

ORDINANCE 502 – ZONING ORDINANCE

ORDINANCE NO 2022-001

AN ORDINANCE AMENDING THE CITY OF SAINT JOSEPH ZONING ORDINANCE  
REGARDING SPECIAL EVENT FACILITIES WITHIN RURAL RESIDENTIAL

AREAS

CITY OF SAINT JOSEPH

COUNTY OF STEARNS

STATE OF MINNESOTA

**Purpose and Intent:** The purpose of this ordinance amendment is to amend Section 502.04 and 502.27 Subd. 5 by adding “Special Event Facility” as a new definition and as a permitted conditional use in the Rural Residential district.

**Amendment:** 502.04 and 502.27 Subd. 5 are hereby amended as follows:

Section 502.04: RULES AND DEFINITIONS

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**Definitions to add**

**Special Event Facility** - a facility designed to house a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis and involves the gathering of individuals for the common purpose of attending a special event. Special event facilities are subject to a use agreement between a private group or individual and the facility/property owner.

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Section 502.27: RR - RURAL RESIDENTIAL DISTRICT

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Subd. 1: **Intent.** To establish and preserve areas within the City for the continuation of agricultural operations; to provide for very low density residential development for those persons desiring a rural life-style, to preserve and protect areas where soil conditions, bedrock conditions, steep slopes, significant vegetation, wetlands or other unique natural features which are best suited for open space and limited development, and are necessary to maintain the character of the area or the community, and which would be irreparably harmed by denser development, and to allow for use of areas not suitable for urban development, to prevent rapid urbanization and provide economy in public expenditures, and to govern and implement the long range urban service plan of the City as identified in the Comprehensive Plan.

Subd. 2: Purpose. The Rural Residential district is included in the zoning provisions to achieve the following purposes:

- a) Minimize land use conflict between agricultural and other land uses.
  1. Maintain suitable boundaries for urban, rural residential and agricultural areas.
  2. Prevent premature urban development in rural areas which eventually may be appropriate for urban uses, until the installation of streets, utilities, and until the demand exists for such development.

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- b) Manage the impacts of growth and development on the City’s rural character.
  - 1. Discourage incompatible land uses through effective land use controls.
  - 2. Identify appropriate areas for commercial, industrial and non-farm rural residential developments.
  - 3. Coordinate infrastructure expansion with development; and encourage development where the infrastructure is adequate to serve that growth.

Subd. 3: Definitions. The following words and terms, in addition to the words and terms identified in Section 502.04 in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

- a) Agricultural Building: A structure used for the storage and maintenance of agricultural equipment, or the storage of livestock, feed, crops, or other agricultural products.
- b) Agricultural Operation: Real or personal property used for production of crops including, but not limited to, fruit and vegetative production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:
  - a. Chemical and fertilizer spraying
  - b. Farm machinery noise
  - c. Extended hours of operation
  - d. Storage and spreading of manure and biosolids under state permit
  - e. Open storage of machinery
  - f. Odors produced from normal farm activities
  - g. On farm marketing of farm products
  - h. Yard waste and leaf composting site
  - i. Contaminated soils disposal
- c) Animal Feedlot: a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Section, petting zoos, horse stalls, riding arenas, open lots and mink farms shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. Animal feedlots shall include any manure storage structure.
- d) Home Extended Business: An occupation or profession engaged in by the occupant of a dwelling unit within said unit or accessory structure which involves the storage of a limited number of vehicles and equipment; repair; service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. A home extended business shall be clearly incidental and secondary to the residential use of the premises, and shall only include

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the sale of merchandise incidental to the home extended business.

- e) Hobby Farm: An area on which crops are grown and or livestock (excluding fur-bearing livestock) are raised.
- f) Residential Subdivision: A described tract of land which has been divided into single family residential lots establishing a residential neighborhood. Areas include 1<sup>st</sup> Avenue NE at First Street East to CO RD 2, CO RD 2 at First Street East to Jasmine Lane, Forest Manor Addition, and Sunset Ridge.

### Subd. 4: Permitted Uses.

- a) Agricultural Operation
- b) Single family detached dwelling unit
- c) Hobby Farms
- d) Roadside stand for the sale of agricultural products produced on the premises (providing that such stands conform to the requirements of this Title relative to construction, setback and use).
- e) Public parks, recreational areas, environmental study areas and game refuges.
- f) Forestry, nurseries, green houses and tree farms excluding retail sales.
- g) Residential care facilities serving 6 or fewer residents
- h) Residences for principal farm operators

Subd. 5: Conditional Uses. The following uses require a Conditional Use Permit as regulated in this Ordinance.

- a) Essential Services, Transmission Services and Utility Substations
- b) Animal Feedlot expansions
- c) Bed and Breakfast Inns
- d) Government administrative and service buildings
- e) Home extended businesses
- f) Commercial outdoor recreation facilities, including golf courses, club houses, swimming pools and similar uses.

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- g) Kennels with over four dogs.
- h) Cemeteries
- i) Facilities for retail or wholesale trade connected with nursery or tree farms
- j) Places of Worship
- k) Public and private schools
- l) Residential care facilities serving 7-16 residents.
- m) **Special Event Facility provided the following minimum requirements are met:**
  - a. The facility shall be located on the same parcel as the owner's primary residence (dwelling).
  - b. The site shall be located on a minor arterial or higher functional classification of street as defined in the City's Transportation plan
  - c. The facility shall be located on a parcel that is a minimum of 40 acres in size
  - d. Any structures and parking areas associated with the Special Event Facility shall be setback 100 feet on all sides, front, and rear property lines
  - e. Facility shall be connected to city water and sewer services
  - f. Building and parking shall be buffered from adjacent residential uses with landscaping, fencing, or other acceptable methods in accordance with the city's screening and landscaping requirements.
  - g. All off-street parking requirements shall be met
  - h. The city may place stricter restrictions on the use depending on the unique circumstances and parcel features

Subd. 6: Interim Uses. The following uses require an Interim Use Permit as regulated in this ordinance as:

- a) Mining, and extraction of minerals, sand, gravel and other granular materials and the like subject to other applicable sections of this Ordinance.
- b) Portable asphalt and concrete mixing plants within extractive uses. The interim use permit issues shall include, but is not limited to, the following conditions: provisions for adherence to pollution control standards, hours of operation, setbacks, haul roads, areas where the plant is to be located and slopes. The interim use permit required for portable asphalt and concrete mixing plants is in addition to the interim use permit required for the operation of the mining/extractive use.

Subd. 7: Permitted Accessory Uses.

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- a) Detached Accessory Buildings on residential properties shall be exempt from Section 502.12 Subd. 1 of this Ordinance and shall meet the following:
  - i.. The size of the detached accessory building shall not exceed five (5) percent of the total lot area in a residential subdivision. Properties that are less than 27,000 square feet in size shall comply with R-1 district accessory building size requirements.
  - ii. The same or similar exterior building material, such as siding, and shingles shall be used on the accessory building as the principal building in residential subdivisions.
  - iii. No detached accessory building nor structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
  - v. Detached accessory buildings, excluding Agriculture Buildings shall not exceed twenty (20) feet in height in residential subdivisions.
- b) Agricultural Buildings
- c) Operation and storage of vehicles, machinery and equipment which is incidental to permitted or special uses allowed in this district.
- c) Home occupations per Section 502.16.
- d) Private swimming pools in compliance with Section 502.12 Subd. 4. For an in-ground pool, an automatic pool cover can be used in lieu of fencing requirements provided it is certified and complies with ASTM (American Society of Testing and Materials) F1346-91 standard, or successor standard.
- e) Private sports courts i.e. tennis, basketball, etc.
- f) Personal amateur radio and television antennas and satellite dish antennas.
- g) Dog kennels with four or fewer dogs, must be in the side or rear yard.

### Subd. 8: Lot Area Requirements.

- a) Minimum area 10 acres - 435,600 square feet.
- b) Minimum lot width 300 feet at the building setback line.

### Subd. 9: Setback Requirements.

- a) Front Yard Setback: The front yard setback shall not be less than 30 feet, unless:

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- i) 30 percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no buildings shall project beyond a straight line drawn between the point closest to the street of the residence upon either side of the proposed structure or,
  - ii) If there are residences upon only one side, then it shall be on the straight line projected from the front of the two nearest residences.
  - iii) This regulation shall not be interpreted to require a front yard of more than 100 feet.
- b) Side Yard Setback: The side yard setback shall not be less than fifteen (15) feet, except corner lots on which the side yard on the intersecting street shall be not less than thirty (30) feet.
  - c) Rear Yard Setback: The rear yard setback shall not be not less than thirty (30) feet.
  - d) Detached accessory structures shall not be less than ten (10) feet from the side and rear lot lines, except corner lots on which the side yard on the intersecting street shall not be less than twenty (20) feet.

### Subd. 10: Height Requirements.

- a) Buildings, other than agriculture buildings, shall not exceed forty (40) feet in height, except as hereinafter provided.
- b) Public or semi-public or public service buildings, hospitals, institutions or schools may be erected to a height not exceeding 60 feet, and churches may be erected to a height not exceeding 75 feet if the building is set back from each yard requirement at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

Subd. 11. Site Coverage. No structure or combination of structures shall occupy more than 30% of the lot area.

Subd. 12: Rural Quality of Life Provisions. The Rural Residential zone applies to properties annexed to the City of St. Joseph that were governed by the 1997 Orderly Annexation Agreement. Properties in this area are rural in nature and have not been impacted by urban development and shall be exempted from certain requirements applicable in other zones that have been developed to an urban density. The exemptions for the properties annexed to the City of St. Joseph that were governed by the 1997 Orderly Annexation Agreement expire when the annexed properties are taxed at the full City tax rates. The exemptions are as follows:

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- a) Allowed Animals. Property owners whose property is zoned Rural Residential shall have the following flexibility in relation to the regulations of Ordinance 1004, Licensing and Regulations of Animals:
- i. Up to four (4) domestic dogs over three months old shall be allowed per household.
  - ii. Farms animals including but not limited cattle, horses, hogs, chickens, geese, sheep, goats, pigs, ducks and turkeys shall be allowed. Animal density allowance shall follow the Urban Expansion zoning district in the Stearns County Land Use and Zoning Ordinance.
  - iii. Licenses shall not be required for domestic dogs.
  - iv. Animals shall be allowed to run at large unless this issue becomes a nuisance generating complaints from neighbors.
- b) Hunting/Firearms. Recreational firearm and bow arrow usage will be permitted without a city permit with the following conditions:
- i. Property owners must adhere to all State and Federal laws regarding hunting and the use and discharge of firearms, and bows and arrows.
- c) Burning. Properties zoned Rural Residential shall be exempt from Ordinance 1003, Fire and Burning regulations provided:
- i. Any open burning must be approved and permitted by the MN DNR.
- d) Wood Burning Stoves: Properties located in the Rural Residential zoning district may utilize wood burning stoves as a form of alternative heat provided:
- a. The wood burning stove meets the minimum setback requirements based on the manufacturer's guidelines.
  - b. Building Permits are secured for the installation
  - c. All stoves must meet the MPCA Guidelines
- e) Noise. Rural Residential areas shall be exempt from the Noise Ordinance (1002) provided that noise as defined in the Noise Ordinance does not become a public nuisance or an endangerment to others.
- f) Fences. Properties shall be exempt from the City Fence Ordinance, except for those in a residential subdivision.
- g) Driveway and Parking Areas. Properties shall be exempt from the City Off Street Parking Ordinance. Driveway and parking areas shall follow Stearns County Land Use and Zoning Ordinance.

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Subd. 13: Additional Requirements. Uses may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupation, floodplain, signs, etc.