

Chapter 9. Commercial Zoning District C-2.

- 9.1 Purpose. The purpose of the C-2 Commercial Zoning District is to establish minimum standards permitting Heavy Commercial Uses in the area as designated in Section 9.2 below and as otherwise regulated herein. The area so designated shall permit Heavy Commercial Uses and development in an orderly manner so as to ensure a pleasant and suitable environment consistent with the goals as set forth in the Comprehensive Plan. Residential Land Use shall be PROHIBITED once the Lot or Parcel is rezoned to a C-2 Commercial Zoning District.
- 9.2 Commercial District Boundaries. The strip of land contained within the R-2 Zoning District consisting of one-thousand-three-hundred-twenty (1,320) feet on either side of the center points of Highway 65, Highway 24 and Highway 27 as indicated on the Zoning Map may be re-zoned as C-2 Commercial Zoning District as provided in this Ordinance.
- 9.3 C-2 Commercial District Re-Zoning.
- a) Any Lot or Parcel to be utilized for Commercial Use may be re-zoned as C-2 Commercial District in accordance with the provisions of this Section. To re-zone a Lot and/or Parcel to a C-2 Commercial Zoning District, the Owner of any such Lot or Parcel shall prepare and submit to the Town Zoning Administrator a Commercial Use Re-Zoning Application along with a site plan that shall include, but not be limited to, the following information:
- 1) A statement and explanation as to how the proposed re-zoning and use is consistent with the Towns Comprehensive Plan;
 - 2) A description of the Lot and/or Parcel (Legal Description);
 - 3) Site plan drawn at scale showing Parcel and Building dimensions;
 - 4) Location of all existing and proposed Buildings and their square footage;
 - 5) A description of the use of all existing and proposed Buildings;
 - 6) A description of the material proposed to complete the exterior of the Structure;
 - 7) Curb cuts, driveways, access roads, proposed Town roads to be dedicated, Parking Spaces, off-street loading areas, and sidewalks;
 - 8) A parking plan describing the number of Parking Spaces, traffic patterns and parking access;

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- 9) A drainage plan, including a written statement as to the potential effect on adjacent Lots and Parcels;
- 10) Sanitary sewer and water plan that meets Kanabec County requirements;
- 11) Soil type;
- 12) Description of any proposed lighting to be used, and the potential effect of said lighting on adjacent Lots and Parcels;
- 13) Utility plan, including, but not limited to, the types of utilities existing and/or proposed (telephone lines, power lines, DSL lines, cable, gas line, outdoor propane tanks, garbage/refuse receptacles, etc) and the location and/or proposed location of said utility lines;
- 14) Description of any Signage;
- 15) Any additional written or graphic data reasonably required by the Town Board, Planning Commission or Town Zoning Administrator.

9.4 Procedure for Submission of the Re-Zoning Application. For purposes of this Section herein, upon submission of a Commercial Use Re-Zoning Application for re-zoning:

- a) The Town Zoning Administrator shall cause the Town Clerk to set a date for a Public Hearing by the Planning Commission and forward the Commercial Use Re-Zoning Application to the Planning Commission for consideration at its next regular meeting.
- b) Notice of such Public Hearing shall be published at least once in the official paper of the Town and shall be mailed to Owners of those Lots and/or Parcels located within five-hundred (500) feet of the Lot and/or Parcel included in the request, not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing. Failure of any Lot and/or Parcel Owner to receive said notice shall not invalidate any such proceeding.
- c) In evaluating the information provided by the applicant, the Planning Commission shall determine:
 - 1) Whether the proposed re-zoning and/or use is consistent with the Comprehensive Plan;

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- 2) Whether the proposed re-zoning and/or use effects any adjacent Lot and/or Parcel;
 - 3) Whether the proposed re-zoning and/or use effects the health, safety and/or general welfare of the citizens of the Town;
 - 4) Whether the proposed re-zoning and/or use may cause any soil erosion or other possible pollution of public waters, both during and after construction;
 - 5) Whether the subject Lot and/or Parcel will adequately support water supply and on-site sewage treatment;
 - 6) Whether the proposed re-zoning and/or use will be sufficiently compatible with, or sufficiently separated by distance or screening from, adjacent Agricultural Land Use or Residential Land Use so that existing homes will not depreciate in value and there will be no deterrence to Development of vacant land;
 - 7) Whether the completed Building and Lot and/or Parcel will have an appearance that will not adversely effect adjacent properties;
 - 8) Whether the proposed re-zoning and/or use is reasonably related to the overall needs of the Town and to the existing land use; and
 - 9) Whether the proposed re-zoning and/or use will create a traffic hazard or congestion.
- d) The Planning Commission shall make a recommendation regarding the Commercial Use Re-Zoning Application to the Town Board within seven (7) days after the Public Hearing.
- e) Upon receiving the report and recommendation of the Planning Commission, the Town Board shall have the option of holding an additional Public Hearing for the purpose of gathering additional information and public input regarding the Commercial Use Re-Zoning Application and may impose any conditions it deems necessary as contingent to its approval, or the Town Board may deny the proposed re-zoning if it is not consistent with the Town Comprehensive Plan or if it determines that the possible adverse effects on the adjacent Lots and Parcels are unreasonable. The Town Board shall decide the issue within sixty (60) days after the date the request was filed with the Town Zoning Administrator, unless the decision time is extended as permitted by statute or upon agreement with the person making the request. The Towns decision shall be entered in and made part of the permanent minutes of the Board meeting at which such decision is made. Approval of a re-zoning

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application shall require passage by a two-thirds (2/3) vote of the full Town Board.

9.5 C-2 Commercial District Conditional Use Permit. Contemporaneous with the submission of a Commercial Use and Re-Zoning Application as described in Section 9.4 above, any Owner of a Lot or Parcel seeking re-zoning for C-2 Commercial Use purposes shall submit a Conditional Use Permit Application which shall include, but shall not be limited to, the following information:

- a) A statement and explanation as to how the issuance of the Conditional Use Permit is consistent with the Comprehensive Plan;
- b) A description of the Lot and/or Parcel (Legal Description);
- c) Site plan drawn at scale showing Parcel and Building dimensions;
- d) Location of all existing and proposed Buildings and their square footage;
- e) A description of the use of all existing and proposed Buildings;
- f) A description of the material proposed to complete the exterior of the Structure.
- g) Curb cuts, driveways, access roads, proposed Town roads to be dedicated, Parking Spaces, off-street loading areas, and sidewalks;
- h) A parking plan describing the number of spaces, traffic patterns and parking access;
- i) A drainage plan, including a written statement as to the effect on adjacent Lots and Parcels;
- j) Sanitary sewer and water plan that meets Kanabec County requirements;
- k) Soil type;
- l) Description of any proposed lighting to be used and the potential effect of said lighting on adjacent Lots and Parcels;
- m) Utility plan including, but not limited to, the types of utilities existing and/or proposed (telephone lines, power lines, DSL lines, cable, gas line, outdoor propane tanks, garbage/refuse receptacles, etc) and the location and/or proposed location of said utility lines;
- n) Description of any Signage;

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- o) Any additional written or graphic data reasonably required by the Town Board, Planning Commission or Town Zoning Administrator.

9.6 Procedure for Submission of the Conditional Use Application. For purposes of this Section herein, upon submission of Conditional Use Permit Application:

- a) The Town Zoning Administrator shall cause the Town Clerk to set a date for a Public Hearing by the Planning Commission and forward the Conditional Use Permit Application to the Planning Commission for consideration at its next regular meeting.
- b) Notice of such Public Hearing shall be published at least once in the official paper of the Town and shall be mailed to the Owners of individual Lots and/or Parcels located within five-hundred (500) feet of the Parcel included in the request, not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing. Failure of a Lot and/or Parcel Owner to receive said notice shall not invalidate any such proceeding.
- c) In evaluating the information provided by the applicant, the Planning Commission shall determine:
 - 1) Whether the issuance of the Conditional Use Permit is consistent with the Comprehensive Plan;
 - 2) Whether the issuance of the Conditional Use Permit effects any adjacent Lot and/or Parcel;
 - 3) Whether the issuance of the Conditional Use Permit effects the health, safety and/or general welfare of the citizens of the Town;
 - 4) Whether the issuance of the Conditional Use Permit may cause any soil erosion or other possible pollution of public waters, both during and after construction;
 - 5) Whether the subject Lot and/or Parcel will adequately support water supply and on-site sewage treatment;
 - 6) Whether the issuance of the Conditional Use Permit will be sufficiently compatible with, or sufficiently separated by distance or screening from, adjacent Agricultural Land Use or Residential Land Use so that existing homes will not depreciate in value and there will be no deterrence to Development of vacant land;

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- 7) Whether the completed Building and Lot and/or Parcel will have an appearance that will not adversely effect the adjacent residential properties;
 - 8) Whether the issuance of the Conditional Use Permit is reasonably related to the overall needs of the Town and to the existing land use; and
 - 9) Whether the issuance of the Conditional Use Permit will create a traffic hazard or congestion.
- d) The Planning Commission shall make a recommendation regarding the Conditional Use Permit Application to the Town Board within seven (7) days after the Public Hearing.
 - e) Upon receiving the report and recommendation of the Planning Commission, the Town Board shall have the option of holding an additional Public Hearing for the purpose of gathering additional information and public input regarding the Conditional Use Permit Application and may impose any conditions it deems necessary as a contingency to approval, or, the Board may deny the Conditional Use Permit if it is not consistent with the Town Comprehensive Plan or if it determines that the possible adverse effects on the adjacent Lots and Parcels are unreasonable. The Town Board shall decide the issue within sixty (60) days after the date the request was filed with the Town Zoning Administrator, unless the decision time is extended as permitted by statute or upon agreement with the person making the request. The Town Board's decision shall be entered in and made part of the permanent minutes of the Board meeting at which such decision is made. Approval of a Conditional Use Permit application shall require passage by a two-thirds (2/3) vote of the full Town Board.

9.7 C-2 Commercial District Lot Regulations, Requirements, Access and Setbacks.

- a) Lot Area Regulations.
 - 1) The minimum Lot Area in the C-2 Commercial Zoning District shall be two and one-half (2 ½) acres provided said minimum Lot Area is sufficient to meet the requirements of Sections 9.3(a)(1)-(15) and 9.4(c)(1)-(9) above as determined by the Township Planning Commission and Town Board.
 - 2) Lot Width Regulations. The minimum Lot Width in the C-2 Commercial District shall be three hundred (300) feet.
 - 3) Buildable Area Requirements.

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- i) Each Lot upon which a Building is to be constructed shall have a minimum Buildable Area;
 - ii) No Building may be located upon soil if erosion problems result therefrom;
 - iii) Each Lot shall be of sufficient size and shall contain soils to support an on-site sewer system in accordance with the regulations of the Minnesota Pollution Control Agency;
 - iv) Subdivision of any Lot of Record shall comply with the requirements of Section X of this Ordinance; and
 - v) Each Building, including the entire perimeter thereof, shall be constructed or erected upon a permanent foundation.
- 4) Service Roads. The Person developing any Lot or Parcel shall obtain access that meets standard Town requirements, Setbacks and Building Requirements. A typical section for service road construction will be provided by the Zoning Administrator or the Township Engineer.
- 5) Setbacks.
- i) Front Yard. Not less than one hundred fifty (150) feet from the centerline Right-of-Way of a state highway; not less than one hundred ten (110) feet from the centerline of any Town or county road, however established.
 - ii) Side Yard. If the land has not been surveyed by a Licensed Land Surveyor, no less than fifty (50) feet from the non-surveyed Lot Line. If the land has been surveyed by a Licensed Land Surveyor, than not less than ten (10) feet from surveyed Lot Line.
 - iii) Rear Yard. If the land has not been surveyed by a Licensed Land Surveyor, no less than fifty (50) feet from the non-surveyed Lot Line. If the land has been surveyed by a Licensed Land Surveyor, than not less than thirty (30) feet from the surveyed Lot Line.

9.8 C-2 Commercial District Uses Allowed by a Conditional Use Permit. Any and all Uses that may be permitted within the C-2 Commercial Zoning District shall specifically be limited to following Uses, which shall only be allowed by issuance of a Conditional Use Permit:

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- 1) All Uses allowed in the C-1 Commercial Zoning District pursuant to Chapter 8 of these Ordinances;
- 2) All Uses allowed as a Home Occupation pursuant to Chapters _____;
- 3)

9.9 Uses Not Permitted within the C-2 Commercial Zoning District. In addition to any Uses not specifically stated and allowed pursuant to Section 9.8 above, the following uses shall not be allowed in the C-2 Commercial Zoning District:

- 1) Hazardous Waste facilities;
- 2) Chemical storage facilities;
- 3) Junkyards; and
- 4) Residential Dwellings.