

## Summary of Points Where the Town Ordinance Would be More Restrictive than the County Ordinance

The County Zoning Ordinance, following the accepted model for zoning codes, recognizes and defines a series of types of uses. In Scott County they are:

**Use** - The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.

**Use, Principal** - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either a permitted or conditional use.

**Principal Use/Building** – The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted, interim, conditional, or allowed by administrative permit.

**Use, Legal Nonconforming** - Any use of a property or structure which legally existed in the district in which the use is located prior to the adoption date of this Ordinance, but which is not allowed as a permitted, conditional, or interim use under this Ordinance in the district in which the use is located.

**Use, Illegal Nonconforming** - Any use of a property or structure which did not legally exist prior to the adoption date of this Ordinance as a permitted or conditional use in the zoning district in which the use is located, and is not allowed as a permitted, conditional, or interim use under this Ordinance in the district in which the use is located.

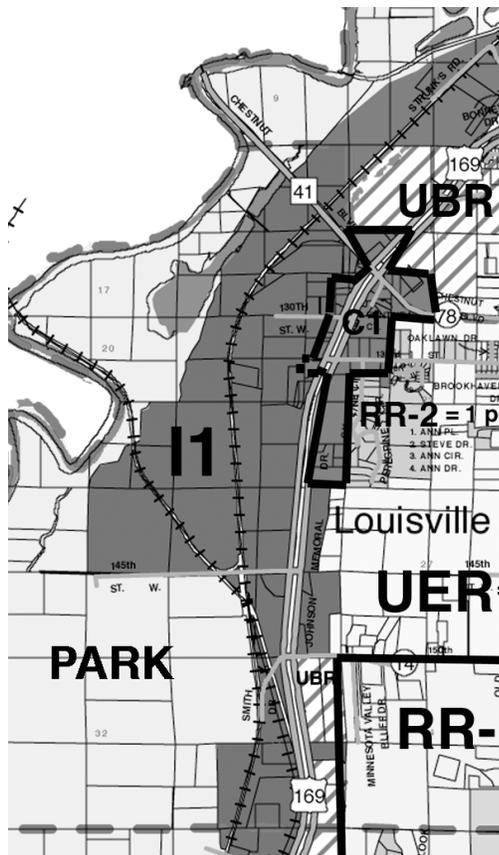
**Use, Permitted** - A public or private use of land or structures which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of the district in which it is located.

**Accessory Use** - A use subordinate to and serving the principal use on the same lot, which is compatible with and customarily incidental to the principal use.

**Conditional Use** - A use which *may not generally be appropriate in a specified zoning district*, but may be permitted with appropriate restrictions upon a finding that; certain conditions as stated in the Ordinance exist, the use conforms to the Comprehensive Plan, and the use is compatible with the existing neighborhood.

**Interim Use** – A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

**Use, allowed by administrative permit** - a use allowed with administrative approval of the the Planning Department



The County has mapped both a Commercial zoning district (C1) and an Industrial zoning district (I1) in the Corridor in Louisville Township. See the Zoning map on page 4 of the Town Plan for the districts on an aerial photo of the Corridor. Each district, while allowing commercial and industrial uses, allows different uses with different standards. A use may be allowed in one district but not in the other, or may have different standards for its approval depending on the district it is located in. A use not allowed by the County on one side of Hwy 169 may be allowed on the other, or a use allowed by the County in the northerly part of the Corridor may not be allowed in the southerly part of the Corridor.

The following Tables provide a summary comparing the uses now permitted by the County in the Commercial and Industrial districts with the uses that would continue to be allowed, not allowed, and allowed with different standards as Permitted, Accessory, Conditional, Interim and by Administrative Permit uses, and the performance standards that guide their development.

A side by side comparison of the exact provisions of the County and proposed Town Ordinance and how they would change are provided in the “Compare Commercial” and “Compare Industrial” reports that follow.

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<b>Commercial District</b>	<b>Industrial District</b>
<p><b>Permitted Uses allowed by the County &amp; the Town</b></p> <p>1. Agricultural use. 2. Essential services – public or government utility uses. 3. Railroad right-of-way.</p>	<p><b>Permitted Uses allowed by the County &amp; the Town</b></p> <p>1. Agricultural use. 2. Essential services – public or government utility uses. 3. Railroad right-of-way.</p>
<p><b>Permitted Uses allowed by the County, but not the Town</b></p> <p>No Change</p>	<p><b>Permitted Uses allowed by the County, but not the Town</b></p> <p>No Change</p>
<p><b>Permitted Uses allowed by the Town with different conditions than by the County</b></p> <p>No Change</p>	<p><b>Permitted Uses allowed by the County with different conditions by the Town</b></p> <p>No Change</p>

*No change affecting the permitted “as of right” uses now allowed by the County in the Corridor would result from adoption of the Town Ordinance*

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Commercial District	Industrial District
<p><b>Accessory Uses allowed by the County &amp; the Town</b></p> <ol style="list-style-type: none"> <li>1. Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building, except by conditional use permit. Accessory buildings shall not exceed the height of the principal building.</li> <li>2. Fences as regulated by Section 4-3-10 of this Ordinance.</li> <li>3. On-site loading as regulated by Chapter 5 of this Ordinance.</li> <li>4. On-site parking as regulated by Chapter 5 of this Ordinance.</li> <li>5. Accessory use antennas or satellites and dishes.</li> </ol>	<p><b>Accessory Uses allowed by the County &amp; the Town</b></p> <ol style="list-style-type: none"> <li>1. Industrial accessory buildings and structures shall not exceed fifty (50) percent of the gross floor space of the principal building, except by conditional use permit. Accessory buildings shall not exceed the height of the principal building.</li> <li>2. Fences as regulated by Section 4-3-10 of this Ordinance.</li> <li>3. On-site loading as regulated by Chapter 5 of this Ordinance.</li> <li>4. On-site parking as regulated by Chapter 5 of this Ordinance.</li> <li>5. Accessory use antennas and satellite dishes.</li> <li>6. Outdoor storage within the industrial districts shall be an allowed accessory use under the following conditions:             <ol style="list-style-type: none"> <li>a. The outdoor storage area occupies space other than a required front yard setback.</li> <li>b. The outdoor storage area shall be fenced, screened and/or landscaped according to a plan in compliance with Section 4-4-1 of this Ordinance and subject to the approval of the Planning Department.</li> <li>d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 4-4-3 of this Ordinance.</li> <li>e. The outdoor storage area shall not encroach upon required parking space or required loading space as required by this Ordinance.</li> <li>f. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a rural residential, residential suburban, or urban expansion district.</li> </ol> </li> </ol>

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Commercial District	Industrial District
<p><b>Accessory Uses allowed by the County, but not the Town</b></p> <p>No Change</p> <p><b>Accessory Uses allowed by the Town with different conditions than by the County</b></p> <p>7. Signs as regulated by Chapter 11 of this Ordinance. Freestanding Signs must be monument type ground signs with the copy resting on and supported by a solid base limestone block. The limestone material of the base must extend at least one half way up the sides of the sign face. Two sign faces are permitted, each sign face may not exceed 100 sf. or 16 ft in height. Freestanding signs must be illuminated by means of external light fixtures directed at the sign, not light sources internal to the sign face. Wall signs mounted parallel to the front building facade are permitted with a combined sign area of not more than 100 sf. Wall signs may not extend above the wall they are mounted on, or more than 18” from the wall they are attached to.</p>	<p><b>Accessory Uses allowed by the County, but not the Town</b></p> <p>5. Outdoor parking of semi-tractor trailers.</p> <p><b>Accessory Uses allowed by the Town with different conditions than by the County</b></p> <p>7. Signs. Freestanding Signs must be monument type ground signs with the copy resting on and supported by a solid base limestone block. The limestone material of the base must extend at least one half way up the sides of the sign face. Two sign faces are permitted, each sign face may not exceed 100 sf. or 16 ft in height. Freestanding signs must be illuminated by means of external light fixtures directed at the sign, not light sources internal to the sign face. Wall signs mounted parallel to the front building facade are permitted with a combined sign area of not more than 100 sf. Wall signs may not extend above the wall they are mounted on, or more than 18” from the wall they are attached to.</p> <p>6. Outdoor storage  a, and is located behind the front line of the most forward building located on the lot.  c. The outdoor storage area shall be located on a paved surface.</p>

*In the Commercial District the only accessory use that would be affected would be the size, design and lighting of the signs located on the site. This change directly implements Town Goal and Objective 1 c, establishing a consistent signature element in the Corridor while continuing to provide the reach and frequency to inform customers of the services offered and their location in the Corridor.*

*In the Industrial district the change in sign regulation is also applied, as well as restricting outdoor storage to the area beside and behind the building rather than along Hwy 169, and that it be located on a paved surface to better manage dust and stormwater runoff. These changes directly implement Town Goal and Objective 1 and 2.*

*With these limited exceptions, the wide range of Accessory Uses allowed as part of the development of a site by the County remain available in the Town’s Ordinance.*

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<b>Commercial District</b>	<b>Industrial District</b>
<p style="text-align: center;"><b>Conditional Uses allowed by the County &amp; the Town</b></p> <ol style="list-style-type: none"> <li>1. Accessory buildings larger than thirty (30) percent of the gross floor space of the principal building provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.</li> <li>2. Animal hospital.</li> <li>3. An animal kennel is permitted as a use accessory to the veterinary clinic</li> <li>7. Essential services – governmental uses, building and storage.</li> <li>8. Essential services – public utility uses, transmission services, building and storage. Where essential services, utility or transmission lines follow a public road corridor, the utility or transmission line and/or support structure shall be located one (1) foot inside the public road right-of-way.</li> <li>11. Lumber yard.</li> <li>14. Security structure</li> </ol> <p style="text-align: center;"><b>Conditional Uses allowed by the County, but not the Town</b></p> <ol style="list-style-type: none"> <li>4. Auction house, second hand store, and flea market.</li> <li>5. Recreational vehicle sales</li> <li>6. Day care center.</li> <li>9. Feed mills not to include a grain terminal.</li> <li>12. Motor vehicle fuel sales and service provided that:</li> <li>13. Restaurants including fast food establishments.</li> <li>15. Truck stop.</li> </ol>	<p style="text-align: center;"><b>Conditional Uses allowed by the County &amp; the Town</b></p> <ol style="list-style-type: none"> <li>1. Accessory buildings larger than fifty (50) percent of the gross floor space of the principal building provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.</li> <li>6. Contractor yard</li> <li>8. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility, or transmission lines follow a public road corridor, the utility or transmission lines and/or support structures shall be located one (1) foot inside the public road right-of-way.</li> <li>9. Indoor storage or garage rental.</li> <li>11. Manufacturing, processing, packaging or assembly of products and materials.</li> <li>12. Properties with more than one (1) principal structure provided that:</li> <li>13. Security structure. A dwelling unit for security accessory to the principal use of the site provided the dwelling unit is part of the principal structure and the dwelling unit complies with all applicable building and fire codes.</li> <li>14. Warehousing.</li> <li>15. Wholesaling.</li> <li>16. Office and office building</li> </ol> <p style="text-align: center;"><b>Conditional Uses allowed by the County, but not by the Town</b></p> <ol style="list-style-type: none"> <li>3. Billboards as regulated by Chapter 11 of this Ordinance.</li> <li>4. Bulk fuel storage.</li> <li>5. Concrete mixing plant.</li> <li>8. Fairs and fairgrounds.</li> <li>9. Freight transportation terminal.</li> <li>10. Grain terminal.</li> <li>15. Railroad yard.</li> <li>16. Recycling center.</li> <li>118. Salvage yard.</li> <li>19. Sanitary or demolition landfill.</li> <li>20. Solid and hazardous waste transfer station.</li> <li>21. Solid waste processing facility.</li> <li>24. Yard and tree waste composting site.</li> </ol>

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Commercial District	Industrial District
<p><b>Conditional Uses allowed by the Town with different conditions than by the County</b></p> <p>5. Auto, farm implements, heavy equipment, and truck, rental and/or service. Outdoor sales/rental lot provided:                      a. The display area is delineated with a paved surface.                      d. The outdoor display or storage area is located behind the front line of the most forward building on the lot and is not located in a required front, rear or side yard setback.</p>	<p><b>Conditional Uses allowed by the Town with different conditions than by the County</b></p> <p>2. Auto and truck repair, including major repair and body shops, provided all vehicles awaiting repair or retrieval after repair are parked on a paved surface located behind the front line of the most forward building on the lot and is not located in a required front, rear or side yard setback.</p>
<p><i>The Commercial uses that are restricted are uses whose purpose is parking vehicles goods outdoors, or that attract a high number of in and out trips by vehicles or heavy trucks which impact the capacity of Hwy 169 and/or may not be able to provide the required stormwater management or septic capacity in a practical manner, therefore are not good candidates for approval as a conditional use by the County. These uses may be allowed after the frontage road and interchange at Cty 14 are in place. Restricting the Outdoor uses implements Town Goals and Objectives 1 and 2.</i></p> <p><i>The industrial uses that are restricted are those that involve high volume of heavily laden trucks entering and exiting Hwy 169 and are therefore poor candidates for approval as a conditional use by the County. These uses in addition to the impacts on Hwy 169 have the potential to become embedded low job density uses that could affect sustaining development on neighboring properties and the Refuge. These restrictions implement Town Goals and Policies 1, 2, 4, 5 &amp; 6.</i></p>	

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Commercial District	Industrial District
<p><b>Interim Uses allowed by the County &amp; the Town</b></p> <p>2. Private campground</p> <p><b>Interim Uses allowed by the County, but not the Town</b></p> <p>No Change</p> <p><b>Interim Uses allowed by the Town with different conditions than by the County</b></p> <p>1. Mining subject to the provisions of the County Zoning Ordinance and the provisions of Louisville Township Ordinance ___ “Mining in Louisville Township”.</p>	<p><b>Interim Uses allowed by the Town with different conditions than by the County</b></p> <p>1. Mining subject to the provisions of the County Zoning Ordinance and the provisions of Louisville Township Ordinance ___ “Mining in Louisville Township”.</p>

*Both of the Interim Uses allowed by the County would be allowed by the Town Ordinances. The sole new restriction on quarrying is an expectation a coordinated continuous plan be adopted for reclamation of a continuous quarry floor across multiple ownerships.*

*For mining of sand and gravel, the regulation on mining large regionally significant gravel deposits presently served by the frontage road system connecting to Hwy 41 are not changed by the Town Ordinance.*

*Other sand and gravel mining in the Town is restricted to the volume that creates a site for sustainable development and with compatibility with the adjacent properties, including the Refuge.*

*These restrictions implement Town Goals and Objectives 2, 3, 4, 5 & 6.*

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<b>Commercial District</b>	<b>Industrial District</b>
<p style="text-align: center;"><b>Uses by Administrative Permit allowed by the County &amp; the Town</b></p> <ol style="list-style-type: none"> <li>1. Indoor commercial recreation limited to bowling, billiards, and skating rinks.</li> <li>2. Offices and professional buildings.</li> <li>3. Park and ride facilities.</li> <li>4. Wireless communication antennas, towers and related antenna</li> <li>6. Retail commercial establishment to include, but not be limited to:               <ol style="list-style-type: none"> <li>c. Professional services such as medical and dental clinics, architects and attorneys offices.</li> <li>e. Finance, insurance and real estate services.</li> </ol> </li> <li>5. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Ordinance.</li> </ol> <p style="text-align: center;"><b>Allowed by Administrative Permit by the County, but not the Town</b></p> <ol style="list-style-type: none"> <li>3. Open outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:</li> <li>6. Retail commercial establishment to include, but not be limited to:               <ol style="list-style-type: none"> <li>a. Retail establishments such as groceries, hardware, drug, clothing, and furniture stores, eating and drinking places, convenience store and on-sale liquor establishments.</li> <li>b. Personal services such as laundry, barber, shoe repair shop, and photography studios.</li> <li>d. Repair services such as jewelry and radio and television repair shops.</li> </ol> </li> <li>7. Temporary, outdoor promotional events and sales.</li> </ol>	<p style="text-align: center;"><b>Uses by Administrative Permit allowed by the County &amp; the Town</b></p> <ol style="list-style-type: none"> <li>4. Wireless communication antennas, towers, and related antenna accessory buildings, as regulated by Chapter 13 of this Ordinance.</li> <li>5. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Ordinance.</li> </ol> <p style="text-align: center;"><b>Allowed by Administrative Permit by the County, but not the Town</b></p> <ol style="list-style-type: none"> <li>2. Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:               <ol style="list-style-type: none"> <li>3. Temporary structures.                   <ol style="list-style-type: none"> <li>a. The temporary structure may be utilized for not more than thirty (30) consecutive calendar days.</li> <li>b. Temporary structures may be used for three (3) events during a calendar year.</li> <li>c. Certificate of insurance may be required as part of the administrative permit.</li> </ol> </li> </ol> </li> </ol>

*The commercial uses that are restricted are those large scale uses or uses typically found in a large center or strip mall in cities rather than towns, and where the size of the development could be beyond the capacity of a practical septic system and the Town's ability to provide off site stormwater management, and the trips associated with it would impact the capacity of Hwy 169. These potential impacts also reduce the viability of administrative approval by the County in the Corridor.*

*The restriction on temporary and outdoor promotions is consistent with the Towns other restrictions on outdoor commercial and industrial activities in the Corridor.*

Summary of Points Where the Town Ordinance Would be More Restrictive than the County Ordinance

<b>Commercial District</b>	<b>Industrial District</b>
<p style="text-align: center;"><b>Performance Standards Required by the County and the Town</b></p> <p>1. Platting Required. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.</p> <p>3. Lot Width: A minimum of two hundred (200) feet at the minimum building setback line and extending to the location of the principal building.</p> <p>4. Front Yard Setback: One hundred fifty (150) feet from the centerline of a County road or one hundred (100) feet from the County road right-of way, whichever is greater. One hundred (100) feet from the centerline of a local public street.</p> <p>5. Side Yard Setback: Twenty (20) feet, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.</p> <p>6. Rear Yard Setback: Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.</p> <p>10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.</p>	<p style="text-align: center;"><b>Performance Standards Required by the County and the Town</b></p> <p>1. Platting Required. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.</p> <p>3. Lot Width: A minimum of two hundred (200) feet at the minimum building setback line and extending to the location of the principal building.</p> <p>4. Front Yard Setback: One hundred (100) feet from the nearest right of way line of Hwy 169. One hundred (100) feet from the nearest right of way of any other public street.</p> <p>5. Side Yard Setback: Twenty (20) feet, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.</p> <p>6. Rear Yard Setback: Thirty (30) feet, one hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district</p> <p>10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.</p>

Summary of Points Where the Town Ordinance Would be More Restrictive than the County Ordinance

Commercial District	Industrial District
<p><b>Performance standards of the Town with different conditions than the County</b></p> <p>2. Lot Size: A minimum of five (5) acres</p> <p>4. As part of the front yard setback from Hwy. 169 a 60 ft wide, open, landscaped area must be maintained on the edge of the site adjacent to Hwy 169.</p> <p>6. or one hundred fifty (150) feet from a boundary of the Minnesota Valley National Wildlife Refuge.</p> <p>8. Building Height: Thirty-five (35) feet. THE TOWN BOARD MAY APPROVE additional height FOR ANY BUILDING OR structure THAT is essential for its efficient use and by its design, including color and location on the site is compatible with the development of the site and the purpose of this ordinance, and in no case may exceed FORTY Five (45) feet in height.</p> <p>9. Impervious Lot Coverage: No more than fifty (50) percent of the lot.</p> <p>12. Building Type and Construction. In complying with the permitted exterior building finishes as required by section 4-3-6 2 b of the County Zoning Ordinance, incorporating more than one finish in each building facade and the use of limestone as an exterior building finish is encouraged.</p>	<p><b>Performance standards of the Town with different conditions than the County</b></p> <p>2. Lot Size: A minimum of five (5) acres.</p> <p>4. As part of the front yard setback from Hwy. 169 a 60 ft wide, open, landscaped area must be maintained on the edge of the site adjacent to Hwy 169.</p> <p>6. or one hundred fifty (150) feet from a boundary of the Minnesota Valley National Wildlife Refuge.</p> <p>8. Building Height: Thirty-five (35) feet. THE TOWN BOARD MAY APPROVE additional height FOR ANY BUILDING OR structure THAT is essential for its efficient use and by its design, including color and location on the site is compatible with the development of the site and the purpose of this ordinance, and in no case may exceed FORTY Five (45) feet in height.</p> <p>9. Impervious Lot Coverage: No more than fifty (50) percent of the lot.</p> <p>12. Building Type and Construction. In complying with the permitted exterior building finishes as required by section 4-3-6 2 b of the County Zoning Ordinance, incorporating more than one finish in each building facade and the use of limestone as an exterior building finish is encouraged.</p>

*The additional lot area requirement reflects the practical experience of the Universal Stone development and implements Town Goal and Objective 1 and 5; the 60 ft green “front yard” requirement addresses use of the part of the site within the required front yard setback and implements Town Goal and Objective 1; the restriction on building height reflects the typical building heights in the Corridor and implements Town Goal and Objective 1; the increased pervious surface requirement reflects the impediments to moving stormwater from below and above the bluff across Hwy 169 to the River and the present lack of a Town provided system to accommodate this flow, implementing Town Goal and Objective 1 and 2; the use of limestone on the building facade is encouragement, not a requirement.*

M. Cronin  
December 5, 2007