



# PLANNING STAFF REPORT

**MEMO DATE:** July 9, 2020

**MTG. DATE:** JULY 15, 2020

**TO:** Village of Cottage Grove Plan Commission

**CC:** Village of Cottage Grove Board of Trustees  
Matt Giese – Village Administrator  
Larry Konopacki – Village Attorney  
Lisa Kalata – Village Clerk

**FROM:** [Erin Ruth, AICP – Village Planning Director](#)

**RE:** **Conditional Use Permits – Ordinance Review**

## OVERVIEW

Staff has continued work on amending the zoning ordinance related to the handling of conditional uses. Since the last Plan Commission meeting staff has gone through the ordinance and noted all specific sections that need to be changed, as follows:

### CHAPTER 325 – VILLAGE OF COTTAGE GROVE ZONING ORDINANCE

#### Article I – Introduction & Definitions

- 325-10 Definitions – confirm ‘Conditional Use’ definition and links – *changes do not appear to be necessary if 325-20B is accurate (see below)*

#### Article II – General Provisions

- 325-20(B) – references regulation of conditional uses - *delete “including any additional requirements imposed as part of the conditional use process”*
- 325-21(H) and (I) – requires conditional use permit for a group development per 325-50 – *changes do not appear to be necessary*



### Article III – Establishment of Zoning Districts

- 325-34 – *add SR-6 to list of Residential Districts*
- 325-37(A) – edit list of land uses permitted in RH district
  - 325-37(A)(2)(b) – single family residential – *add that home may be on smaller lot if lot and home were existing at time of annexation into the Village*
  - *Move the following from 325-37(A)(2)(b) to 325-37(A)(2)(a), uses permitted by right:*
    - (3) *Intensive agriculture*
    - (4) *agricultural services*
  - *Move the following from 325-37(A)(2)(b) to new list of overlay districts:*
    - (6) *indoor institutional, (8) outdoor commercial entertainment*
    - (11) *campground*
    - (12) *junkyard or salvage yard*
    - (13) *waste disposal facility*
    - (14) *composting operation*
    - (15) *airport/heliport*
    - (17) *extraction use*
- 325-37(A)(3)(b) – edit list of accessory land uses permitted as a conditional use in RH district
  - *Confirm no changes needed*
- 325-38(A) – edit list of land uses permitted in SR-4 district
  - *Move the following from 325-38(A)(2)(b) to new list of overlay districts:*
    - (2) *indoor institutional*
    - (3) *outdoor institutional*
- 325-38(B) – edit list of land uses permitted in SR-6 district
  - *Move the following from 325-38(B)(2)(b) to new list of overlay districts:*
    - (2) *indoor institutional*
    - (3) *outdoor institutional*
- 325-38(C) – edit list of land uses permitted TR-8 district
  - *Move the following from 325-38(C)(2)(b) to new list of overlay districts:*
    - (4) *indoor institutional*
    - (5) *outdoor institutional*
- 325-38(D) – edit list of land uses permitted in HR-9 district



- *Move the following from 325-38(D)(2)(b) to new list of overlay districts:*
  - *(7) indoor institutional*
  - *(8) outdoor institutional*
- *Delete the following from 325-38(D)(2)(b) indicating they are no longer permitted:*
  - *(1) Twin house*
  - *(2) Two-flat*
  - *(3) Townhouse (3 or 4-unit building)*
  - *(4) Multiplex (3 or 4-unit building)*
  - *(5) Apartment (3 or 4-unit building)*
  
- 325-38(E) – edit list of land uses permitted in MR-10 district
  - *Move the following from 325-38(E)(2)(b) to 325-38(E)(2)(a), uses permitted by right:*
    - *(1) Apartment (3 or 4-unit building)*
  - *Move the following from 325-38(E)(2)(b) to new list of overlay districts:*
    - *(4) indoor institutional*
    - *(5) outdoor institutional*
  
- 325-38(F) – edit list of land uses permitted in MR-12 district
  - *Move the following from 325-38(F)(2)(b) to 325-38(F)(2)(a), uses permitted by right:*
    - *(1) Apartment (5 or 8-unit building)*
  - *Move the following from 325-38(F)(2)(b) to new list of overlay districts:*
    - *(4) indoor institutional*
    - *(5) outdoor institutional*
  
- 325-39(A) – edit list of land uses permitted in NO district
  - *Move the following from 325-39(A)(2)(b) to 325-39(A)(2)(a), uses permitted by right:*
    - *(1) Twin house/duplex*
    - *(2) Two-flat*
    - *(3) Townhouse (3 or 4-unit building)*
    - *(4) Multiplex (3 or 4-unit building)*
    - *(5) Apartment (3 or 4-unit building)*
    - *(13) Indoor sales or service*
    - *(18) Artisan studio*
  - *Move the following from 325-39(A)(2)(b) to new list of overlay districts:*
    - *(7) Indoor institutional*
    - *(8) Outdoor institutional*
    - *(9) Institutional residential*



- 325-39(B) – edit list of land uses permitted in PO district
  - *Move the following from 325-39(B)(2)(b) to 325-39(B)(2)(a), uses permitted by right:*
    - (7) *Indoor sales or service*
    - (8) *In-vehicle sales or service*
    - (9) *Indoor commercial entertainment*
    - (10) *Commercial indoor lodging*
  - *Move the following from 325-39(B)(2)(b) to new list of overlay districts:*
    - (2) *Indoor institutional*
    - (3) *Outdoor institutional*
    - (4) *Institutional residential*
    - (12) *Airport/heliport*
  
- 325-40(A) – edit list of land uses permitted in NB district
  - *Move the following from 325-40(A)(2)(b) to 325-40(A)(2)(a), uses permitted by right:*
    - (1) *Twin house/duplex*
    - (2) *Two-flat*
    - (3) *Townhouse (3 or 4-unit building)*
    - (4) *Multiplex (3 or 4-unit building)*
    - (5) *Apartment (3 or 4-unit building)*
    - (13) *In-vehicle sales or service*
    - (14) *Indoor commercial entertainment*
    - (17) *Boardinghouse*
    - (18) *Artisan studio/production shop*
  - *Move the following from 325-40(A)(2)(b) to new list of overlay districts:*
    - (7) *Indoor institutional*
    - (8) *Outdoor institutional*
    - (9) *Institutional residential*
  - *Move the following from 325-40(A)(3)(b) to 325-40(A)(3)(a), accessory uses permitted by right:*
    - (1) *Commercial apartment*
    - (2) *In-vehicle sales and service*
    - (3) *Light industrial incidental to indoor sales*
  
- 325-40(B) – edit list of land uses permitted in PB district
  - *Move the following from 325-40(B)(2)(b) to 325-40(B)(2)(a), uses permitted by right:*
    - (6) *In-vehicle sales or service*
    - (7) *Indoor commercial entertainment*
    - (8) *Commercial indoor lodging*
    - (11) *Vehicle repair and maintenance*



- (12) Artisan studio/production shop
- Move the following from 325-40(B)(2)(b) to new list of overlay districts:
  - (2) Indoor institutional
  - (3) Outdoor institutional
  - (4) Institutional residential
  - (5) Outdoor display
- Move the following from 325-40(B)(3)(b) to 325-40(B)(3)(a), accessory uses permitted by right:
  - (1) Commercial apartment
  - (2) In-vehicle sales and service
  - (3) Light industrial incidental to indoor sales
- 325-40(C) – edit list of land uses permitted in CB district
  - Move the following from 325-40(C)(2)(b) to 325-40(C)(2)(a), uses permitted by right:
    - (6) Indoor commercial entertainment
    - (8) Indoor commercial lodging
    - (11) Boardinghouse
    - (12) Artisan studio/production shop
  - Move the following from 325-40(C)(2)(b) to new list of overlay districts:
    - (2) Indoor institutional
    - (3) Outdoor institutional
    - (4) Institutional residential
  - Move the following from 325-40(B)(3)(b) to 325-40(B)(3)(a), accessory uses permitted by right:
    - (1) Company provided on-site recreation
    - (2) In-vehicle sales and service
    - (3) Light industrial incidental to indoor sales
- 325-41(A) – edit list of land uses permitted in PI district
  - Move the following from 325-41(A)(2)(b) to 325-41(A)(2)(a), uses permitted by right:
    - (4) Indoor sales and service
    - (5) Indoor commercial entertainment
    - (7) Artisan studio/production shop
  - Move the following from 325-41(A)(2)(b) to new list of overlay districts:
    - (2) Indoor institutional
    - (3) Outdoor institutional
    - (8) Personal storage facility
    - (9) Airport/heliport
    - (10) Distribution center
    - (11) Communication tower



- *Move the following from 325-41(A)(3)(b) to 325-41(A)(3)(a), accessory uses permitted by right:*
  - (1) *Company provided on-site recreation*
  - (2) *In-vehicle sales and service*
  - (3) *Accessory outdoor commercial entertainment*
  
- 325-41(B) – edit list of land uses permitted in GI district
  - *Move the following from 325-41(B)(2)(b) to 325-41(B)(2)(a), uses permitted by right:*
    - (3) *Vehicle repair and maintenance*
    - (4) *Artisan studio/production shop*
  - *Move the following from 325-41(B)(2)(b) to new list of overlay districts:*
    - (5) *Outdoor storage and wholesaling*
    - (6) *Personal storage facility*
    - (7) *Airport/heliport*
    - (8) *Freight terminal*
    - (9) *Communication tower*
  - *Move the following from 325-41(B)(3)(b) to 325-41(B)(3)(a), accessory uses permitted by right:*
    - (1) *Company provided on-site recreation*
    - (2) *In-vehicle sales and service*
    - (3) *Accessory outdoor commercial entertainment*
  
- 325-41(C) – edit list of land uses permitted in HI district
  - *Move the following from 325-41(C)(2)(b) to 325-41(C)(2)(a), uses permitted by right:*
    - (1) *Agricultural services*
    - (3) *Outdoor maintenance*
    - (5) *Vehicle repair and maintenance*
  - *Move the following from 325-41(C)(2)(b) to new list of overlay districts:*
    - (4) *Sexually oriented land use*
    - (6) *Junkyard or salvage yard*
    - (7) *Waste disposal facility*
    - (8) *Composting operation*
    - (9) *Airport/heliport*
    - (10) *Freight terminal*
    - (11) *Communication tower*
  - *Move the following from 325-41(C)(3)(b) to 325-41(B)(3)(a), accessory uses permitted by right:*
    - (1) *Company provided on-site recreation*
    - (2) *In-vehicle sales and service*
  - *Remove the following from 325-41(C)(3)(b) to make not permitted:*



- *(3) Migrant labor camp*
- 325-42(A) – edit list of land uses permitted in POS district
  - *Move the following from 325-42(A)(2)(b) to 325-42(A)(2)(a), uses permitted by right:*
    - *(1) Cultivation*
    - *(2) Selective Cutting*
  - *Move the following from 325-42(A)(2)(b) to new list of overlay districts:*
    - *(3) Indoor institutional*
    - *(4) Outdoor institutional*
  - *Move the following from 325-42(A)(3)(b) to 325-42(A)(3)(a), accessory uses permitted by right:*
    - *(1) Cultivation*
    - *(2) Selective cutting*
- Table 325-43(H) lists various uses as conditional uses in various natural resource protection districts
  - *Review and determine status of uses listed as conditional uses within natural resource districts*
- Create 325-45 for new overlay districts

#### **Article IV – Land Use Regulations**

- 325-49(A) – Residential land uses
  - *Remove 325-49(A)(3) Mobile home subdivision residential development; add to new 325-45 Overlay districts*
  - *Remove 325-49(A)(4) Mobile home park residential development; add to new 325-45 Overlay districts*
- 325-49(B) – Agricultural land uses
  - *Remove 325-49(B)(4) Agricultural service; add to new 325-45 Overlay districts*
- 325-49(C) – Institutional land uses
  - *Remove 325-49(C)(3) Indoor institutional; add to new 325-45 Overlay districts*
  - *Remove 325-49(C)(4) Outdoor institutional; add to new 325-45 Overlay districts*



- 325-49(D) – Commercial land uses
  - *Remove 325-49(D)(4) Outdoor display; add to new 325-45 Overlay districts*
  - *Remove 325-49(D)(9) Outdoor commercial entertainment; add to new 325-45 Overlay districts*
  - *Edit 325-49(D)(10) Commercial animal boarding to reference best practices*
  - *Edit 325-49(D)(12) Bed and breakfast to reference state licensing requirements*
  - *Remove 325-49(D)(14) Campground; add to new 325-45 Overlay districts*
  - *Review 325-49(D)(16) Sexually oriented land use to ensure ordinance meets current best practices for regulation of such businesses*
  - *Review 325-49(D)(19) Payday lending to ensure the section remains compatible with state statute*
  - *Add doggy daycare as new 325-49(D)(20) and reference best practices*
  - *Add tourist rooming house as new 325-49(D)(21) and reference state licensing requirements*
  
- 325-49(E) – Storage or disposal land uses
  - *Remove 325-49(E)(2) Outdoor storage; add to new 325-45 Overlay districts*
  - *Remove 325-49(E)(3) Personal storage; add to new 325-45 Overlay districts*
  - *Remove 325-49(E)(4) Junkyard or salvage yard; add to new 325-45 Overlay districts*
  - *Remove 325-45(E)(5) Waste disposal facility; add to new 325-45 Overlay districts*
  - *Remove 325-45(E)(6) Composting; add to new 325-45 Overlay districts*
  
- 325-49(F) – Transportation land uses
  - *Remove 325-49(F)(1) Off-site parking lot; add to new 325-45 Overlay districts*
  - *Remove 325-49(F)(2) Airport/heliport; add to new 325-45 Overlay districts*
  - *Remove 325-49(F)(3) Freight terminal; add to new 325-45 Overlay districts*
  - *Remove 325-49(F)(4) Distribution center; add to new 325-45 Overlay districts*
  
- 325-49(G) – Industrial land uses
  - *Edit 325-49(G)(3) Communication tower to reflect current statutes and best practices for cell towers*
  - *Remove 325-49(G)(4) Extraction use; add to new 325-45 Overlay districts*
  
- 325-49(H) – Accessory land uses
  - *Edit 325-49(H)(10)(a)(11) which allows home occupations that do not meet standards as conditional use*



- *Edit 325-49(H)(12) Intermediate daycare home (9 to 15 children) to reference state licensing*
  - *Edit 325-49(H)(25) Accessory outdoor commercial entertainment as needed to address outdoor seating or add outdoor seating as another land use in 325-49(H)*
- 325-50 Group developments – edit references to conditional uses

#### **Article V – Landscaping & Bufferyard Regulations**

- No changes needed

#### **Article VI – Performance Standards**

- Edit 325-91 regarding solar collectors – find current language

#### **Article VII – Sign Regulations**

- Consider updating ordinance based on current case law as a separate future project
- Review 325-102(H) which references use of conditional use permit process for appeals
- Delete 325-104(A)(12) which prohibits pylon signs as they are allowed elsewhere
- Review 325-105(A)(2) which references modification by conditional use
- Review 325-105(B)(1)(c)(2) & (4) which references conditional uses
- Review 325-105(B)(6)(d) which references conditional use permits
- Review 325-106(A)(2) which references conditional uses
- Review 325-106(C)(1)(b)(2)(g) & (h) which reference conditional uses

#### **Article VIII – Procedures and Administration**

- Review 325-111 regarding conditional use review and approval procedures
  - Revise 325-111(A)(3) regarding terms of approval/denial of a conditional use to match state statute
  - Consider removing ‘limited conditional uses’ per 325-111(A)(4)
- Review 325-111(D)(2) including (a) to (f) – is this still valid or necessary given statutory changes
- Review 325-111(E)(2) which references 325-111(D)(2)(a) to (f)
- Review 325-111(E)(4) which references 325-111(D)(2)(a) to (f) relevance of “potential public benefits” versus “potential adverse impacts” in approval or denial
- Review validity of 325-111(G) regarding effect of denial
- Review validity of 325-111(H) regarding termination of use
- Review validity of 325-111(I) regarding time limits
- Review validity of 325-111(J) regarding discontinuance of use



- Review validity of 325-111(K) regarding change of ownership and continuance of conditional use
- Review validity of 325-112(D)(2)(g)(1) to (5) to ensure these are not too arbitrary