards. The following standards apply to all uses in the commercial district.
- (a) Explosives. Activities involving the storage, manufacture, or use of explosives, highly toxic, or extremely flammable materials are not permitted.

- (b) Noise. Noise must not exceed 55 decibels on any octave band frequency measured at any point along the property line.
- (c) Vibration. No activity or operation may cause earth vibration perceptible beyond the boundaries of the lot on which the commercial use is approved.
- (d) Odor. No commercial use may discharge, beyond the boundaries of the lot on which it is approved, toxic or noxious odors or particulate matter.
- (e) Glare and Heat. Glare and heat must be shielded to prevent light or heat rays to project beyond the boundaries of the lot on which the commercial use is permitted.
- (f) Storage of Waste. All solid waste, debris, refuse, or garbage not disposed of by incineration or by on-site sewage disposal must be stored in a completely enclosed building or in a closed container that is enclosed within a six foot high opaque fence or wall.
- (g) Fuel Storage. All storage tanks and containers for flammable and combustible liquids and liquefied gases must be constructed and located in accordance with regulations of the Minnesota Uniform Building Code, Minnesota Uniform Fire Codes, and the National Fire Protection Association Codes including NFPA-30 for flammable and combustible liquids and NFPA-58 for liquefied gases.