

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, NOVEMBER 10, 2009 – 6:30 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Jerry Bechtold, Jerry Tippelt, and Steve Dietman & Liaison Duane Willenbring. Absent Dale Borgmann.

Staff members present were: Zoning Administrator Rena Weber and Billing Clerk/Administrative Assistant Judy Neu.

Others present: Judith, Vicky, Kris Ikeogu and Councilor Jerry Schmitt.

APPROVAL OF AGENDA/AMENDMENTS – *Motion by Member Bechtold, second by Member Dietman, to approve the agenda. Motion carried unanimously.*

APPROVAL OF MINUTES 10/13/09 – *Motion by Member Bechtold, second by Member Tippelt, to approve the minutes of 10/13/09 as presented. Motion carried unanimously.*

NEW BUSINESS

AMENDING THE R1-R2-R3 DISTRICT TO ALLOW FARM ANIMALS: Zoning Administrator Rena Weber reported that she used the conditional use permit, interim use permit and the animal ordinance to come up with this ordinance and what the Council would like to see is that farm animals be placed on 10 acres or more.

ORDINANCE NO. 2009-62

**AN ORDINANCE AMENDING SECTIONS 17, 18, & 19 RESIDENTIAL DISTRICTS TO
INCLUDE PROVISION FOR INTERIM USE PERMITS
ALLOWING FARM ANIMALS WITH CONDITIONS**

WHEREAS, the City Council of the City of Rockville adopted official zoning controls (“Zoning Code”) pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

WHEREAS, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-45, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; 2009-58, 2009-61 and

WHEREAS, the City Council has the authority pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

WHEREAS, the Planning Commission seeks to amend and clarify the official controls relating to interim use permits in the R-1, R-2, R-3 District; and

WHEREAS, public hearing was held on December 16, 2009 in front of the City Council, and members of the public were given an opportunity to comment on the proposed amendment. Notice of the public hearing was published in the Cold Spring Record on December 1, 2009; and December 8, 2009.

NOW, THEREFORE, the City Council does ordain:

**Section 17: “R-1” Single Family Residential District is amended to add:
Subdivision 4: Conditional Uses**

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are ~~40 acres~~ **3 acres** or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of ~~100 feet~~ **50 feet** from the property line or road easement.

Section 17: “R-1” Single Family Residential District is amended to include a new section 5 – Interim Use Permits and further to re-number the remaining subdivisions.

Subdivision 5: Interim Use Permits

The following interim uses are permitted in the R-1 District with an interim use permit:

1. Farm animals

Section 18: “R-2” Two Family Residential District is amended to add:

Subdivision 4: Conditional Uses

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are ~~40 acres~~ **3 acres** or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of ~~400 feet~~ **50 feet** from the property line or road easement.

Section 18: “R-2” Two Family Residential District is amended to include a new section 5 – Interim Use Permits and further to re-number the remaining subdivisions.

Subdivision 5: Interim Use Permits

The following interim uses are permitted in the R-2 District with an interim use permit:

1. Farm animals

Section 19: “R-3” Multiple Family Residential District is amended to add:

Subdivision 4: Conditional Uses

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are ~~40 acres~~ **3 acres** or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of ~~400 feet~~ **50 feet** from the property line or road easement.

Section 19: “R-3” Multiple Family Residential District is amended to include a new section 5 – Interim Use Permits and further to re-number the remaining subdivisions.

Subdivision 5: Interim Use Permits

The following interim uses are permitted in the R-3 District with an interim use permit:

1. Farm animals

Zoning Administrator Rena Weber reported that in the Residential Districts there are a few 10 acres lots.

Chair Honer explained that in the Pleasant Lake area there are some that are 5 acres.

Council Member Willenbring stated he didn't remember the Council saying they would like to see farm animals be placed on 10 acres or more.

Chair Honer stated she would like to see it be changed to 5 acres or more because 5 acres is more than enough to house a large animal unit.

Member Tippelt questioned in a Residential District why would we only allow farm animals on 10 acres or more. If the City is looking at amending the ordinance it should be allowed for everyone. Another thing the Interim Use definition is clearly spelled out in the ordinance.

“USE, INTERIM” is a temporary use of property, with conditions imposed as may be appropriate and related to the use; until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Council Member Willenbring stated that under the Interim Use Permit guidelines (3) it states to allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable. This clearly spells it out.

Interim Use Permits: The purpose and intent of allowing interim uses is:

- 3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

Chair Honer stated that under the Interim Use Permit guidelines (2) is where the intent falls under.

Interim Use Permits: The purpose and intent of allowing interim uses is:

- 2. To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.

Administrative Assistant Judy Neu explained you need to keep in mind people purchase homes in the Residential District because they like that atmosphere. If they wanted the agricultural atmosphere they would buy their home there.

Member Tippelt stated he agrees with the comment.

Motion by Member Dietman, second by Member Tippelt, to recommend approval to amend Section 17, 18, 19 Residential Districts to include provision for Interim Use Permits allowing farm animals with conditions as presented.

AYES: Honer, Dietman, Tippelt

ABSTAINED: Bechtold

DISCUSS PLANNING COMMISSION MEMBER (OPEN SEATS):

Chair Honer stated that Member Hansen officially resigned tonight.

Zoning Administrator Rena Weber reported that there will be 3 seats open at the end of the year if you are still interested in being a member you would need to reapply. The City Council will set the deadline for accepting applications.

PLANNING COMMISSION MEMBER/STAFF REPORT: NONE

BUSINESS FOR NEXT MEETING:

ADJOURNMENT – Motion by Member Tippelt, second by Member Dietman, to adjourn the meeting at 7:38 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR