

ARTICLE VIII -- COMMERCIAL, INDUSTRIAL & SPECIAL DISTRICTS: VIII

SECTION 8.04	HIGHWAY COMMERCIAL DISTRICT (HC):	1
SECTION 8.06	INDUSTRIAL DISTRICT (I):	5
SECTION 8.08	AG RESOURCE/MINING DISTRICT (AG/RM):	10
SECTION 8.09	AGRICULTURAL/RESOURCE COMMERCIAL DISTRICT (1-5):	12
SECTION 8.10	SPECIAL DISTRICTS:	16

ARTICLE VIII -- COMMERCIAL, INDUSTRIAL AND SPECIAL DISTRICTS

Section 8.04 HIGHWAY COMMERCIAL DISTRICT (HC):

This district is intended to provide suitable locations for uses oriented to serving the public and uses requiring large areas of highway frontages oriented closely to urban areas and major transportation routes within the Comprehensive Plan's Urban Service Area. Such development to be developed at standards that will not impair the traffic-carrying capabilities of abutting roads and highways; not result in strip commercial development, and to separate from residential areas and in certain cases from each other, certain commercial uses which have been determined to contribute to a "skid row" or blighting development pattern in adjacent areas.

1. Permitted Uses:

A. Retail Trade:

- 1. Apparel and accessory stores.**
- 2. Building materials and hardware stores.**
- 3. Furniture, home furnishings, antique and appliance stores.**
- 4. Gasoline service stations and car washes.**
- 5. Lawn and garden supply stores and nurseries.**
- 6. Marine, motor vehicle and mobile home dealers and supply stores.**
- 7. Restaurants and other eating establishments not serving alcoholic beverages.**
- 8. Auction barns or sales facilities.**
- 9. Other retail stores and businesses.**

B. Services:

- 1. Business services, including advertising agencies, cleaning and maintenance services and similar uses.**
- 2. Educational facilities**

3. **Government buildings.**
4. **Attorney, finance, insurance, real estate, engineering and other office uses.**
5. **Doctor, Dentist, veterinarian, and other health care facilities.**
6. **Motor vehicle, body shops, welding and other repair services.**
7. **Personal services, including barbershops, beauty shops, reducing salons, photographic shop, laundry, dry cleaners, funeral services and other similar uses; except saunas, massage parlors and similar uses.**
8. **Moving and storage uses.**
9. **Motels and hotels.**
10. **Home improvement trades, including electricians, plumbers, building contractor shops and services, and other similar uses.**

- C. **One dwelling unit, when included as an integral part of the principal building or mobile home occupied by the owner or his employee.**
- D. **Recreational uses including athletic clubs, tennis or racquet ball clubs, bowling alleys, dance halls, theaters, roller or ice skating rinks, golf driving ranges, and other similar uses.**
- E. **Storage and wholesale trade.**
- F. **Accessory structures and uses customarily incidental to any of the above permitted uses when located upon the same property.**

II. Conditional Use: (See Section 4.02 Conditional Use.)

1. **Any permitted retail or service use over ten thousand (10,000) square feet of floor area.**
2. **Amusement Parks and race track services.**
3. **Taverns and other facilities serving alcoholic beverages.**

4. Telecommunication towers and transmitters including radio, television, and commercial wireless telecommunications.
5. Accessory structures and uses customarily incidental to any of the above conditional uses when located upon the same property.
6. Entertainment Adult: Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty business, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult body painting studios, and other adult establishments, located at least 1000 feet from:
 - a) any existing residential zoning district
 - b) any areas designated for future residential development on any Urban Services Area Land Use Plan
 - c) any church, school, or youth facility
 - d) any other adult establishment;

For the purposes of this Section this distance shall be a horizontal measurement from the nearest existing residential district boundary, church, school, youth facility or another establishment to the nearest point of the proposed adult establishment.

7. Small non-utility wind energy system

III. General District Regulations:

- A. Height Regulations: No building or structure shall exceed thirty-five (35) feet in height; provided; however, such height may be increased one (1) foot for each two (2) feet by which the building is set back in excess of the required side and rear yard setback regulations.
- B. Front Yard Regulations:
 1. A minimum front yard depth of not less than forty five (45) feet shall be provided.
- C. Side Yard Regulations:

1. A minimum side street yard width of not less than forty-five (45) feet shall be provided.
2. A minimum interior yard width of not less than twenty-five (25) feet shall be provided.

D. Rear Yard Regulations:

1. A minimum rear yard depth of not less than twenty-five (25) feet shall be provided.

E. Lot Area Regulations:

1. Each lot or parcel shall have an area of not less than two (2) acres, except that additional lot area may be required by the Olmsted County Health Department to meet Board of Health Regulations.
2. When a new lot is proposed to be served by a public or other centralized sewage treatment system and is located within an area identified as Urban Service Area in the General Land Use Plan, the minimum lot area shall be determined by a special district established under the provisions of Section 8.10 in accordance with the standards in the General Land Use Plan for interim development.
3. When a new lot is proposed to be served by a public or other centralized sewage treatment system and is located within an area identified as Suburban Development Area in the General Land Use Plan, the minimum lot area shall be determined by a special district established under the provisions of Section 8.10 in accordance with the standards in the General Land Use Plan for suburban development.

F. Lot Width Regulations:

1. Each lot shall have a minimum width of two hundred (200) feet at the front building line.
2. A lot serviced by a public or other centralized sewage collection and treatment system shall have a minimum lot width of sixty (60) feet at the front building line.

G. Lot Coverage Regulations:

Not more than fifty (50%) percent of the lot shall be occupied by buildings or structures. In the Shoreland District, there shall be not more than thirty (30%) percent allowable lot coverage.

- H. Off Street Parking Regulations: (See Section 10.04.)
- I. Bufferyard Regulations: (See Section 10.08.)

IV. Wind Energy Conversion System Standards:

1. The height of the WECS including the blades shall be limited to 120 feet, except as specified in the RC district.
2. The setback is established in Section 10.50(C)(1). The wind turbine is not permitted to be located in a front or side street side yard.
3. No lighting shall be permitted on the wind turbine, unless required by the Federal Aviation Administration.
4. The wind turbine shall meet the standards set forth in Section 10.50(E).

Section 8.06 INDUSTRIAL DISTRICT (I):

This district is intended to provide industrial areas within the Comprehensive Plan's Urban Service Area at standards that will not impair the traffic-carrying capabilities of abutting roads and highways. The districts are to be located in areas that will ensure a functional relationship among various type of land use.

A. Permitted Uses:

1. Automobile service Stations.
2. Business services, including advertising, disinfecting, and exterminating services, employment agencies.
3. Miscellaneous services; including engineering, architectural, surveying services, accounting, auditing, insurance companies, bookkeeping and labor unions.
4. Manufacturing, compounding and treatment of materials, goods or products from previously prepared materials.
5. Motor freight and air transportation facilities.

6. Moving and storage companies.
7. Printing and publishing companies.
8. Warehousing
9. Wholesale trade.
10. One dwelling unit, when included as an integral part of the principal building or one mobile home to be occupied by the owner or his employee.
11. Accessory structures and uses customarily incidental to any of the above permitted uses.
12. Landfills of any type (sanitary or demolition)
13. Tree disposal facilities.
14. Commercial and industrial uses primarily intended to serve agricultural uses.
15. Farm implement dealerships and sales yards. Automobile and truck sales lots are not permitted.
16. Manufactured home sales.

B. Conditional Uses: (See Section 4.02, Conditional Uses.)

1. Body shops
2. Building material sales storage yards.
3. Contractors equipment rental or storage yards.
4. Public utility service buildings and yards, electrical transformer stations, substations, and gas regulator stations.
5. The manufacturing of concrete, cement, lime, gypsum or plaster.
6. Distillation of bone, coal, petroleum, refuse, grain or wood.
7. The manufacturing or storage of explosive products.
8. The manufacturing or storage of fertilizers, sulphurous, sulphuric, nitric, carbolic, hydrochloric acids or other corrosive acids or chemicals.

9. Grain elevators.
10. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
11. Livestock sales, stockyards, slaughtering of and processing of animal and fowl.
12. Petroleum and asphalt refining and manufacturing.
13. Smelting or refining of materials from ores.
14. Steam and board hammers; and forging presses.
15. Storing, curing, and tanning of raw, green or salted hides and skins.
16. Recycling facilities, auto salvage and junkyards.
17. Other manufacturing and industrial uses.
18. Accessory structures and uses when located upon the same property.
19. Telecommunications towers and transmitters including radio, television, and commercial wireless telecommunications.
20. Asphalt concrete plants producing road-surfacing material from the mixing of mineral aggregates with asphalt materials
21. Small non-utility wind energy conversion system.

C. Special Requirements for the (I) Industrial District:

1. All manufacturing, compounding, and treatment of materials, goods or products shall be conducted wholly within a building.
2. All uses having outdoor storage of materials or products shall screen or conceal at all times such items from adjacent residential properties.

D. General District Regulations:

1. **Height Regulations:** No building or structure hereafter erected or altered shall exceed thirty-five (35) feet in height, provided; however, such height may be increased by one (1) foot for each two (2) feet by which the building is set back in excess of the required side or rear yard regulations.
2. **Front Yard Regulations:**
 - a. A minimum front yard depth of not less than forty-five (45) feet shall be provided.
3. **Side Yard Regulations:**
 - a. A minimum side street yard width of not less than forty-five (45) feet shall be provided.
 - b. A minimum interior yard width of not less than twenty-five (25) feet shall be provided.
4. **Rear Yard Regulations:**
 - a. A minimum rear yard depth of not less than twenty-five (25) feet shall be provided.
5. **Lot Area Regulations:**
 - a. Each lot or parcel shall have an area of not less than two (2) acres, except that additional lot area may be required by the Olmsted County Health Department to meet Board of Health Regulations.
 - b. When a new lot is proposed to be served by a public or other centralized sewage treatment system and is located within an area identified as Urban Service Area in the General Land Use Plan, the minimum lot area shall be determined by a special district established under the provisions of Section 8.10 in accordance with the standards in the General Land Use Plan for interim development.
 - c. When a new lot is proposed to be served by a public or other centralized sewage treatment system and is located within an area identified as Suburban Development Area in the General Land Use Plan, the minimum lot area shall be determined by a special district established under the provisions of Section 8.10 in accordance with the standards in the General Land Use Plan for suburban development.
6. **Lot Width Regulations:**

- a. Each lot shall have a minimum width of two hundred (200) feet at the front building line.
- b. A lot serviced by a public or other centralized sewage collection and treatment system shall have a minimum lot width of sixty (60) feet at the front building line.

7. Lot Coverage Regulations:

Not more than fifty (50%) percent of the lot shall be occupied by buildings or structures. In the Shoreland District, there shall be not more than thirty (30%) percent allowable lot coverage.

8. Off Street Parking Regulations: (See Section 10.04.)

9. Bufferyard Regulations: (See Section 10.08.)

E. Wind Energy Conversion System Standards:

1. The height of the WECS including the blades shall be limited to 120 feet, except as specified in the RC district.
2. The setback is established in Section 10.50(C)(1). The wind turbine is not permitted to be located in a front or side street side yard.
3. No lighting shall be permitted on the wind turbine, unless required by the Federal Aviation Administration.
4. The wind turbine shall meet the standards set forth in Section 10.50(E).

Section 8.08 AGRICULTURAL/RESOURCE MINING DISTRICT (AG/RM):

The purpose of this district is to provide a suitable location for agricultural and resource mining uses within the Resource Protection Area of the Land Use Plan. The application of this district in the township will be considered in areas having proximity to major highways where access or traffic generated by the site will not adversely impact the safety or operation of a federal or state highway or intersections on the County State Aide System; areas that avoid conflicts with agricultural uses; areas that have geologic resources; and areas that have geology that is characterized as having low sensitivity to pollution. Uses located within this district should be supportive of agricultural and resources uses. These uses should not require additional public investment in infrastructure as a result of establishment of the use, except where provided at the applicant's expense.

A. Permitted Uses:

1. General farming, including the raising of crops, livestock, poultry, dairying, horticulture, apiculture, sod farming, forestry, and similar agriculturally related uses, provided that animal feedlots shall not exceed 500 animal units.

B. Conditional Uses:

1. Extraction of sand and gravel, quarrying.

C. Criteria for Consideration in approval of Conditional Uses:

In addition to the criteria contained within Section 4.02 of this Ordinance, the following shall be found to exist prior to the approval of any conditional use within this district:

1. The waste generated from the uses shall be disposed of in a manner approved by the Olmsted County Environmental Commission. Animal feedlot waste shall be permitted as regulated by the MPCA.
2. If travel accessibility to the site from population centers in the County is afforded primarily by the Principal Arterial system (as defined under the rules of the US Department of Transportation) the intersection of the Principal Arterial and lower-class highway on which the site fronts should be grade-separated.

Access points and the first adjacent at-grade intersections where county and state highways cross the highway on which the site has access should be:

- a. capable of functioning at a Level of Service B or higher after development of the proposed use.
- b. have adequate stopping and intersection sight distance for the type of traffic anticipated;

No more than one access shall be provided to a site unless it can be shown additional access would be beneficial to the safety and operation of the highway;

Direct site access should be from the local street system where the site has frontage on a local street;

The applicant shall be responsible for providing:

- a. necessary auxiliary lanes – including left and right turn lanes, acceleration and deceleration lanes, or bypass lanes;
 - b. necessary improvements for the control of traffic movement such as curbs or raised medians.
3. Building associated with non-agricultural use shall not exceed an area of 10,000 square feet.
 4. Consideration of extraction of sand and gravel and quarrying uses shall be guided by availability, need, location of geologic resources.

D. General District Regulations:

1. **Height Regulations:** No building or structure shall exceed thirty-five (35) feet in height, provided; however, such height may be increased by one (1) foot for each two (2) feet by which the building is set back in excess of the required side or rear yard regulations.
2. **Front Yard Regulations:**
A minimum front yard depth of not less than forty-five (45) feet shall be provided.
3. **Side Yard Regulations:**
 - a. A minimum side street yard width of not less than fifty (50) feet shall be provided.
 - b. A minimum interior yard width of not less than fifty (50) feet shall be provided.
4. **Rear Yard Regulations:**
A minimum rear yard depth of not less than fifty (50) feet shall be provided.
5. **Lot Area Regulations:**
 - a. Each lot or parcel shall have an area of not less than two (2) acres, except when additional lot area may be required by the Olmsted County Health Department to meet Board of Health Regulations.
 - b. A lot served by a public or other centralized sewage collection and treatment system shall have a minimum lot size of seven thousand two hundred (7,200) square feet.

6. **Lot Width Regulations:**
 - a. Each lot shall have a minimum width of two hundred (200) feet at the front of the building line.
 - b. A lot serviced by a public or other centralized sewage collection and treatment system shall have a minimum lot width of sixty (60) feet at the front building line.
7. **Lot Coverage Regulations:**

Not more than fifty (50%) percent of the lot shall be occupied by buildings or structures. In the Shoreland District, there shall be not more than thirty (30%) percent allowable lot coverage.
8. **Off Street Parking Regulations: (See Section 10.04.)**
9. **Bufferyard Regulations: (See Section 10.08.)**

Section 8.09 AGRICULTURAL/RESOURCE COMMERCIAL DISTRICTS 1-5:

The purpose of these districts is to provide a suitable location for agricultural and resource uses within the Resource Protection Area of the Land Use Plan. The application of these districts in the township will be considered in areas having proximity to major highways where access or traffic generated by the site will not adversely impact the safety or operation of a federal or state highway or intersections on the County State Aide System; areas that avoid conflicts with agricultural areas; and areas that have geology that is characterized as having low sensitivity to pollution. Uses located within these districts should be supportive of agricultural and resource uses or uses that by their nature require large amounts of open space, or require a more remote rural setting. These uses should not require additional public investment in infrastructure as a result of establishment of the depicted use. The specific Agricultural/Resource Commercial District must be identified at the time of application for a zone change. Once granted, no other use will be allowed without re-application for a zone change to a specific Agricultural/Resource Commercial District. The Districts are number one through five with a specific conditional use allowed in each district.

A. Permitted Uses All Districts:

1. General farming, including the raising of crops, livestock, poultry, dairying, horticulture, apiculture, sod farming, forestry, and similar agriculturally related uses, provided that animal feedlots shall not exceed 500 animal units.

B. Conditional Uses—Each Individual District:

1. District -1
 - a. Grain elevators or grain terminals.
2. District – 2
 - a. Telecommunication towers and transmitters including radio, television, and commercial wireless communication.
3. District – 3
 - a. Livestock facilities such as experiment stations, stockyards, transfer stations and breeding facilities.
4. District – 4
 - a. Commercial greenhouses and landscape nurseries.
5. District – 5
 - a. Facilities for the sale and distribution of agricultural products such as seed, fertilizer and pesticides. This does not include uses that are conducted as part of a farm operation.

C. Criteria for Consideration in approval of Zone Change (See Section 4.00)

D. Criteria for Consideration in approval of Conditional Uses:

In addition to the criteria contained within Section 4.02 of this Ordinance, the following shall be found to exist prior to the approval of any conditional use within this district:

1. The waste generated from the uses shall be disposed of in a manner approved by the Minnesota Pollution Control Agency (MPCA). Animal feedlot waste shall be permitted as regulated by the MPCA.
2. If travel accessibility to the site from population centers in the County is afforded primarily by the Principal Arterial system (as defined under the rules of the US Department of Transportation) the intersection of the Principal Arterial and lower-class highway on which the site fronts should be grade-separated.

Access points and the first adjacent at-grade intersections where county and state highways cross the highway on which the site has access should be:

- a. capable of functioning at a Level of Service B or higher after development of the proposed use.
- b. have adequate stopping and intersection sight distance for the type of traffic anticipated;

No more than one access shall be provided to a site unless it can be shown additional access would be beneficial to the safety and operation of the highway;

Direct site access should be from the local street system where the site has frontage on a local street;

The applicant shall be responsible for providing:

- a. necessary auxiliary lanes – including left and right turn lanes, acceleration and deceleration lanes, or bypass lanes;
 - b. necessary improvements for the control of traffic movement such as curbs or raised medians.
- 3. Uses permitted shall be those, which necessitate the use of large amounts of open storage of inventory.
 - 4. In addition to these criteria, landfills of any type shall be located in the most geologically insensitive areas possible.
 - 5. Buildings associated with non-agricultural use shall not exceed an area of 10,000 square feet.
 - 6.

E. General District Regulations:

- 1. **Height Regulations:** No building or structure hereafter erected or altered shall exceed thirty-five (35) feet in height, provided; however, such height may be increased by one (1) foot for each two (2) feet by which the building is set back in excess of the required side or rear yard regulations.
- 2. **Front Yard Regulations:**
 - a. A minimum front yard depth of not less than forty-five (45) feet shall be provided.

3. Side Yard Regulations:

- a. A minimum side street yard width of not less than fifty (50) feet shall be provided.
- b. A minimum interior yard width of not less than fifty (50) feet shall be provided.

4. Rear Yard Regulations:

A minimum rear yard depth of not less than fifty (50) feet shall be provided.

5. Lot Area Regulations:

- a. Each lot or parcel shall have an area of not less than two (2) acres, except when additional lot area may be required by the Olmsted County Health Department to meet Board of Health Regulations.
- b. A lot served by a public or other centralized sewage collection and treatment system shall have a minimum lot size of seven thousand two hundred (7,200) square feet.

6. Lot Width Regulations:

- a. Each lot shall have a minimum width of two hundred (200) feet at the front of the building line.
- b. A lot serviced by a public or other centralized sewage collection and treatment system shall have a minimum lot width of sixty (60) feet at the front building line.

7. Lot Coverage Regulations:

Not more than fifty (50%) percent of the lot shall be occupied by buildings or structures. In the Shoreland District, there shall be not more than thirty (30%) percent allowable lot coverage.

8. Off Street Parking Regulations: (See Section 10.04.)

9. Bufferyard Regulations: (See Section 10.08.)

Section 8.10 SPECIAL DISTRICTS:

The purpose of the Special District is to permit the creation of special zoning districts in order to promote the public health, safety, and general welfare by allowing for a more flexible method of administration of land use regulations. The purposes and conditions creating the desirability of such regulations are determined to be as stated in this section:

- A. Areas may exist where there is a desire and need to establish regulatory authority for the administration of land use control at the township level of government.

- B. Areas may exist where substantial public interests require that existing regulations be modified or supplemented to accomplish a special purpose.
 - 1. **Compliance with Comprehensive Plan:** Special Districts and the regulations established therein shall be in accord with and shall promote the purposes and policies set forth in the Comprehensive Plan.

 - 2. **Effect.** The effect of a special district designation shall be to establish land use regulations within a specific described area, which are unique to that area, and which are adopted by the Salem Township Board.

 - 3. **Procedure for establishment:** A special district designation shall be established by resolution in accordance with the following procedure:
 - a. A Special District proposal may be initiated by motion of the Township Board or the Planning Commission;

 - b. The Planning Commission shall conduct a public hearing on the proposed Special District, after giving public notice in accordance with Minnesota Statutes;

 - c. Within 90 days of the public hearing, the Commission shall, by motion, recommend in favor of or against establishment of a Special District with or without modification;

 - d. The Board shall conduct a public hearing in accordance with Minnesota Statutes. The Board shall adopt findings and act upon the proposal within 60 days of the hearing.