

## CHAPTER 11

### ZONING REGULATIONS

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## CHAPTER 11

### ZONING REGULATIONS

#### ***SECTION 11.01. PURPOSE AND INTENT.***

**Subd. 1. Purpose.** This chapter is adopted for the following purposes:

- A. To promote the health, safety, comfort, convenience and general welfare of the inhabitants of the City;
- B. To minimize congestion in the public rights-of-way, security safety from fire, panic and other dangers, provide for adequate light and air, and preventing the overcrowding of land;
- C. Avoiding undue concentration of population, facilitating the adequate provisions of transportation, water, sewage, parks, and other public requirements;
- D. To promote a more efficient and desirable utilization of land by recognizing special land features, such as topography, soils, vegetation, wetland areas, and wildlife;
- E. Conserving and developing natural resources and maintaining a high standard of environmental quality;
- F. To divide the City into zones or districts as to the compatible use of land and structures for residential and business purposes;
- G. To prohibit the use of buildings, structures, and lands that are incompatible with the intended use or development of lands within the specified zones;
- H. Providing for the compatible and appropriate use of land throughout the City;
- I. Promoting orderly development of residential, commercial, recreational, and public areas;
- J. Minimizing pollution of all types;
- K. Providing for the administration of this Chapter and amendments thereto;
- L. Defining the powers and duties of the administrative officers and bodies; and,
- M. Describing penalties for the violation of provisions of this Chapter or any amendment thereto.

**SECTION 11.02. DEFINITIONS.** The following terms, as used in this Chapter, shall have the meanings stated:

- A. **“Abutting”** - Having a common border or property line or separated only by streets, railroad tracks or a public utility right-of-way.
- B. **“Access”** - A means of vehicular approach or entry to or exit from property.
- C. **“Accessory Use, Structure or Building”** - A use, structure or building or portion of a structure subordinate to and serving the principal use or structure on the same lot and clearly and customarily incidental thereto.
- D. **“Agriculture”** - The use of land for growing and producing field crops. Keeping or producing of livestock and poultry and all activities incident thereto. Said term shall not include feedlots, the raising of fur-bearing animals, or the operations of riding academies, commercial stables and kennels.
- E. **“Alley”** - A minor right-of-way which affords a secondary means of access to abutting property.
- F. **“Alteration”** - Any change or rearrangement, other than incidental repairs, in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another, which would prolong the building’s life.
- G. **“Animal Hospital”** - A place where animals or pets are given medical, surgical or grooming treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- H. **“Antenna”** - An arrangement of wires, metal rods, panels, dishes, etc. used to send or receive electromagnetic or microwave signals.
- I. **“Apartment”** - A room or suite of rooms in a multiple-family dwelling structure which is arranged, designed, used, or intended to be used as a dwelling unit for a single family.
- J. **“Applicant”** - The owner of land proposed to be subdivided or rezoned, or his/her legal representative.

- K. **“Automotive Sales Lot”** - The sale of passenger vehicles and light trucks not to exceed 12,000 gross vehicle weight rate.
- L. **“Automobile Repair, Major”** - General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and major painting surface.
- M. **“Automobile Repair, Minor”** The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks, not in excess of 12,000 pounds gross vehicle weight.
- N. **“Automotive Service Station”** - A retail place of business engaged primarily in the sale of motor vehicle fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services and the performance of automotive maintenance and repair.
- O. **“Banners and Pennants”** - Attention-getting devices which resemble flags and are of a paper, cloth or plastic-like material.
- P. **“Barbed Wire”** - See Fence, Hazardous.
- Q. **“Basement”** - A portion of a building located entirely or partially underground, but having half or less than its floor to ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story, except that a basement, the ceiling of which does not extend more than five feet above the curb level or above the highest level of the adjoining ground shall not be counted as a story.
- R. **“Berm”** - A mound of earth, or the act of pushing earth into a mound.
- S. **“Block”** - An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake, or outlet.
- T. **“Boarding House”** - Any dwelling other than a hotel, motel or apartment where meals and lodging are provided for compensation to persons unrelated to the owner or possessor, pursuant to previous arrangement.

- U. **“Bond”** - Any form of security including cash deposit, surety bond or letter of credit in an amount and form satisfactory to the Council and filed with the City.
- V. **“Boulevard”** - The portion of the street right-of-way between the curb line or surfaced roadway and the property line.
- W. **“Buffer”** - The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from the vision of another use or property, and thus reduce undesirable influences, such as sight, glare, noise, dust and other external effects.
- X. **“Building”** - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind. In addition, when said structure is divided by party walls without opening, each portion of such building so separated shall be deemed a separate building.
- Y. **“Building, Completely Enclosed”** - A building separated on all sides from the adjacent open space from other buildings or structure, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.
- Z. **“Building Coverage”** - The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
- AA. **“Building, Detached”** - A building surrounded by an open space on the same lot.
- BB. **“Building, Height”** - The vertical distance measured from the average ground elevation adjoining the front walls of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of a gable, hip or gambrel roof.
- CC. **“Building Setback Line”** - A line on a lot, generally parallel to a lot line, high water mark, shoreline or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this Chapter. The building setback lines delimit the area in which buildings are permitted subject to all applicable provisions of this Chapter.

- DD. **“Building, Residential”** - A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families and which includes, but is not limited to, the following types: (1) single family dwellings; (2) two family dwellings; (3) multiple family dwellings; (4) townhouses.
- EE. **“Building, Principal”** - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.
- FF. **“Bulk Storage”** - The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale.
- GG. **“Business”** - Any establishment, occupation, employment or enterprises wherein merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
- HH. **“Business, Temporary”** - Any person or corporation who engages temporarily in the business of selling and delivering goods, wears, or merchandise within the City and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer or railroad car.
- II. **“Caliper”** - A measurement of the size of the tree equal to the diameter of its trunk measured four and one-half (4.5) feet above natural grade.
- JJ. **“Capital Improvements Program”** - A proposed City schedule of future projects or capital purchases listed in order of priority together with cost estimates and the anticipated means of financing each project.
- KK. **“Carport”** - A roofed automobile shelter opened on at least two sides, usually formed by extension of the roof from the side of a building.
- LL. **“Central Water and Sewer System”** - A system serving a group of buildings, lots, or a defined area of the City.
- MM. **“Church”** - A building or edifice consecrated to religious worship, where people join together in some form of public worship under the aegis and direction of a person who is authorized under the laws of the State of Minnesota to solemnize marriages. Camp meeting grounds, mikvahs, coffee houses, recreational complexes, retreat house, sleeping quarters for retreatants during spiritual retreats extending for periods of more than one day, Bible camps with live-in



quarters, ritual slaughter houses, radio or television towers and transmission facilities theological seminaries, day care centers, hospitals, and drug treatment centers are not churches. A church as defined above may include living quarters for persons employed on the premises of said church.

- NN.        **“Clinic”** - A building in which a group of physicians, dentists, and/or allied professional assistants are associated for carrying on their profession. The clinic may include a dental or medical laboratory, but shall not include in-patient care or operating rooms for major surgery.
- OO.        **“Club or Lodge, Private”** - An association of persons who are bona fide members paying annual dues, of which owns, hires, or leases the building, property or a portion thereof; the use of such premises being restricted to members and their guests. It shall be permissible to serve food and means on such premises, provided adequate facilities are available.
- PP.        **“Comprehensive Plan or Policies”** - A computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in the Minnesota Municipal Planning Act, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.
- QQ.        **“Conditional Use”** - A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the restrictions and standards for that location or operation of such use as specified by this Chapter and authorized by the City.
- RR.        **“Condominium”** - A form of individual ownership within a building which entails joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.
- SS.        **“Conforming Building or Structure”** - Any building or structure which complies with all the regulations of this Chapter or any amendment thereto governing the zoning district in which such building or structure is located.
- TT. **“Construction Plan”** - The map or drawing accompanying a subdivision plat and illustrating the specific location and design of improvements to be installed in the subdivision in accordance with

engineering and City Code requirements of the City and as conditioned in the approval of the plat.

- UU.        **“Contour Map”** - A map on which irregularities of land surface are shown by lines connecting points of equal elevation. Contour interval is the vertical height between contour lines.
- VV.        **“Contractor’s Yard”** - An area where vehicles, equipment, and/or construction materials and supplies commonly used by building, excavation, roadway construction and similar contractors are stored or serviced. The contractor’s yard includes both areas of outdoor storage and areas confined within a completely enclosed building used in conjunction with a contractor’s business.
- WW.        **“Convalescent, Nursing and Rest Home”** - A home for aged, chronically ill, or convalescent persons in which two or more persons not of the immediate family are received, kept or provided with food, shelter and care of compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.
- XX.        **“Cooperative”** - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.
- YY.        **“Corner Lot”** - See Lot, Corner.
- ZZ. **“County Recorder”** - The County Recorder when referring to abstract or registered property under the Torrens system in Anoka County.
- AAA.       **“Covenant”** - A contract between two individuals which constitutes a restriction of a particular parcel of land.
- BBB.       **“Coverage”** - See Lot Coverage.
- CCC.       **“Cul-De-Sac”** - A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic.
- DDD.       **“Curb Level”** - The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation. When a building has frontage on more than one street, the lowest curb level as determined above shall apply.

- EEE.      **“Day Care Facility”** - Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person’s Own home, including but not limited to family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, pre-schools, daytime activity centers, day treatment programs and day services.
- FFF.      **“Deck”** - An above grade platform adjacent to or extending from a principal structure and not covered by a permanent roof.
- GGG.      **“Deflection”** - The angle between a line and the prolongation of the preceding line.
- HHH.      **“Density”** - A number expressing the relationship of the number of dwellings to an acre of land.
- III.      **“Developer”** - The owner of land proposed to be subdivided or his legal representative.
- JJJ.      **“Development”** - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.
- KKK.      **“Development Identification Sign”** - A permanent ground low profile sign which identifies a specific residential, industrial, commercial or office development and which is located on the premises of the development which it identifies.
- LLL.      **“District”** - See Zoning District.
- MMM.      **“Drive-In Use”** - An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.
- NNN.      **“Dwelling”** - A building or portion thereof designed or used exclusively for human habitation, including single family, two family, multiple family and townhouse dwellings, but not including hotels or motels.

- OOO. **“Dwelling, Attached”** - An attached dwelling is one which is joined to another dwelling or building at one or more sides by a party wall or walls.
- PPP. **“Dwelling, Detached”** - A detached dwelling is one which is entirely surrounded by open space on the same lot.
- QQQ. **“Dwelling Unit”** - One room, or rooms located in a dwelling which are connected together constituting a complete, separate, and independent housekeeping unit for owner occupancy, rental or lease, physically separated from any other room or dwelling unit which may be in the same structure, and containing independent cooking, sleeping and sanitary facilities, but not including hotels, motels, boarding or rooming houses, tourist homes, manufactured homes, travel trailers or tents.
- RRR. **“Dwelling, Single-Family”** - A detached building containing one dwelling unit designed for occupancy for one family.
- SSS. **“Dwelling, Two-Family”** - A detached dwelling containing two dwelling units, designed for occupancy by not more than two families.
- TTT. **“Dwelling, Multiple-Family or Apartment Building”** - A detached building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. Condominiums and cooperatively owned multiple residential dwellings are multiple-family dwellings for purposes of this Chapter.
- UUU. **“Easement”** - A limited ownership interest in land enabling the construction and maintenance of public services and utilities thereon including, but not limited to, sanitary sewers, water mains, electrical lines, telephone lines, storm sewer or storm drainage facilities, gas lines, and conservation and pedestrian trails.
- VVV. **“Efficiency Unit”** - A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.
- WWW. **“Escrow”** - A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.
- XXX. **“Essential Services”** - The erection, construction, alteration, or maintenance of underground, surface or overhead services such as but not limited to, electrical, communications, gas, steam, water and

sewerage transmission and collection systems, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

YYY. **“Exterior Storage”** - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

ZZZ. **“Extraction”** - The removal, filling with, or storage of rock, sand, gravel, clay, silt or other like material.

AAAA. **“Extraction Permit”** - A permit approved by and issued by the City, to remove, excavate, fill with, or store rock, sand, gravel, clay, silt or other like material.

BBBB. **“Facade”** - That portion of any exterior elevation of a building exposed to public view extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

CCCC. **“Family”** - Any number of individuals generally but not necessarily related by blood and marriage, living together at one location as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or rooming house, tourist home, hotel or motel.

DDDD. **“Feedlot”** - A confined area used for housing or feeding poultry or livestock where substantial amounts of animal waste will be generated, but not including barns or pens which are accessory uses incidental to a farming operation.

EEEE. **“Fence”** - A structure, partition or enclosure of wood, iron, metal, or other material enclosing or dividing a piece of land. For the purpose of this subdivision, a fence shall not include naturally growing shrubs, trees or other foliage.

FFFF. **“Fence Hazardous”** - Any barrier which exposes the general public to danger, chance, or risk of injury by the nature of its components such as barbed wire, sharpened metal or electrical charges.

GGGG. **“Fence Solid”** - A fence which provides a visual barrier between adjacent property and the area enclosed without openings in fencing material.

HHHH. **“Fill”** - Sand, gravel, earth or other material of any composition whatsoever placed or deposited by humans.

- IIII. **“Financial Institution”** - A commercial banking establishment or savings and loan association chartered by the State of Minnesota or the United States.
- JJJJ. **“Flood Fringe”** - That portion of the flood plain outside the floodway.
- KKKK. **“Flood Plain”** - The land adjacent to a body of water which has been or may be hereafter covered by flood water, including that land covered by the regional flood.
- LLLL. **“Flood, Regional”** - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.
- MMMM. **“Floodway”** - The minimum channel of a watercourse and those portions of the floodplain adjoining the channel that are reasonably required to discharge the regional flood.
- NNNN. **“Floor Area”** - The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include basement floor area, elevator shafts, and stairwells, at each floor, penthouses, attic space having headroom of seven feet or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to mechanical equipment, parking or loading shall not be included in the floor area. The floor area for enclosed space having a floor to ceiling height in excess of twenty (20) feet shall be computed on the basis that each fifteen (15) feet of height shall be equal to one floor for the purposes of computation.
- OOOO. **“Floor Area Ratio”** (F.A.R.) - The numerical value obtained by dividing the floor area of a building by the total size of the lot.
- PPPP. **“Foster Child”** - A foster child is one placed in a private home for care and maintenance by a parent, guardian, or a duly accredited and established public or private welfare agency.
- QQQQ. **“Front Lot Line”** - See Lot Line, Front.
- RRRR. **“Front Yard”** - See Yard, Front.

SSSS. **“Frontage”** - That boundary of a lot which abuts an existing or dedicated public street.

TTTT. **“Garage, Common”** – Multi unit garage for multiple dwellings.

UUUU. **“Garage, Private”** - A detached accessory building or portion of the principal building, including a carport, which is intended to be used primarily for storing passenger vehicle.

VVVV. **“Garage, Public”** - A building used for the storage or care of power driven vehicles, or where such vehicles are equipped for operation, repair, or kept for storage, hire or sale.

WWWW. **“Garden Center”** - A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold. These items may include plants, handicrafts, nursery products and stock, fertilizers, potting soil, hardware, lawn and garden power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

XXXX. **“Gazebo”** - An open pavilion, built as a freestanding structure and not intended for habitation.

YYYY. **“General Development Plan”** - A report in text and in map form with the map drawn to scale depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc., as related to a proposed development.

ZZZZ. **“Grade”** - Grade is an average level of the finished surface of the ground adjacent to the exterior walls of the building or structure, or the slope of a street, specified in percentage (%) terms.

AAAAA. **“Greenhouse”** - A structure used for the cultivation or protection of flowers, vegetables and nursery stock.

BBBBB. **“Health Services”** - Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

CCCCC. **“Home Occupation”** - See Section 11.60, Subd. 18.

DDDDD. **“Horticulture Use”** - The use of land for the growing or production of fruits, vegetables, flowers, nursery stock including plants, trees and cultured sod for income.

EEEE. **“Hospital”** - An institution providing persons with intensive medical or surgical care and devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

FFFF. **“Hotel”** - A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

GGGG. **“Impervious Surface”** - Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

HHHH. **“Individual Sewage Treatment System”** - A sewage treatment system or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and dispersal.

IIII. **“Industrial”** - See Manufacturing.

JJJJ. **“Junk Yard”** - An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and lumber. A junk yard includes an automobile wrecking or dismantling yard, but does not include uses established in conjunction with a permitted manufacturing process when within an enclosed area or building. The storage of unlicensed and/or inoperable motor vehicles for a period in excess of thirty (30) days shall also be considered a junk yard.

KKKK. **“Kennel, Commercial”** - Any place where a person, firm, or corporation accepts dogs, cats, or other common household pets from the general public and where such animals are kept for the purpose of selling, boarding, breeding, training, treating or grooming.

LLLL. **“Kennel, Private”** - Any place where more than two (2) dogs or cats over six months of age are kept or harbored, such animals being



owned by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored.

MMMMM. **“Key Map”** - A map drawn to comparatively small scale which definitely shows the area proposed to be platted or developed and the areas surround it to a given distance.

NNNNN. **“Land Reclamation”** - Depositing of clean fill materials so as to elevate the grade of said land.

OOOOO. **“Landscaping”** - The addition to a lot of lawns, trees, plants, and other natural and decorative features including walks, patios, gravel, and mulches.

PPPPP. **“Loading Space”** - That portion of a lot designed to serve the purpose of loading or unloading all types of vehicles.

QQQQQ. **“Lot”** - A separate parcel, tract, or area of land undivided by any public street or private road, which has been established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for and occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by this Chapter for such building, use or development.

RRRRR. **“Lot, Area”** - The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by public rights-of-way.

SSSSS. **“Lot, Corner”** - A lot abutting upon two (2) or more streets at their intersection, or upon two parts of the same Street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

TTTTT. **“Lot Coverage”** - That portion or percentage of a lot which may be covered by buildings or impervious surfaces.

UUUUU. **“Lot Depth”** - The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot lines. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

VVVVV. **“Lot, Double Frontage”** - An interior lot having frontage on two streets.

WWWWW. **“Lot Frontage”** - The boundary of a lot fronting on a public street.

XXXXX. **“Lot, Interior”** - A lot other than a corner lot.

YYYYY. **“Lot Line”** - A line of record bounding a lot which divides one lot from another lot or from a right-of-way or any other public space.

ZZZZZ. **“Lot Line, Front”** - The lot line separating a lot from a street right-of-way. In the case of a corner lot it shall be the boundary with the shortest dimension on the street. In the case of lots with more than two street frontages, the front lot line shall be the lot line having the legal street address.

AAAAA. **“Lot Line, Rear”** - The lot line which is parallel to and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line twenty (20) feet in length, entirely within lots, parallel to and at the maximum possible distance from the front lot line.

BBBBB. **“Lot Line, Side”** - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

CCCCC. **“Lot of Record”** - Any legally recorded lot which at the time of its recordation complied with all applicable laws, City Code provisions, and regulations.

DDDDD. **“Lot, Through”** - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. On a through lot, both street lot lines shall be deemed front lot lines. Same as double frontage lot.

EEEEEE. **“Lot Width”** - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

FFFFFF. **“Lot, Zoning”** - A zoning lot is a single tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a lot of record.

GGGGG. **“Manufactured Home”** - A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or

more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of Federal laws relating to manufactured homes and complies with the standards established pursuant to M.S. 327.31 - M.S. 327.35. A manufactured home is a dwelling.

HHHHHH. **“Manufacturing, Heavy”** - All manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use located. Such uses include, but are not limited to the following: sawmill, refineries, commercial feedlots, acid, cement, explosives, flour, seed, and grain milling or storage, meat packing, slaughter houses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of paris, tanneries, automobile parts, paper and paper products, glass chemicals, plastics, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junk yard, auto reduction yard, foundry, forge, casting of metal products, rock, stone, cement products.

IIIIII. **“Machine Shop”** – Fabricating of metal parts by milling, tooling or welding.

JJJJJJ. **“Manufacturing, Light”** - Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

KKKKKK. **“Medical Uses”** - Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services, or clinic, nursing or convalescent home, orphan homes, rest home, sanitarium.

LLLLLL. **“Metes and Bounds Description”** - A description of real property which is not described by reference to a lot or block shown on

a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property, or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

MMMMMM. **“Minerals”** - The nonmetallic materials found in the earth including, but not limited to, rock, sand, gravel, clay, silt and soil which may be covered by overburden.

NNNNNN. **“Mini-Warehouse”** - A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer’s goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises, and outdoor storage must be fully screened from public view at street level.

OOOOOO. **“Manufactured Home Park”** - A parcel of land so designated and improved with utilities, parking paths, walks and access roads to accommodate manufactured homes.

PPPPPP. **“Motel, Motor Court, Motor Hotel”** - An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single zoning lot and designed for use by transient automobile tourists, and furnishing customary hotel services.

QQQQQQ. **“Motor Freight Terminal”** - A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to trans-shipment.

RRRRRR. **“Motor Vehicle”** - Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

SSSSSS. **“Non-Conforming Lot”** - Any lot of record which does not comply with the minimum lot area, frontage, or depth requirements of the district in which it is located, as required by this Chapter.

TTTTTT. **“Non-Conforming Structure”** - Any building or structure which lawfully existed on the effective date of this Chapter, or any amendments thereto, which does not comply with the bulk, placement, land use intensity, or height regulations of the district in which it is located, as required by this Chapter.

UUUUUU. **“Non-Conforming Use”** - Any use of land, buildings, or structures lawfully existing on the effective date of this Chapter which use does not comply with all the regulations of this Chapter or any amendment hereto governing the zoning district in which such use is located.

VVVVVV. **“Noxious Water or Material”** - Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

WWWWWW. **“Nursery”** - An enterprise which conducts the retail and wholesale of plants grown on the site, as well as accessory items (but not including power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance.

XXXXXX. **“Odorous Matter”** - Any material or matter that yields an odor which is offensive in any way.

YYYYYY. **“Office”** - Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, professional offices, governmental offices, insurance office, real estate office, travel agency or transportation ticket office, telephone exchange, utility office, radio broadcasting and similar uses.

ZZZZZZ. **“Official Zoning Map”** - The map or maps which are a part of this Chapter and delineate the boundaries of the zoning districts.

AAAAAA. **“On-Site”** - Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

BBBBBB. **“Open Space”** - Any open area not covered by structure or paving.

CCCCCC. **“Ordinary High Water Mark”** - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

DDDDDD. **“Outdoor Storage”** - The storage of any goods, junk, equipment, wood, trailers, material, merchandise, supplies or vehicles not fully enclosed in a building for more than twenty-four hours.

- EEEEEEEE.        **“Outlot”** - A platted lot to be developed for a use which will not involve a building.
- FFFFFFF.         **“Overburden”** - Those materials which lie between the surface of the earth and the material to be excavated.
- GGGGGGG.        **“Owner”** - The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.
- HHHHHHH.        **“Parking Space”** - A suitable surfaced and permanently maintained area on property either within or outside of a building of sufficient size to store one standard automobile.
- IIIIIII.         **“Patio”** - A level, hard surfaced area adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.
- JJJJJJJ.         **“Peddler”** - Any person corporation who engages temporarily in the business of selling and delivery of goods, wares or merchandise within the City and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer or railroad car.
- KKKKKKK.        **“Pedestrian Way”** - A public pedestrian walkway provided between lots where required by the City to allow for pedestrian accessibility to streets or public service areas. This may also be referred to as a trailway.
- LLLLLLL.         **“Performance Bond”** - A bond granted by the person(s) platting property to the City to guarantee the installation of improvements required in this Chapter.
- MMMMMMM.        **“Performance Guarantee”** - A financial guarantee to insure that all improvements, facilities, or work required by this Chapter will be completed in compliance with this Chapter, regulations, and the approved plans and specifications of a development.
- NNNNNNN.        **“Performance Standard”** - A criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, or other nuisance elements which a particular use, property, or process may not exceed.
- OOOOOOO.        **“Permitted Use”** - Any principal use allowed in a zoning district as a property right without the special conditions required for a

conditional use, but subject to the minimum requirements and restrictions established in this Chapter for that zoning district.

PPPPPPP.       **“Plat”** - A map or drawing which graphically delineates the boundary of and layout for streets, lots, and easements for a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505.

QQQQQQQ.       **“Plat, Preliminary”** - The preliminary map, drawing or plan indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Council for their consideration.

RRRRRRR.       **“Plat, Final”** - The final map, drawing or plan on which the sub divider’s plan of subdivision is presented to the Council for approval and which, if approved, will be submitted to the County Recorder.

SSSSSSS.       **“Platting Authority”** - The City Council.

TTTTTTT.       **“Premises”** - A lot, parcel, tract or plot of land together with the building and structures thereon.

UUUUUUU.       **“Principal Building”** - See Building, Principal.

VVVVVVV.       **“Principal Use”** - See Use, Principal.

WWWWWWW.     **“Prohibited Use”** - A use that is not permitted in a zoning district under any circumstances.

XXXXXXX.       **“Property Line”** - See Lot Line.

YYYYYYY.       **“Processing”** - The crushing, washing, compounding or treating of rock, sand, gravel, clay, silt or other like material.

ZZZZZZZ.       **“Protective Covenants”** - Contracts entered into between private parties that constitute a restriction on the use of all private property within the platted area, and provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

AAAAAAA.       **“Public Land or Building”** - Land or building owned and/or operated by a governmental unit.

BBBBBBB.       **“Publication”** - An official notice as prescribed by State Statutes in a newspaper so designated for this purpose by the Council.

CCCCCCCC. **“Rear Lot”** - See Lot Line, Rear.

DDDDDDDD. **“Rear Yard”** - See Yard, Rear.

EEEEEEEE. **“Recreation, Commercial”** - Includes all uses such as bowling alleys, driving ranges and movie theaters, that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

FFFFFFF. **“Recreation, Public”** - Includes all uses such as tennis courts, ball fields, picnic areas, and the like, that are commonly provided for the public at parks, playgrounds, community centers, and other sites, owned and operated by a unit of government for the purpose of providing recreation.

GGGGGGGG. **“Recreational Vehicle”** - A vehicle or vehicular unit which can be driven or which can be towed or hauled, and which is primarily designed as a temporary living accommodations for recreational camping and travel use. Recreational vehicles include travel trailers, camping trailers, truck campers, and self-propelled motor homes.

HHHHHHHH. **“Registered Land Survey”** - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into tract or tracts of registered land survey number.

IIIIIII. **“Rehabilitation”** - To renew land or buildings to a self-sustaining, long-term use which is compatible with contiguous land uses in accordance with the standards set forth in this Chapter.

JJJJJJJ. **“Replat”** - The platting of an area that was previously platted.

KKKKKKKK. **“Research Laboratory”** - A research laboratory building, or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LLLLLLLL. **“Residential Facility”** - Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with a twenty-four hour per day (24 hr./day) substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person’s own home, including but not limited to, state institutions under the control of the commissioner of public welfare, foster homes,



residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children.

MMMMMMMM. **“Restaurant, Fast Food”** - An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders; and whose principal method of operation includes the following characteristics (a) food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers; (b) the customer is not served food at his table by an employee, but receives it at a counter, window, or similar facility and carries it to another location on or off the premises for consumption.

NNNNNNNN. **“Restaurant, Standard”** - An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

OOOOOOOO. **“Right-of-Way”** - A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or presently occupied by a road, pedestrian walk, railroad, electric transmission lines, oil or gas pipeline, sewer and water lines, and other similar uses.

PPPPPPPP. **“Right-of-Way Lines”** - The lines that form the boundaries of a right-of-way.

QQQQQQQQ. **“Salvage Yard”** - See Junk Yard.

RRRRRRRR. **“Setback”** - The minimum horizontal distance between a structure and the nearest property line or roadway easement line; and, within shore land areas, it shall also mean the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark.

SSSSSSSS. **“Sewage”** - Any water-carried domestic wastes, exclusive of footing and roof drainage, from any industrial, agricultural or commercial establishment, or any dwelling or other structure. Domestic waste includes, but is not limited to, liquid waste produced by bathing, laundry, culinary operations, and liquid wastes from toilets and

floor drains. Domestic waste specifically excludes animal waste and commercial process wastes.

TTTTTTTT. **“Shopping Center”** - An integrated group of commercial establishments planned, developed, and managed as a unit, with off-street parking facilities provided on-site.

UUUUUUUU. **“Shore Land”** - Land located within the following distances from public waters: 1,000 feet from the normal high water mark of a lake, pond or flowage; and 300 feet from a river or stream or the landward extend of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shore lands may be less than the statutory limits whenever the waters involved by bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

VVVVVVVV. **“Side Lot Line”** - See Lot Line, Side.

WWWWWWWW. **“Side Yard”** - See Yard, Side.

XXXXXXXX. **“Sign”** - Any object, device, display, or structure, or part thereof situated outdoors, or visible through a window or door, which is used to advertise, announce, identify, display, direct or attract attention to an object, person, institution, organization, business, commodity, product, service, event or location, by means, including words, letters, figures, design, symbols, fixtures, pictures, illumination or projected images.

YYYYYYYY. **“Sign, Address”** - any signs which identify the property number or numerical address of the premises on which the sign is located.

ZZZZZZZZ. **“Sign, Advertising”** - Any sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such a sign is located.

AAAAAAAA. **“Sign, Alteration”** - Any change, reconstruction, relocation, or enlargement of a sign, or of any of its component parts. Routine maintenance, the changing of movable parts of signs which are designed for such changes, and the repainting of sign copy and display matter shall not be deemed to be an alteration within the context of this Chapter.

BBBBBBBBB. **“Sign, Area Identification”** - A free standing sign which identifies a specific residential subdivision development, whether single-family or multifamily, or an office and industrial park. Area identification signs shall be located on the same premises as the development which it identifies.

CCCCCCCCC. **“Sign, Billboard”** - See Sign, Advertising.

DDDDDDDDD. **“Sign, Bulletin Board”** - A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

EEEEEEEEEE. **“Sign, Business”** - A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

FFFFFFFFF. **“Sign, Business Directory”** - A sign which identifies the names of specific businesses located in a shopping center and which is located on the premises of the shopping center so identified.

GGGGGGGGG. **“Sign, Campaign”** - A temporary sign announcing, promoting, or supporting political candidates or issues in connection with any national, state, or local election.

HHHHHHHHH. **“Sign, Canopy or Marquee”** - A sign which is mounted, painted on, or attached to any projection or extension of a building that is designed in such a manner as to provide shelter or cover over the approach to any entrance of the building.

IIIIIIIII. **“Sign, Construction”** - A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the situation or project.

JJJJJJJJJ. **“Sign, Directional”** - A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pick-up and delivery areas.

KKKKKKKKK. **“Sign Display Area”** - The area within a single continuous perimeter enclosing the extreme limits of the actual sign message surface, but excluding any structural elements outside the limits of each sign not forming an integral part of the sign. The stipulated maximum sign display area for a sign refers to a single facing.

LLLLLLLLL. **“Sign, Flashing”** - Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

MMMMMMMMM. **“Sign, Free Standing”** - Any non-movable sign not affixed to a building.

NNNNNNNNN. **“Sign, Governmental”** - A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, City Code provision or other governmental regulation.

OOOOOOOOO. **“Sign, Ground”** - Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

PPPPPPPPP. **“Sign, Ground Low Profile Business”** - A business sign affixed directly to the ground, with the sign display area not greater than two (2) feet above the ground.

QQQQQQQQQ. **“Sign Height”** - The vertical distance measured from the ground surface at the base of the sign to the top of the sign.

RRRRRRRRR. **“Sign, Holiday Decoration”** - Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

SSSSSSSSS. **“Sign, Home Occupation”** - A sign containing only the name and occupation of a permitted home occupation.

TTTTTTTTT. **“Sign, Illuminated”** - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

UUUUUUUUU. **“Sign, Institutional”** - A sign which identifies the name and other characteristics of a public or private institution of the site where the sign is located.

VVVVVVVVV. **“Sign, Motion”** - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

WWWWWWWWW. **“Sign, Nameplate”** - A sign, located on the premises, which bears the name and/or address of the occupant of the building or premises.

XXXXXXXXXX. **“Sign, Pole or Pylon”** - A free standing sign erected upon a pole, post or other similar support so that the bottom edge of the sign display area is eight (8) feet or more above the ground elevation at the base of the sign.

YYYYYYYYY. **“Sign, Portable”** - A sign designed so as to be movable from one location to another, and that is not permanently affixed to a building, structure, or the ground.

ZZZZZZZZZ. **“Sign, Private Sale or Event”** - A temporary sign advertising private sales or personal property such as “house sales”, “Garage sales”, and the like or private not—for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.

AAAAAAAAA. **“Sign, Projecting”** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

BBBBBBBBB. **“Sign, Real Estate”** - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

CCCCCCCCC. **“Sign, Roof”** - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

DDDDDDDDD. **“Sign, Rotating”** - A sign which revolves or rotates on its axis by mechanical means.

EEEEEEEEEE. **“Sign, Surface Area Of”** - The entire area with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and nor forming an integral part of the display. Only one side of a double-faced or V-type sign structure shall be used in computing total surface area.

FFFFFFFFFF. **“Sign, Temporary”** - A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

GGGGGGGGGG. **“Sign, Wall”** - A sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the face of the wall, and which does not project more than 12 inches from such building or structure.

HHHHHHHHHH. **“Site”** - Any lot or parcel of land or combination of contiguous lots or parcels of land.

IIIIIIIIII. **“Site Plan”** - The development plan, drawn to scale, for one or more lots on which is shown the existing and proposed conditions of the lots.

JJJJJJJJJJ. **“Sketch Plan”** - An informal layout of the proposed subdivision including preliminary topographic data, location of existing structures, requested zoning changes, relationship to existing community facilities and relationship to existing surrounding land use.

KKKKKKKKKK. **“Solar Access Space”** - That air space above all lots within the district necessary to prevent any improvement or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast by a hypothetical vertical wall ten feet high located along the property lines of said lots between the hours of 9:30 A.M.-2:30 P.M. central standard time on December 21, provided, however, this Chapter shall not apply to any improvement or tree which casts a shadow upon a solar device at the time of installation of said device, or to vegetation existing at the time of installation of said solar device.

LLLLLLLLLL. **“Solar Collector”** - A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure’s energy supply.

MMMMMMMMMM. **“Solar Energy”** - Radiant energy direct, diffused, and reflected which is received from the sun.

NNNNNNNNNN. **“Solar Energy System”** - A complete design or assembly consisting of a solar energy collector, and energy storage facility and components to the distribution of transformed energy. To qualify as a solar energy system, the system must be permanently located for not less than 90 days in any calendar year beginning with

the first calendar year after completion of construction. Paths of solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.

OOOOOOOOOO. **“Solar Sky Space”** - The space between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the cost effective operation.

PPPPPPPPPP. **“Solar Sky Space Easement”** - A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instruments executed by or on the behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three dimension space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.

QQQQQQQQQQ. **“Solar Structure”** - A structure designed to utilize solar energy as an alternative for, or supplemental to, a conventional energy system.

RRRRRRRRRR. **“Specialty Food Store”** - A retail store specializing in a specific type of class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet and similar foods.

SSSSSSSSSS. **“Story”** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

TTTTTTTTTT. **“Streets and Alleys”:**

- 1) **“Street”** - A public right-of-way accepted or a private right-of-way approved pursuant to the requirements of the City, by public authority which provides a legal primary means of public access to abutting property. The term “street” shall include a highway, thoroughfare, arterial, parkway, collector, avenue, drive, circle, road, boulevard or any other similar term describing an entity complying with the preceding requirements.
- 2) **“Collector Street”** - A street which carries traffic from minor streets to arterials.

- 3) **“Cul-De-Sac”** - A minor street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.
- 4) **“Marginal Access Street”** - A minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
- 5) **“Minor Street”** - A street of limited continuity which is used primarily for access to abutting properties.
- 6) **“Alley”** - A public right-of-way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
- 7) **“Private Street”** - A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- 8) **“Arterial Street”** - A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the City or County and beyond.

UUUUUUUUUU. **“Street Frontage”** - That portion of a parcel of land abutting one or more public streets. An interior lot has one (1) street frontage and a corner lot has two (2) street frontages.

VVVVVVVVVV. **“Street Width”** - The shortest distance between the lines delineating the right-of-way of a street.

WWWWWWWWWWW. **“Structure”** - Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

XXXXXXXXXXX. **“Subdivider”** - Any person commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

YYYYYYYYYYY. **“Subdivision”** - The separation of any area, parcel, or tract or land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:



- 1) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- 2) Creating cemetery lots;
- 3) Resulting from Court orders or the adjustment of a lot line by the relocation of a common boundary.

ZZZZZZZZZZ. **“Subdivision, Major”** - A subdivision involving the creation of four (4) or more parcels, tracts, or lots.

AAAAAAAAAAAA. **“Subdivision, Minor”** - A subdivision involving the creation of not more than three (3) parcels, tracts, or lots and the dedication of public utility and street easements is not involved.

BBBBBBBBBBBB. **“Tangent”** - A straight line; also a straight line projected from the end of a curve, which is perpendicular to a line in the curve drawn from the radius point to the end of the curve.

CCCCCCCCCCCC. **“Temporary Structure”** - A structure without any foundation or footings and which shall be removed when the designated time period, activity, or use for which temporary structure was erected has ceased.

DDDDDDDDDDDD. **“Temporary Use”** - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

EEEEEEEEEEEE. **“Top Soil”** - That portion of the overburden which lies closest to the surface of the earth and which supports the growth of vegetation.

FFFFFFFFFFFF. **“Townhouse”** - A single family attached residence building consisting of three or more dwelling units having the first story at the ground level with no separate dwelling units directly above or below and with each dwelling unit separated from the adjoining unit by a fire resistant wall or walls with no openings and extending from the basement to the roof.

GGGGGGGGGGG. **“Toxic Matter or Material”** - Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

HHHHHHHHHH.      **“Trailer, Temporary”** - A trailer or manufactured home used for no more than six months as an office for the display or sale of real estate, or major durable goods or as a temporary form of residential dwelling on lot on which a house is being constructed. Temporary trailers may be used in any district only following the receipt of a conditional use permit.

IIIIIIIIII.      **“Trailer, Travel”** - A vehicle or movable structure which is designed, intended or used for temporary human habitation during recreational or vacation activities. The term includes, without limitation, recreational vehicles, campers, camper trailers and tents, and house travel and tent trailers, but does not include manufactured homes.

JJJJJJJJJJ.      **“Travel Trailer Court”** - A park, court, campsite or lot, tract, or parcel of land maintained or intended for the purpose of providing temporary location or accommodation for travel trailers, provided that parcels or lots used for the inspection and sale of such trailers are not trailer courts.

KKKKKKKKKK.      **“Truck Terminal”** - Any use, area, or building where cargo, trucks, truck parts, loading equipment, etc., is stored and/or where trucks load and unload on a regular basis.

LLLLLLLLLLLL.      **“Two Family Home”** - A structure on a single lot containing two dwelling units, each of which is totally separate from the other except for a common stairwell exterior to both units.

MMMMMMMMMM.      **“Use”** - The purpose or activity for which land, buildings, or structures are designed, arranged, or intended, or for which land, buildings, or structures are occupied or maintained.

NNNNNNNNNN.      **“Use, Permitted”** - See Permitted Use.

OOOOOOOOOO.      **“Use, Principal”** - The primary or predominant use of any lot.

PPPPPPPPPP.      **“Variance”** - A modification or variation of the provisions of this Chapter as applied to a specific piece of property, except that modification of the allowable uses within a district shall not be considered a variance.

QQQQQQQQQQ.      **“Vet Clinic”** - A facility whose function is the medical and surgical treatment of animals, including grooming, on an out-patient basis.

RRRRRRRRRRR.       **“Warehousing”** - The commercial storage of merchandise and personal property.

SSSSSSSSSSSS.       **“Wetland”** - Land which is annually subject to periodic or continuing inundation by water and commonly referred to as a bog, swamp, or marsh.

TTTTTTTTTTTT.       **“Wholesale Trade”** - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

UUUUUUUUUUUU.       **“Windmill”** - A mechanism operated by the wind's rotation of sails or vanes radiating from a shaft; used as a source of energy.

VVVVVVVVVVVV.       **“Yard”** - Any open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Chapter.

WWWWWWWWWWW.       **“Yard, Front”** - A yard extending across the full width of the lot between any building and the front lot line, and measured perpendicular to the building from the closest point of the building to the front lot line.

XXXXXXXXXXXX.       **“Yard, Rear”** - A yard extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building from the closest point of the building to the rear lot line.

YYYYYYYYYYYY.       **“Yard, Side”** - A yard extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular to the building from the closest point of the building to the side lot line.

ZZZZZZZZZZZZ.       **“Zero Lot Line”** - A property line forming a common boundary of two dwellings or commercial units, or combinations thereof, not required to provide building setbacks along said boundary.

AAAAAAAAAAAA.       **“Zoning Administrator”** - The officer charged with the administration enforcement of this Chapter.

BBBBBBBBBBBB. **“Zoning Amendment”** - A change authorized by the City, either in the allowed use within a district, or in the boundaries of a district.

CCCCCCCCCCCC. **“Zoning District”** - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

DDDDDDDDDDDD. **“Zoning Map”** - The map or maps incorporated into this Chapter as a part thereof, designating the zoning district.

**SECTION 11.03. DEADLINE FOR ACTIONS.** The City will comply with statutory requirements for a timely review of all zoning actions. Within 60 days of receipt of a completed application the City will approve or deny the zoning action or the City will notify the applicant of the zoning action in writing within 60 days of the completed application of the need to extend the action period for another 60 days. In the event a zoning action is contingent upon another action, each action shall constitute an independent action and review timeframe. For example, action on the review of a development proposal which requires a rezoning may be postponed or suspended until the rezoning review and action is completed. For purposes of this section, a zoning action includes but is not limited to a site plan review, zoning ordinance amendment, conditional use permit, variance, comprehensive plan amendment and other permit review. The City has ten business days after the receipt of an application to determine whether the application is complete. The 60-day review does not begin until the application is determined complete by the City or the initial 10-day application review period expires.

**SECTIONS 11.04 THROUGH 11.09, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.**

**SECTION 11.10. GENERAL PROVISIONS.**

**Subd. 1. Application of this Chapter.**

- A. In their interpretation and application<sup>1</sup> the provisions of this Chapter shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.
- B. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, City Code provision, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. From and after the effective date of this Chapter, the use of all land and every building or portion of a building erected, altered in respect to height and area,

added to, or relocated, and every use within a building or use accessory thereto, in the City shall be in conformity with the provisions of this Chapter. Any existing building or structure and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as non-conforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.

**Subd. 2. Private Agreements.** This Chapter does not abrogate any easement, covenant, or any other private agreement which are not legally enforceable, provided that where the regulations of this Chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern.

**Subd. 3. Separability.** It is hereby declared to be the intention that the provisions of this Chapter are separable in accordance with the following:

- A. If any Court of competent jurisdiction shall adjudge any provisions of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said statement.
- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to be a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

**Subd. 4. Accessory Buildings, Structures, Uses.**

- A. No accessory building or use shall be constructed or use developed on a lot prior to obtaining a building permit for the principal building or use to which it is accessory.
- B. A detached accessory building shall not be located in any required front yard.
- C. All accessory buildings and uses shall comply with the regulations of the zoning district in which they are located.
- D. Accessory buildings shall be located behind the building setback line as herein regulated, subject to the building code, and fire zone regulations.
- E. Unless otherwise herein specified, no accessory building shall exceed the height of the principal building.
- F. No private garage used or intended for the storage of passenger automobiles shall exceed the square footage of the main floor of the principal structure.

- G. A detached accessory building, except garages, shall occupy not more than thirty (30) percent of the area of the main floor of the principal structure.
- H. All accessory buildings in residential districts shall be constructed with materials and to a design which conforms to neighborhood architecture.
- I. All accessory buildings in residential districts shall have a setback of ten (10) feet from the principal structure without fire wall construction and three (3) feet from the principal structure with fire wall construction.

**Subd. 5. Non-Conforming Uses.**

- A. Non-Conforming Buildings and Uses. Except as hereinafter provided, the non-conforming use of any structure, building and/or land, shall not be extended or enlarged. Buildings found to be non-conforming only by reason of height, yard or area requirements do not have to be discontinued but any enlargements must meet the requirements of this Chapter.
- B. Non-Conforming Signs.
  - 1) Signs which are non-conforming uses shall be discontinued following a reasonable period for amortization of the sign. The period of amortization for signs shall be not more than:
  - 2) Advertising Signs - Three (3) years from the date the nonconformity began.
  - 3) Business Signs - Three (3) years from the date the non-conformity began.
  - 4) Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the effective date of this Chapter. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
  - 5) No sign erected before the effective date of this Chapter shall be rebuilt, altered or removed to a new location without being brought into compliance with the requirements of this Chapter.
- C. Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Chapter provided that it fronts on a public right-of-way and provided,

further, that the width and area measurements are at least seventy-five percent (75%) of the minimum requirements of this Chapter. Yard dimensions and other requirements for the lot shall conform to regulations for the district unless a variance is granted. If two or more lots or combinations of lots and portions of lots with contiguous street frontage in single ownership are of record on the effective date of this Chapter, and if all or part of the lots do not meet with width and area requirements of this Chapter for lots in the district, the contiguous lots shall be considered to be an undivided parcel for the purpose of this Chapter and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements of this Chapter, nor shall the parcel be so divided that any remaining lot does not comply with such requirements.

D. Phasing Out of Certain Non-Conforming Uses. The following non-conforming uses of buildings, structures or land may be continued for a period no longer than one (1) year from the effective date of this Chapter<sup>1</sup> or any amendment hereto which causes the use to be nonconforming:

- 1) Any non-conforming use with a building or structure having an assessed valuation of Two Thousand Dollars (\$2,000.00) or less on the effective date of this Chapter or amendment.
- 2) Any non-conforming use of land where no enclosed building is involved or where the only buildings involved having an assessed valuation of \$2,000.00 or less are accessory or incidental to such use or where such use is maintained in connection with a non-conforming building.

E. Non-Conforming Junk Yards. No junk yard may continue as a non-conforming use for more than one (1) year after the effective date of this Chapter, except that a junk yard may continue as a non-conforming use in an Industrial District if, within that period, it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the junk yard. Plans of such a building or device shall be approved by the Planning Commission and the Council before it is erected or put into place.

F. Discontinuance.

- 1) In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of six (6) months, the use of the same shall therefore conform to the regulations of the district in which it is located.
- 2) In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or leaser at the request of the Council.

- G. Alterations. The lawful use of a building existing on the effective date of this Chapter may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification and/or use which would be defined as a use which is more in conformance with the intended land use of the area. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed into a less restricted use.
- H. Residential Alterations. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units; provided, however, that they do not increase the number of dwelling units in the building.
- I. Restoration. No non-conforming building or structure, except single-family dwellings in any residential district, which has been damaged by fire, explosion, flood, act of God or other calamity to the extent of more than fifty percent (50%) of its assessed market value, as determined by the City Assessor, shall be restored to what was previously existing or in conformity with the regulations of this Chapter. A non-conforming building or structure which is damaged to a lesser degree may be restored and its previous use continued or resumed provided that the restoration is completed within one (1) year following its damage and no enlargement of the structure or increase in the intensity of use occurs.
- J. Normal Maintenance. Maintenance of a building or other structure containing or used by a nonconforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Chapter shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building and Zoning Administrator.
- K. Issued Permits. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of this Chapter; provided, however, that the entire building shall be completed according to such plans as filed within twelve (12) months from the date of issuance of said permit.
- L. Status of Variances or Conditional Use Permits. If a conditional use permit or a variance has been granted as provided in this Chapter, it shall not be deemed a non-conformity, but shall without further action be deemed permitted in such district.



- M. Non-Conformities Created by Amendment. When a non-conformity in a structure or use of land or a structure is created by an amendment to this Chapter, the rights granted by this Section to the continuance of non-conformities and to the termination and amortization apply to such non-conformities existing on the date of the amendment.
- N. Annual Inspection. The Zoning Administrator shall submit an annual report to the Planning Commission on the status of all known non-conforming buildings, uses, and signs.

**SECTIONS 11.11 THROUGH 11.19, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.**

**SECTION 11.20. ADMINISTRATION**

**Subd. 1. Enforcing Officer.** The Clerk shall serve as the Zoning Administrator. The Zoning Administrator shall enforce this Chapter and shall perform the following duties:

- A. Issue building and other permits upon review and approval of the Building Inspector to ensure compliance with the building code, and make and maintain records thereof.
- B. Insure that the Building Inspector conducts inspections of buildings and use of land to determine compliance with the terms of this Chapter.
- C. Maintain permanent and current records of this Chapter, including, but not limited to: all maps, amendments, and conditional uses, variances, appeals and applications therefore.
- D. Receive, files, and forwards all applications for appeals, variances, conditional uses or other matters to the designated official bodies.

**Subd. 2. Planning and Zoning Commission.**

- A. There is hereby established for the City, a Planning and Zoning Commission which may be known as the "Planning and Zoning Commission", "Planning Commission", "Zoning Commission", or "Commission".
- B. Establishment and Composition" The commission shall be composed of (5) members appointed by the Council from among the residents of the City who shall serve staggered three year terms. In addition, one member from the Council and one member from the City administrative staff may be appointed Ex-Officio.

- C. Terms of office for members other than Ex-officio shall be for three years, except that three members shall initially serve a term of two years, and, thereafter, all members shall serve the prescribed three-year term. Terms shall expire on the last day of the year. Ex-officio members shall be appointed for annual terms, provided that membership on the Commission shall terminate with the office from which Ex-officio membership is derived; to serve during the pleasure of the Council or as may otherwise be appropriate.
- D. Members other than Ex-officio shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general interest. If any person appointed shall find that his private or personal interests are involved in any matter coming before the Commission, he shall disqualify himself from taking part in action on the matter, or he may be disqualified by the Chairperson of the Commission.
- E. Any member of the Commission may be removed from office for just cause and on written charges by a two-thirds vote of the entire Council, but such member shall be entitled to a public hearing before such vote is taken. In addition, any member may be removed for non-attendance at Planning Commission meetings without action of the Council, according to the rules adopted by the Commission and approved by the Council.
- F. It shall be the duty of the Chairperson of the Commission to notify the City Manager promptly of any vacancies occurring in membership, The City Manager shall coordinate activities of the Commission toward filling the vacancy, including recruiting, interviewing and recommending candidates. Whenever possible appointments to the Planning and Zoning Commission should be made and confirmed within (30) days.\*
- G. The Planning Commission is an advisory board to the City Council and Board of Appeals and Adjustments. The Planning Commission shall review, hold public hearings, and make recommendations through the City Manager or designee to the City Council and the Board of Appeals and Adjustments where applicable, on all applications for zoning amendments, conditional use permits, and variances, using the criteria set down in Subd. 4A, 5A and 6A of this section. The Planning Commission shall also prepare and recommend a comprehensive plan for the development of the City, study and make recommendations to the Council, through the City Manager or designee as regards to carrying out and maintaining the comprehensive plan and regulations thereto. The Commission shall prepare and recommend to the proper officials of the City, needed capital improvements consistent with the comprehensive plan for the City. The Commission with the assistance of City staff shall conduct hearings, study, and recommend to the City Council, a zoning code and such amendments thereto as may, from time to time, be proposed.\*

- H. All written communications, from or through the Planning Commission will be routed through City staff. City staff will prepare minutes of Planning Commission meetings and all outgoing communications.\*

**Subd. 3. Board of Appeals and Adjustments.**

- A. The City Council shall serve as the Board of Appeals and Adjustments. City Council Ex-officio to the Planning Commission shall serve as Chairperson of the Board of Appeals and Adjustments.
- B. Appeals to the Board of Appeals and Adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The Board of Appeals and Adjustments has the following powers with respect to the zoning ordinance:
  - 1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
  - 2) Rules for hearings before the Board of Appeals and adjustments can be found under City of Lexington Resolution 02 – 11.

**Subd. 4. Zoning Amendments.**

- A. Criteria for Granting Zoning Amendments. The Council may adopt amendments to this Chapter by a 4/5 vote relative to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the comprehensive plan or changes in conditions in the City.
- B. Kinds of Amendments.
  - 1) A change in the District Boundaries.
  - 2) A change in a districts uses and regulations.
  - 3) A change in any other provisions of this Chapter.
- C. Initiation of Proceedings. Proceedings for amending this Chapter shall be initiated by at least one of the following three methods:
  - 1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.

- 2) By recommendation of the Planning Commission.
  - 3) By action of the Council.
- D. Required Exhibits for Rezoning or District Regulations Changes.
- 1) Abstracters property certificate showing property owners names and addresses within 350 feet of the outer boundaries of the property in question.
  - 2) A boundary line survey.
  - 3) A general development plan showing the potential development of the property, indicating proposed streets, buildings, drainage, and landscaping.
- E. Procedure. The procedure for a property owner to initiate a rezoning or district regulation change is:
- 1) The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, obtain procedures, and an application form.
  - 2) The applicant shall file the completed application form together with the required exhibits and fee with the City Clerk/Zoning Administrator. All applications for rezoning shall be received in the City Office no later than thirty (30) days prior to a Planning Commission meeting. If the City Clerk/Zoning Administrator shall determine that the application form is not complete, the City Clerk/Zoning Administrator shall, within ten (10) days of receipt of the application, send the applicant notice of the deficiency, and such notice shall state in writing the information which needs to be supplied.
  - 3) The Zoning Administrator shall transmit the application and the required exhibits to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question.
  - 4) The Zoning Administrator shall set the date for the public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. The Council may waive the mailed notice requirements for a City-wide amendment to this Chapter initiated by the Planning Commission or Council.
  - 5) The Planning and Zoning Commission shall hold the public hearing and shall recommend, to the City Council for their consideration, within thirty

(30) days of the public hearing, one of three actions approval, denial, or conditional approval.

- 6) The Planning and Zoning Commission shall transmit its recommendation to the Council for the Council's official action upon the application within sixty (60) days after receipt of exhibits and fees by the City Clerk/Zoning Administrator of the completed application. If the additional information is requested by the Planning and Zoning Commission or Council, the City may extend the sixty (60) day period by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and the anticipated length of the extension, which may not exceed sixty (60) days unless approved by the applicant. In the event the application is denied, the Council shall state in writing the reasons for the denial.
- 7) No re-application of a property owner for an amendment to the text of this Chapter shall be considered by the Planning Commission within a one (1) year period following a denial of such request, except that the opinion of the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

#### **Subd. 5. Conditional Use Permits.**

- A. Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable:
  - 1) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City;
  - 2) The use will be harmonious with the general and applicable specific objectives of the comprehensive plan of the City and this Chapter;
  - 3) The use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential the essential character of that area;
  - 4) The use will not be hazardous or disturbing to existing or future neighboring uses;

- 5) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use;
  - 6) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
  - 7) The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors;
  - 8) The use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public streets;
  - 9) The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
  - 10) The use will conform to specific standards of this Chapter applicable to the particular use.
- B. Additional Conditions. In permitting a new conditional use or the alteration of an existing conditional use, the Council may impose, in addition to these standards and requirements expressly specified by this Chapter, additional conditions which the Council considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following:
- 1) Increasing the required lot size or yard dimension.
  - 2) Limiting the height, size or location of buildings.
  - 3) Controlling the location and number of vehicle access points.
  - 4) Increasing the street width.
  - 5) Increasing the number of required of f street parking spaces.
  - 6) Limiting the number, size, location or lighting of signs.
  - 7) Requiring additional compatible fencing, screening landscaping or other facilities to protect and buffer adjacent or nearby property.

- 8) Designating sites for open space.
- C. The Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and condition made by the Council; time limits, review dates, and other information as may be appropriate.
- D. Required Exhibits for a Conditional Use Permit. The following exhibits shall be required:
- 1) Abstract or certificate showing property owner's names and addresses within 350 feet of the outer boundaries of the property in question.
  - 2) A boundary line survey.
  - 3) A general development plan showing the potential development of the property, including proposed streets, buildings, landscaping, and drainage.
- E. Procedure. The procedure for applying for a conditional use permit is as follows:
- 1) The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, learn the procedures, and obtain an application form.
  - 2) The applicant shall file the completed application form together with the required exhibits and fees with the City Clerk/Zoning Administrator. All applicants for a conditional use permit must be received thirty (30) days prior to a Planning and Zoning Commission meeting. If the City Clerk/Zoning Administrator shall determine that the application form is not complete the City Clerk/Zoning Administrator shall, within ten (10) days or receipt of the application, send the applicant notice of the deficiency and such notice shall state in writing the information which need to be supplied.
  - 3) The Zoning Administrator shall set the date for a public hearing and shall give notice of such hearing published at least once in the legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.
  - 4) The Zoning Administrator shall transmit the application to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the nature of the request, time and place and of the hearing.

- 5) The Planning Commission shall hold the public hearing and shall then study the application to determine possible adverse effects of the proposed special use and to determine what additional requirements may be necessary to reduce such adverse effects and recommend one or the three actions - approval, denial, or conditional approval.
- 6) The Planning and Zoning Commission shall transmit, within thirty (30) days of the public hearing; make its recommendation to the Council for the Council's official action.
- 7) The Council shall take appropriate action on the request for conditional use permit within sixty (60) days of receipt of the original application by the City Clerk/Zoning Administrator. If additional information is requested by the Planning and Zoning Commission or Council the City may extend the sixty (60) day period by providing written notice of the extension and the anticipated length of the extension, which may not exceed sixty (60) days unless approved by the applicant. In the event the application is denied, the Council shall state in writing the reasons for the denial. If the Council grants a conditional use permit, the Council may impose conditions, including time limits it considers necessary to protect the public health, safety, and general welfare, and such conditions may include as time limit for the use to exist or operate.

**F. Revocation of Conditional Use Permits.**

- 1) Where a conditional use permit has been issued pursuant to provisions of this Chapter, such permit shall become null and void without further action by the Planning Commission or Council unless work thereon commences within one (1) year of the date of granting such special use. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than twelve (12) consecutive months.
- 2) In the event that the applicant violates any of the conditions set forth in this permit, the Council shall have the authority to revoke the conditional use permit.

**Subd. 6. Variances.**

- A. **Criteria for Granting Variances.** A variance to the provision of this Zoning Chapter may be issued by the Board of Adjustments and Appeals to provide relief to the land owner in those cases where this Chapter imposes undue hardship or practical difficulties to the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:



- 1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property, since the effective date of this Chapter, have had no control.
  - 2) The literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.
  - 3) That the special conditions or circumstances are not a consequence of the petitioner's own action or inaction.
  - 4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other owners of land, structures or buildings within the same district.
  - 5) That the variance requested is the minimum variance which would alleviate the hardship. Economic considerations alone shall not be considered a hardship.
  - 6) A variance would not be materially detrimental to the purposes of this Chapter, or to other property in the same zone.
  - 7) The proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- B. The Board of Adjustment may impose such restrictions and conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this Chapter, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.
- 1) Time limits may be established.
  - 2) Variance will become null and void in one year after approval if no substantial action is taken on the property by the owner.
  - 3) In the case of a variance denial, re-application shall not be submitted for six months.
- C. Required Exhibits for Variances.

- 1) Abstracters property certificate showing property owners names and addresses within 350 feet of the outer boundaries of the property in question.
  - 2) The boundary survey and preliminary building and site development plan.
- D. Procedures. The procedures for obtaining a variance from the regulations of this Chapter are as follows:
- 1) The property owner or agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application form.
  - 2) The applicant shall file the completed application form together with the required exhibits with the City Clerk/Zoning Administrator. Applications for variances must be submitted to the City Office no later than thirty (30) days prior to a Planning and Zoning Commission meeting. If the City Clerk/Zoning Administrator shall determine that the application form is not complete, the City Clerk/Zoning Administrator shall, within ten (10) days of receipt of the application, send the applicant notice of the deficiency, and such notice shall state in writing the information which needs to be supplied.
  - 3) The Zoning Administrator shall transmit the application to the Planning and Zoning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the public hearing.
  - 4) The Planning and Zoning Commission shall conduct the public hearing and shall make a recommended decision to the City Council within thirty (30) days of the application, one of three actions - approval, denial, or conditional approval. The Council shall take appropriate action on the request for variance within sixty (60) days of receipt of the original application by the City Clerk/Zoning Administrator. If additional information is requested by the Planning and Zoning Commission or Council, the City may extend the sixty (60) day period by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and the anticipated length of the extension, which may not exceed sixty (60) days, unless approved by the applicant. In the event the application is denied, the Council shall state in writing the reasons for the denial.
  - 5) No re-application by a property owner for a variance shall be submitted to the City Council within a twelve (12) month period following denial of such request, except that the Board of Appeals and Adjustment may permit a new application if, in the opinion of the Board, new evidence or a change of circumstances warrant it.

- 6) The City Council may revoke a variance if any conditions established by the Board, as part of granting the variance request, are violated.

**Subd. 7. Enforcement.**

- A. Enforcing Officer. It shall be the duty of the Zoning Administrator, in cooperation with the Building Inspector and Fire Marshal, to cause the provisions of this Chapter to be properly enforced through the proper legal channels.
- B. Building Permit.
  - 1) Hereafter, no person shall erect, alter, remodel, raze or move any kind of structure or building or part thereof without first securing a building permit.
  - 2) Moving of Buildings. Before proceeding with the moving of any building into or out of the city as well as buildings being moved from one location to another within the City limits, the owner or his agent shall first obtain a permit for such purpose from the Building Inspector. The applicant shall file an application giving the legal description of the land upon which the building is to be moved, the nature of the building to be moved together with a picture of the building and a certified abstract of title holders of all property holders of all property within 350 feet of such title holders. The applicant shall submit a petition to the Council, signed by 50% of said property owners within 350 feet of the proposed relocation, approving the relocation. Application shall be referred to the Council who shall set a time and place for a public hearing giving at least ten (10) days published notice of such hearing. After said hearing the Council may grant or deny the issuance of said permit by a majority vote.
  - 3) All owners of buildings or their agents who propose to move a building into or upon or out of the streets of the City shall procure a bond in the amount of \$10,000.00 protecting the City against damage to its streets and roads and give evidence of such bond prior to the issuance of the moving permit as set out in this Section of this Chapter.
  - 4) Applications for commercial, industrial, and multiple dwelling building permits, shall be accompanied by the following exhibits:
  - 5) A complete site plan application form together with all applicable filing requirements.
  - 6) A boundary survey of the area including the property in question and 100 feet beyond its outer boundaries and dimensions, buildings, easements,

foliage, topography, and waterways. Soil tests may be included if pertinent.

- 7) Building and site development plans showing buildings, location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs, building and floor plans of all floors, elevations of all sides of all buildings, and sections and outline material specifications as appropriate.
- 8) Written approval of the plans by the Fire Marshall.
- 9) Applications for single and two family building permits shall be accompanied by building plans and certificate of survey.
- 10) The enforcing officer may waive, or require additional, submission materials as may be necessary to issue a permit.

#### C. Procedure.

- 1) Persons requesting a building permit shall fill out a building permit form and site plan application form available from the Zoning Administrator.
- 2) Completed building permit forms shall be submitted to the Zoning Administrator. Upon review and approval of the Building Inspector, and if the proposed development conforms in all respects to this Chapter, a building permit shall be issued by the Zoning Administrator within a period of sixty (60) days upon permit fee payment.
- 3) If the proposed development involves a zoning amendment, variance, or conditional use permit, the application, together with a building permit, shall follow applicable procedures defined in this ordinance.

#### D. Violation and Penalties.

- 1) Any person who shall violate or refuse to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor. Violations of any condition of a conditional use permit will result in immediate termination of such permit by the Council, following a public hearing.
- 2) Notice of public hearing of violations and terminations proceedings and all nonconforming, conditional, incompatible, accessory, special uses, or home occupation uses, notice of hearing shall be given by the Council to the interested party or parties by certified mail or in lieu thereof, one legal published notice at least ten (10) days before the public hearing date, which notice shall be given by the Council within a reasonable time.

**SECTIONS 11.21 THROUGH 11.29, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.**

**SECTION 11.30. ZONING DISTRICT.** The zoning districts are so designed to assist in carrying out the intents and purposes of the comprehensive plan and are based upon the comprehensive plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purpose of this Chapter, the City is hereby divided into the following zoning districts.

SYMBOL NAMES	
B-1	Limited Business
B-2	Highway and Business Services
B-4	General Business
M-1	Central Business (Formerly B-3, B-2 and R-5)
M-2	Office (Formerly B-5)
R-1	Single Family Detached Residential
R-2	Single Family Detached and Two Family Residential
R-3	Townhouse and 4-Plex
R-4	Medium Density Residential
R-5	Manufactured home Park
O-S	Open Space

**SECTION 11.31. ZONING MAP.**

**Subd. 1. Location and Boundaries.** The location and boundaries of the districts established by this Chapter are set forth on the official zoning map which is hereby incorporated as part of this Chapter and which is on file with the Clerk.

**Subd. 2 District Boundary Lines.** District boundary lines recorded on the City zoning map are intended to follow lot lines, the center lines of streets or alleys, the center line of streets or alleys projected, the center of water courses or the corporate limit lines as they exist on the effective date of this Chapter.

**Subd. 3. Zoning Map Maintenance and Amendment.** It shall be the responsibility of the Zoning Administrator to maintain and amend said zoning map. The Zoning Administrator shall make, or cause to have made, any corrections or amendments to said map after all of the procedures outlined in this Chapter for the making of such revisions or amendments shall have been followed by the Planning Commission and the Council.

**Subd. 4. Amendment Adoption.** Amendments to the zoning map shall be recorded on said map within fifteen (15) days after adoption by the Council. The

copy of the official zoning map shall be kept on file in the Clerk's office and shall be open to public inspection at all times during when the office is customarily open.

**Subd. 5 Correction to Zoning Map.** In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Council may, by ordinance, adopt a new official zoning map. The new official zoning map may correct drafting or other errors or omissions in the principal zoning map, but no such corrections shall have the effect of amending this Chapter or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor, attested by the Clerk, and under the following words: "This is to certify that the official zoning map supersedes and replaces the official zoning map.

**SECTION 11.32. EXEMPTIONS.** The following essential services are permitted in any district: the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of systems, including gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems; elevated and underground water storage tanks; poles, wires, mains, drains, sewers, pipes, conductance, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service of such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**SECTION 11.33. SCHEDULE OF USES BY DISTRICT.**

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-1			
Central Business	Shopping Center	Parking – surface or Structure	Indoor Amusement Center
Downtown Business supporting a strong central business district while enhancing the overall character of the community	Retail shops and Stores Restaurants with or w/o bars Entertainment Financial Institutions w/o drive-in	Signs	Automotive Sales Lot
	Medical/Dental Clinic		Gasoline Pumps
	Grocery Stores (10,000 S.F.+)		Veterinary Clinic
	Personal Services		Supervised Living Group Home (Residential Facility) for 7 to 16 Persons excluding supervisors
	Health/Recreation Club		Minor Auto repair
	Fast Food Restaurant		Car Wash
	Convenience Food Store		Day Care Center
	Lodge		Print Shop
	Motel		Tattoo Parlor
	Bar		Welding/Fabrication
	Pharmacy		
	Small Appliance Repair		
	Liquor Store		
	Public Utility Structures		
	Government Buildings		
Mixed Medium Density Residential with Business	Townhouses & Multi-Family, Single and Two Family	Common Garage	Manufactured Home Park including Manufactured Housing/Manufactured Homes
	4 Plexes	Swimming Pool	Home Occupations
	Multi-Family Residential Structures at a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone	Tennis Court	Private Kennel
		Gazebo	Wind Generator Private
	Parks & Playgrounds	Storage Shed	

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-2			
Professional & Business Office Development	Offices	Parking – surface or Structure	Day Care Center
	Public Utility Structures	Signs	Supervised Living Group Home (Residential Facility) for up to 6 Persons excluding supervisors
	Government Buildings		Temp Real Estate Office and Model Churches
Mixed Low Density Residential with Business	Single family detached & two family residential dwellings	Garage	Private Kennel
	Duplex	Gazebo	Non-Retail Woodworking Studio
		Tennis Court	Communication Tower in excess of 45' above grade
Townhouse	Townhouses, Single and two family as part of an allowed business structure, or standalone	Common Garage	Home Occupations
	Parks & Playgrounds	Swimming Pool Storage Shed	Wind Generator Private

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
R-1	Single Family Detached Dwelling	Garage	Temp. Real Estate Office and Model Home
Single-Family Detached Residential	Parks & Playgrounds	Storage Shed	Private Kennel
Single-Family Residential Large Lot Development with a min. lot size of 11, 250 S.F.	Public Utility Structures	Swimming Pool	Communication Tower in excess of 45' from grade.
	Day Care Facility for 10 or fewer	Tennis Court	Home Occupation
	Residential Facility (Group Home) for up to 4 persons excluding supervisors	Gazebo	Wind Generator Private
R-2	Single Family Detached Dwelling	Garage	Temp. Real Estate Office and Model
Single Family Detached	Duplexes,	Swimming Pool	Churches



& Two Family Residential	Public Utility Structures		
	Parks & Playgrounds	Storage Shed	Kennel Private
Low Density Residential Subdivisions with a min. lot size of 10,000 S.F. for a single family and 12,000 S.F. for duplex	Day Care Facility for 10 or fewer children	Tennis Court	Home Occupation
	Residential Facility (Group Home) for up to 6 Persons excluding supervisors	Gazebo	Non-Retail Woodworking Studio
			Communication Tower in excess of 45' grade.
			Wind Generator Private

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>R-3</b>			
Townhouse & 4 Plex	Townhouses, Single and two family 4 Plexes	Common Garage Pool	Temp. Real Estate Office and Model Day Care Center
Residential development at a maximum density of 10 dwelling units per acre	Public Utility Structures Parks & Playgrounds	Tennis Courts Storage Shed	Supervised Living Group Homes Home Occupations
<b>R-4</b>			
Med. Density Residential	Townhouses & Multi-Family, Single and Two Family	Common Garage Pool Tennis Court Playground	Nursing Home Day Care Center Supervised Living Group Home
Townhouses & Multi-Family Residential Structures at a maximum density of 20 dwelling units per acre	Public Utility Structures Residential Facility (Group Home) for 7 to 16 Persons excluding supervisors	Storage Shed	Temp. Real Estate Office and Model Home Occupations
<b>R-5</b>			

Manufactured home Park	Manufactured Housing Manufactured Homes	Common Garage	Day Care Center
Manufactured Residential Structures at a maximum density of 10 dwelling units per acre	Public Utility Structures	Pool	Supervised Living Group Homes
	Parks & Playgrounds	Tennis Courts	Temp. Real Estate Office
		Playground	
		Storage Shed	Home Occupations

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>B-1</b>			
Limited Business	Professional & Business Office Retail Shops (2,000 S.F)	Surface Parking Signs	School (Public) Farmers Market
Limited Retail and Services to meet daily needs of residents	Pharmacy		Veterinary Clinic
	Day Care Facility		
	Personal Service		Churches
	Small Appliance Repairs		
	Medical/Dental Clinic		
	Public Utility Structures		
	Government Buildings		
<b>B-2</b>	As permitted in B-1 Ord. 05-09		Major Auto Repair
Highway & Business Services	Fast Food & Family Restaurant	Signs	Print Shop
Highway Oriented Commercial Development Restricted to a low building profile	Motel	Surface Parking	Machine Shop
Retail Shops			Gasoline Pumps
Minor Auto Repair			Automotive Sales Lot
Car Wash			Veterinary Clinic
Convenience Food Store			Tattoo Parlor
Liquor Stores			Welding/Fabrication
Lodge			
Medical/Dental Clinic			Day Care Facility
Public Utility Structures			

Bar			
Government Buildings			
Fire Station			

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
B-3			
Central Business	Shopping Center	Parking	Indoor Amusement Center
Downtown business supporting a strong central business district while enhancing the overall character of the community	Retail Shops and Stores Restaurants with or w/o bar Entertainment Financial Institutions w/o drive-in Medical/Dental Clinic	Surface or Structure	Automotive Sales Lot Gasoline Pumps Veterinary Clinic
	Grocery Stores (10,000 S.F.+)		
	Personal Services		
	Health/Recreation Club		
	Fast Food Restaurant as part of complex		
	Public Utility Structures		
B-4	As permitted in B-1 except Day Care Facility		Minor Auto Repair
	Convenience Food Stores		Automotive Sales Lot Gasoline Pumps
	Restaurants Fast Food & Family		Veterinary Clinic
	Restaurant. Establishments holding a liquor license pursuant to Section 5.212, except licenses pursuant to 5.212, subd. 4A.		
B-5			
Office	Offices	Parking Surface or Structure	Day Care Center
Professional & Business Office Development		Signs	

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
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O-S			
OPEN SPACE	Public Recreation		
Public Parks, Recreation and Open Space	Public Works Buildings		
	Public Utilities		
	Private Utilities		

NOTE: Uses of land, buildings, and structures not permitted below as either principal, accessory, or conditional are prohibited.

**SECTION 11.34. DIMENSIONAL REQUIREMENTS.****SCHEDULE OF ZONING DISTRICT REGULATIONS FOR AREA, BULK, PLACEMENT AND LAND USE INTENSITY**

	Minimum Lot Area in Square Feet	Minimum Lot Width in Feet (e)	Minimum Lot Depth in Feet	Maximum Lot Coverage (All structures & paved surfaces)	Minimum Front Yard in Feet (i)	Minimum Rear Yard in Feet (b) (i)	Minimum Side Yard in Feet (c)(l)	Maximum Height Principal Structure	Maximum Height Accessory Structure
B-1(a)	N.L.	N.L.	100	80%	35	30	15	2 stories	1 story
B-2	15,000	50	100	80%	25	40	10	2 stories	1 story
B-3 (a)(d)	N.L.	N.L.	300	80%	None	None	None	2 stories	1 story
B-4	15,000	50	100	80%	25	25	10	1 story	1 story
B-5	15,000	50	150	75%	25	25	20	3 stories	1 story
R-1	11,250	75	150	40%	35	20	5	3 stories or 40'	1 story
R-2(j)	10,000/sf 12,000/dup	75/sf 80/dup	130	45%	30	20 (h)	5	3 stories or 40'	1 story
R-3 (a)(g)	3,500/du or 12,000 (whichever is greater)	N.L.	80	60%	25	30	10	3 stories or 40'	1 story
R-4 (a)(g)	3,000/du or 12,000 (whichever is greater)	N.L.	N.L.	70%	25		25	4 stories or 45'	1 story
R-5 (a)(g)	3,500/du	35	100	45%	25	10	15/5 (f)	1 story	1 story
M-1 (a)	N.L.	N.L.	100	80%	35	30	15/5 (f)	45' (k)	1 story
M-2 (a)(g)	3,500/du or 12,000 (whichever is greater)	N.L.	N.L.	75%	25	25 (h)	15/5 (f)	40'	1 story

- (a) N.L. means no limit
- (b) Minimum rear yard shall be increased by 50% for commercial and industrial lots directly abutting any Residential District.
- (c) Minimum Side Yard shall be increased by 100% for commercial and industrial lots directly abutting any Residential District
- (d) 25' side, front and rear yard. when directly abutting any residential district
- (e) All lots shall abut for their full required minimum frontage on a publicly dedicated street.
- (f) 15' minimum Commercial - 5' minimum Residential
- (g) Dwelling Unit (du)
- (h) Ten (10') feet for detached accessory building.
- (i) From property line where boulevard stops
- (j) sf means Single Family home, dup means Duplex
- (k) 0 feet for designated Zero Lot Lines – reference Section 11.60 Subd 20 & 26 for requirements

***SECTION 11.35. ORDINANCE REGULATING ADULT ORIENTED BUSINESSES AND ADULT USES.***

**Subd. 1. Purpose and Intent.** The purpose of this Section is to prescribe licensing requirements for sexually-oriented businesses in order to protect the general health, safety and welfare.

- A. Findings and Provisions. It is the purpose of this Ordinance to regulate Adult Oriented Business and Adult Uses as defined in Section 3 below to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:
  - 1) Prevent additional criminal activity within the City;
  - 2) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
  - 3) Locate Adult Uses away from residential areas, schools, churches, and parks and playgrounds; and
  - 4) Prevent concentration of Adult Uses within certain areas of the City.
- B. Based upon its reliance upon the Studies referred to in the Preamble, among other things, the City Council also makes the following findings regarding the need to license sexually-oriented businesses:

- 1) Sexually-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law enforcement services;
  - 2) Sexually-oriented businesses can be used for fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures;
  - 3) Sexually-oriented businesses can increase the risk of exposure to communicable diseases, including, but not limited to, Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, thereby endangering not only the patrons of such establishments but also the general public;
  - 4) Sexually-oriented businesses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises;
  - 5) A licensing and regulatory scheme as prescribed herein can facilitate and aid in monitoring sexually-oriented businesses for adverse secondary effects on the community; and
  - 6) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.
- C. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including Adult oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to Adult Uses protected by the First Amendment of the Constitution of the United States, or to deny access by distributors and exhibitors of Adult oriented entertainment to their intended market.

### **Subd. 2. Definitions.**

- A. **“Adult Uses”** - Adult uses include adult book stores, adult motion picture theaters, adult mini-motion picture theaters, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises,

enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes 617.241 are not included.

- 1) **“Adult Uses - Principal”** - The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include but are not limited to the following:
- 2) **“Adult Use - Body Painting Studio”** - An establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or in the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas".
- 3) **“Adult Use – Bookstore”** - A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".
- 4) **“Adult Use - Cabaret”** - A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".
- 5) **“Adult Use - Companionship Establishment”** - A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 6) **“Adult Use - Conversation/Rap Parlor”** - A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".



- 7) **“Adult Use - Health/Sport Club”** - A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 8) **“Adult Use - Hotel or Motel”** - Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- 9) **“Adult Use - Mini-Motion Picture Theater”** - A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 10) **“Adult Use - Modeling Studio”** - An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- 11) **“Adult Use - Motion Picture Arcade”** - Any place which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".
- 12) **“Adult Use - Motion Picture Theater”** - A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 13) **“Adult Use - Novelty Business”** - A business which has a principal activity is the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

- 14) **“Adult Use - Sauna”** - A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam of hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 15) **“Adult Use - Steam Room/Bathhouse Facility”** - A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

B. Specified Anatomical Areas:

- 1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
- 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Specified Sexual Activities.

- 1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral or anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sappism, zoerasty; or
- 2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- 3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- 4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- 5) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged

in activities involving the flagellation, torture, fettering, binding or other physical restraint or any such person; or

- 6) Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; and
- 7) Human excretion, urination, menstruation, vaginal or anal irrigation.

**Subd. 3. Application of This Ordinance.**

- A. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for Adult Uses – Principal, for any related Adult Uses purpose or in any manner related to Adult Uses as defined herein, which is not in conformity with this Ordinance.
- B. No Adult Oriented Business or Adult Use – Principal shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the City of Lexington, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene materials generally, or the exhibition, sale or distribution of specified materials to minors

**Subd. 4. Location.** During the term of this Ordinance, no Adult Uses-Principal shall be located less than 750 feet from the nearest property line of any land in any residential zone, or any public day care, library, park, playground or other public recreational facility in any zone, or less than 750 feet from the nearest property line of any religious institution. Measurements shall be made in a straight line, without regard to City boundaries intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually-oriented business.

**Subd. 5. Hours of Operation.** No Adult-Oriented Business site shall be open to the public from the hours of Eleven o'clock p.m. to Ten o'clock a.m.

**Subd. 6. Operation.**

- A. Offsite Viewing. An establishment operating as an Adult-Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.

- B. Entrances. All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.
- C. Layout. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including, but not limited to, books, magazines, photographs, videotapes or any other material.
- D. Illumination. Illumination of the premises' exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
- E. Signs. Signs for Adult-Oriented Businesses shall comply with the City's sign ordinance Section 11.60 Subd. 24, and in addition signs for Adult-Oriented Businesses shall not contain representational depictions of an adult nature or graphic descriptions of the adult theme of the operation.

**Subd. 7. Licenses.**

- A. License Required. All establishments, including any business operating at the time this Section becomes effective, operating or intending to operate an Adult-Oriented Business, shall apply for and obtain a license from the City of Lexington. A person is in violation of the City Code if the person operates an Adult-Oriented Business without a valid license, issued by the City.
- B. Applications. An application for a license must be made on a form provided by the City and comply with the following requirements:
  - 1) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  - 2) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county and local law and codes by the health official, fire marshal and building official.
  - 3) The application for license shall contain the address and legal description of the property to be used; the names, addresses, phone numbers, dates of birth, of the owner, lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon

to attest to the applicant's, managers or operators character; whether the applicant, manager or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place and nature of such crime or offense including the disposition thereof, the names and addresses of all creditors of the applicant, owner, lessee or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating or furnishing or acquiring the premises, personal effects, equipment or anything incident to the establishment, maintenance and operation of the business.

- 4) If the application is made on behalf of a corporation, joint business venture, partnership or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses and dates of birth of all individuals having an interest in the business, including partners, officers, owners and creditors furnishing credit for the establishment, acquisition, maintenance and furnishings of said business and, in the case of a corporation, the names addresses and dates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation.
- 5) All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.

C. Issuance or Renewal of License. The City Clerk shall recommend approval of the issuance or renewal of a license by the City to an applicant within 45 days after receipt of an application unless the Administrator finds one or more of the following to be true:

- 1) An applicant is under 18 years of age.
- 2) An applicant is overdue in his payment to the City, County or State of taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to an Adult-Oriented Business, or if the State of Minnesota prohibits the issuance of such a license because of taxes, fees, fines or penalties assessed against him or her.

- 3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- 4) An applicant has been convicted of a violation of a provision of this Section, other than the offense of operating an Adult-Oriented business without application. The fact that a conviction is being appealed shall have no effect.
- 5) The premises to be used for the Adult-Oriented Business have not been approved by the health official, fire marshal and the building official as being in compliance with applicable laws and ordinances; such inspections shall be completed within thirty (30) days from the date the application was submitted, provided that the application contains all of the information required by this Section. If the application is deficient, the inspections shall be completed within thirty (30) days from the date the deficiency has been corrected.
- 6) The license fee required by this chapter has not been paid.
- 7) An applicant has been convicted of a crime involving any of the following offenses:
- 8) Any sex crimes as defined by Minn. Stat. '609.29 through 609.352 inclusive or as defined by any ordinance or statute in conformity therewith;
- 9) Any obscenity crime as defined by Minn. Stat. '617.23 through 617.299 inclusive, or as defined by any ordinance or statute in conformity therewith; for which:
  - (a) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
  - (b) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or
  - (c) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the late date, if the conviction is of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

10) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

- D. Requalification. An applicant who has been convicted of an offense listed in this Section, may qualify for an Adult-Oriented Business license only when the time period required by Section 6.42 has elapsed.
- E. Posting. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult-Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Adult-Oriented Business so that it may be easily read at any time.
- F. Council Action. The City Council shall act to approve or disapprove the license application within one hundred and twenty (120) days from the date the application was submitted, provided that the application contains all of the information required by this ordinance. If the application is deficient, the Council shall act on the application within one hundred and twenty (120) days from the date that the deficiency has been corrected.
- G. Appeals. Within ninety (90) days after the decision by the Council, the applicant may appeal to the District Court by serving a notice upon the Mayor or Clerk of the City.

**Subd. 8. Fees.** All fees for Adult-Oriented Business licenses shall be fixed and determined by the City Council and adopted by resolution. Such license fees may, from time to time, be amended by City Council resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file in the office of the City Clerk and be open to inspection during regular business hours.

**Subd. 9. Inspection.**

- A. Access. An applicant or licensee shall permit health officials, representatives of the police department, fire department, and building inspection division, to inspect the premises of an Adult Oriented Business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- B. Refusal to Permit Inspections. A person who operates an Adult-Oriented Business or his agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, representatives of the police department, fire department and building inspection division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in Section.

- C. Exceptions. The provisions of this Section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

**Subd. 10. Expiration and Renewal.**

- A. Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in Section 6.42 Subd. 8. Application for renewal must be made at least 60 days before the expiration date, and when made less than sixty (60) days before the expiration date, the expiration of the license will not be affected.
- B. Denial of Renewal. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

**Subd. 11. Suspension.**

- A. Causes of Suspension. The City may suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:
  - 1) Violated or is not in compliance with any provision of this Section.
  - 2) Engaged in the use of alcoholic beverages while on the Adult-Oriented Business premises other than an Adult Hotel or Motel.
  - 3) Refused to allow an inspection of the Adult-Oriented Business premises as authorized by this Section.
  - 4) Knowingly permitted gambling by any person on the Adult-Oriented Business premises.
  - 5) Demonstrated inability to operate or manage an Adult-Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
- B. Notice. A suspension by the City shall be preceded by written notice to the licensee and a public hearing before the City Council. The notice shall give at least ten (10) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof.



**Subd. 12. Revocation.**

- A. Suspended Licenses. The City may revoke a license if a cause of suspension in Section 6.42 occurs and the license has been suspended within the preceding twelve (12) months.
- B. Causes of Revocation. The City shall revoke a license if it determines that:
  - 1) A licensee gave false or misleading information in the material submitted to the City during the application process;
  - 2) A licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
  - 3) A licensee or an employee has knowingly allowed prostitution on the premises;
  - 4) A licensee or an employee knowingly operated the Adult-Oriented Business during a period of time when the licensee's license was suspended;
  - 5) A licensee has been convicted of an offense as listed in Section 6.42 for which the time period required by Section 6.42 has not elapsed;
  - 6) On two or more occasions within a twelve (12) month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 6.42, for which a conviction has been obtained, and the person or persons were employees of the Adult-Oriented Business at the time the offenses were committed.
  - 7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.
- C. Appeals. The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- D. Exceptions. Section 6.42 subd. 18, does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in a public place or within public view.
- E. Granting a License After Revocation. When the City revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued an Adult-Oriented business license for one (1) year from the date revocation became effective. If, subsequent to revocation, the City finds that the basis for

the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under this Section 6.42 SECTION 12, Subd. B(5), an applicant may not be granted another license until the appropriate number of years required under Section 6.42 SECTION 7, Subd. C(7), has elapsed.

- F. Notice. A revocation by the City shall be preceded by written notice to the licensee and a public hearing before the City Council. The notice shall give at least ten (10) days' notice of the time and place of the hearing and shall state the nature of the charges against the license. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

**Subd. 13. Transfer of License.** A licensee shall not transfer their license to another, nor shall a licensee operate an Adult-Oriented business under the authority of a license at any place other than the address designated in the application.

**Subd. 14. Severability.** Every section, provision or part of this Section or any permit issued to this ordinance is declared severable from every other section, provision or part thereof to the extent that if any section, provision or part of Section 6.42 or any permit issued pursuant to this Section shall be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision or part thereof.

**Subd. 15. Violation A Misdemeanor.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

**Subd 16. Violation.** The City may enforce any provision of this Ordinance by mandamus, injunction or any other appropriate civil remedy in any Court of competent jurisdiction.

**Subd. 17. Separability.** Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a Court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

**Subd. 18. Length of Time.** This ordinance shall remain in effect from the date of its effective date until such time as said ordinance shall be revoked or otherwise amended.

**SECTIONS 11.36 THROUGH 11.59, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.**

**SECTION 11.60. PERFORMANCE STANDARDS.**

**Subd. 1. Intent.** These performance standards are designed such to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to eliminate blight. All future development in all districts shall be required to meet these standards. These standards shall also apply to existing developments where stated.

**Subd. 2. Glare.** Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from adjoining residential districts or from public streets.

**Subd. 3. Storage and Disposal of Chemicals.** All commercial and industrial uses associated with the bulk storage of oil, gasoline, liquid fertilizer or other hazardous materials shall require a conditional use permit and compliance with all State and local life safety agency regulations in order that the Council may have assurance that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and welfare. All disposal operations shall be in compliance with appropriate State, County, and Federal regulations.

**Subd. 4. Nuisances.** No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other adverse influences shall be permitted that will in any way have an objectionable effect upon adjacent or nearby property.

- A. Noise. It is unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth unless such noise be reasonably necessary to the preservation of life, health, safety, or property.
- B. Measurement of Noise. Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property by more than six decibels above the ambient noise levels as designated in the following table, shall be a violation.

NOISE LEVEL TABLE

	RESIDENTIAL DAY	NIGHT	COMMERCIAL DAY	NIGHT
Duration of Sound	7:00 a.m.- 9:00 p.m.	9:00 p.m. 7:00 a.m.	7:00 a.m.- 9:00 a.m.	9:00 p.m. 7:00 a.m.
Less than-10 mins.	75db	60db	75db	70db

Less than-2 hours	70db	50db	70db	60db
More than-2 hours	60db	40db	60db	50db

- C. The limits of the most restrictive district shall apply at the boundaries between different land use categories. The determination of land use shall be by its zoned designation.
- D. Sounds emanating from the operation of motor vehicles on public highways, aircraft, outdoor implements, such as power lawnmowers, snow blowers, power hedge clippers, and power saws, pile drivers or jackhammers and other construction equipment, are exempt from the sound level but not time restriction provisions of this Subparagraph. Sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places where athletic contests take place, are exempt from the provisions of this Subparagraph.
- E. Emission of Smoke. It is unlawful for any person owning, or in charge of, or operating any fuel burning, refuse burning, combustant, or process equipment, process device, portable boiler, stacks, vents on premises, to cause, suffer, or allow emission or discharge of smoke from any single such source into the atmosphere, the appearance, density, or shade of which is darker than number one and one-half of the Ringleman Chart.
- F. Emission of Particulate Matter. It is unlawful for any person to cause or allow the emission of particulate matter from any process, including any material handling or storage activity that is visible beyond the property line of the emission source.
- G. Toxic and Noxious Matter. No use shall discharge across the boundaries of the lot where it is located, toxic, odorous or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause appreciable injury or damage to property or business.
- H. Storage of Vehicles. It is unlawful for any person to store or keep any vehicle of any type requiring a license to operate on a public highway but without a current license attached, whether such be dismantled or not, outside of any enclosed building.

**Subd. 5. Land Reclamation.**

- A. Land reclamation under this Subdivision is the reclaiming of land by depositing of clean fill materials so as to elevate the grade of said land.

- B. Clean fill material shall be defined as rock, gravel, sand, dirt, clay, or other like and similar non-decomposable material.
- C. Land reclamation shall be permitted in all zoning districts, on any lot or parcel except that when 100 or more cubic yards of fill is to be deposited on any lot or parcel, or if the storm water runoff pattern is altered, a conditional use permit shall be required.
- D. In addition to whatever conditions or restrictions that may be attached to any conditional use permit, the following data and standards shall be included in each application.
  - 1) Site plan showing existing and proposed grade elevations and effect of storm water drainage on adjacent areas.
  - 2) A time shall be specified by the applicant as to when, in the applicant's best judgment, the land reclamation project will be completed.
  - 3) The granting of the conditional use permit may be based on the consideration that highly organic soils be removed from the proposed land reclamation area prior to any fill being deposited.
  - 4) That within sixty (60) days after the deposit of said fill material, the area shall be covered with a minimum of twelve (12) inches of clean, native earth fill, and the depth of fill shall be controlled to blend with the surrounding ground conditions.
  - 5) That all entrances to any land reclamation project be properly safeguarded with a barricade to prevent the general public from depositing garbage or other refuse in the land reclamation project.
  - 6) Any and all land reclamation projects in existence on the effective date of this Chapter shall comply within sixty (60) days after notice being served on the recorded fee owner of said property to be used in any land reclamation project.

**Subd. 6. Storm Water Management.**

- A. No land shall be altered, developed or redeveloped in a manner that results in an increase in the rate or degradation of the quality of storm water runoff that existed prior to such alteration or development. Storm water management shall be consistent with the provisions in Chapter 13 of the City Code.
- B. No land shall be graded or disturbed without preparing and adhering to an erosion and sedimentation control plan consistent with the Minnesota

Pollution Control Agency's "Protecting Water Quality in Urban Areas," as amended, and the provisions in Chapter 13 of the City Code.

**Subd. 7. Landscaping.**

- A. All developed, improved, or built upon lots or parcels shall be landscaped. Landscaping on a lot shall consist of a finish grade and a soil retention cover such as sod, seed and mulch, or plantings to protect the soil and aesthetic values on the lot and adjacent property.
- B. In all districts, all developed uses shall provide an acceptable means of soil retention from street edge to the road right-of-way lines. This area shall be kept clear of all structures, exterior storage and off-street parking.
- C. No trees or large shrubs shall be allowed within any drainage or utility easement or road right-of-way.
- D. Landscaping shall be provided and maintained on all required front and side yards in all developed districts except where pavement or crushed stone is used for walkways or driveways.

**Subd. 8. Lot Provisions.**

- A. Any lot of record existing upon the effective date of this Chapter in a residential district, which does not meet the minimum requirements of this Chapter as to area or dimensions, shall conform to the provisions of Section 11.10, Subd. 5, of this Chapter.
- B. If in a group of contiguous created and/or platted lots under single ownership, any individual lot that does not meet the minimum requirements of this Chapter, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots and/or parcels under the same ownership so that the accumulation of lots will equal one or more parcels of land, meeting the minimum requirements of this Chapter.
- C. Any lot, group of lots, or created parcels created by any means after the effective date of this Chapter, for the purpose of erecting a structure, must be approved by the Council. The plan for such subdivision shall be submitted in accordance with the City's subdivision regulations.
- D. No more than one principal building shall be located on a lot.
- E. The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth, which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, in any

district, no structure or planting in excess of thirty inches above the curb line shall be permitted within a triangle defined as follows: "Beginning at the intersection of the project curb line of the two intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning."

**Subd. 9. Screening.**

- A. Screening shall be required where:
- 1) Any off-street parking area contains more than four parking spaces and is adjoining a residential district; and
  - 2) Where the driveway to a parking area of more than six parking spaces is adjoining a residential district.
  - 3) Where any business or industrial use (structure, parking or storage) is adjacent to a property zoned residential, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone, but not on the side of a business or industry considered to be the front.
- B. The screening required in this Subdivision shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

**Subd. 10. Tree and Woodland Preservation.**

- A. Structure and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.
- B. Forestation, reforestation, or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

**Subd. 11. Site Plans.**

- A. All building construction for commercial, industrial, or multiple dwellings shall be accompanied by a complete site plan, showing the proposed use of the balance of the property. The plan shall show waste disposal, water supply, drainage, ingress and egress, landscaping, screening, and other supportive and pertinent data. Distances to surrounding buildings must also be shown on

- the site plan. The completed site plan must be reviewed by the City Clerk/Zoning Administrator and Building Inspector. Upon the completion of their review, a written report must accompany the site plan as to their conformity with the City's present development codes and Comprehensive Plan to the Planning Commission for their review and recommendation to the City Council. No building permit shall be issued until the City Council has given their approval.
- B. The property owner or agent shall meet with the City Clerk/Zoning Administrator to explain his situation, learn the procedures and obtain an application form.
  - C. The applicant shall file the completed site plan together with the required exhibits with the City Clerk/Zoning Administrator. All applications for site plan approval shall be received in the City Office no later than thirty (30) days prior to a Planning Commission meeting. If the City Clerk/Zoning Administrator shall determine that the plan is not complete, the City Clerk/Zoning Administrator shall, within ten (10) days of receipt of the application, send the applicant notice of the deficiency, and such notice shall state in writing the information which need to be supplied.
  - D. The City Clerk/Zoning Administrator shall complete the written report, and forward it to the Planning Commission six (6) days prior to the Planning and Zoning Commission meeting.
  - E. The Planning and Zoning Commission shall consider such site plan at its next regularly scheduled meeting following receipt by the City Clerk/Zoning Administrator of the complete site plan.
  - F. Within sixty (60) days after receipt by the City Clerk/Zoning Administrator of a complete site plan, the Council shall act to approve or deny the site plan. If additional information is requested by the Planning Commission or Council, the City may extend the sixty (60) day period by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and the anticipated length of the extension, which may not exceed sixty (60) days unless approved by the applicant. In the event the application is denied, the Council shall state in writing the reasons for the denial.
  - G. Preliminary plans required:
    - 1) Certificate of Survey. The certificate of survey shall be drawn at a scale of one (1) inch equals fifty (50) feet. The certificate of survey shall indicate all existing structures and site improvements.
    - 2) Preliminary Site Plan. The preliminary site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet. The submission may be composed of



one or more sheets and drawings and shall include the location of all proposed buildings and their proposed uses; location of driveways and parking areas; indicate front, rear, and side yard setbacks proposed; location of all easements, width and purpose; location and size of existing public improvements adjacent to the lot site, including sanitary sewer, water main, and storm drainage location and size of existing buildings and structures on site and within the district of 100 feet of the site; existing zoning and land use; location of refuse areas; location of outdoor storage areas; locations and specifications of signs; location and type of lighting.

- 3) Landscape Plan. The landscape plan shall be prepared at a scale of one (1) inch equals fifty (50) feet and shall include the following information:
- 4) General. Name and address of the developer/owner, name and address of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, north point indication.
- 5) Site Analysis. Boundary lines of property line with dimensions based upon certified survey, name and alignment of proposed and existing adjacent on-site streets, location of all proposed utility easements and right of-way, location of existing and proposed buildings, topographic contours at two (2) foot contour intervals, location of parking areas, water bodies, proposed sidewalks, and percent of site not covered by structures.
- 6) Landscape Data. Identification of both sodded and seeded areas with respect to any areas indicated in square footage. Identification of types, size, and location of plant materials, fences, walls, berms, and other landscape improvements.
- 7) Where landscape or manmade materials are used to provide required screening from adjacent and neighboring properties, a cross-section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.
- 8) Grading and Drainage Plan. The grading and drainage plan shall be drawn at a scale one (1) inch equals fifty (50) feet and shall contain the following information:
  - 9) Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;
  - 10) Sufficient spot elevations on all proposed hard surface areas;
  - 11) Estimated runoff of the area based upon 10 and 100 year storm events;

- 12) Provisions to carry runoff to the nearest adequate outlet, such as a storm drain, natural drainage way, or street;
- 13) Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;
- 14) Finished floor elevations of all buildings;
- 15) Identification of soil conditions by type and location, including identification of the water table, and suitability of soil for proposed development;
- 16) Identification of any areas located within a flood hazard zone as identified by the City's flood plain maps.
- 17) Floor Plans and Elevations. All floor plans and elevations shall be drawn to a legible scale and include the following information:
- 18) Floor plans indicating square footage and dimensions of all proposed rooms and areas identifying the proposed uses;
- 19) Elevations of the proposed building.
- 20) Preparation of Plans. Site plans shall be prepared by a registered architect, civil engineer, landscape architect or land surveyor.

**Subd. 12. Exterior Storage.**

- A. All materials and equipment shall be stored within a building or fully screened by fencing from adjacent properties and the street, except for the following: clothes lines, recreational equipment, patio furniture, firewood and operable and currently licensed automobiles and trucks weighing not more than one ton.
- B. In non-residential districts, all exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment currently being used for construction on the premises; (3) merchandise located on service station pump islands.
- C. In non-residential district, up to three commercial vehicles such as delivery and service trucks up to 12,000 pounds of gross weight may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over 12,000 pounds shall require screening.
- D. In all districts, the Council may order the owner of any property to cease or modify open storage uses' including existing uses, providing it is found that

said use constitutes a threat to the public health, safety, convenience, or general welfare.

**Subd. 13. Use and Parking of Manufactured Homes, Travel Trailer and Similar Vehicles for Business or Industry.** No manufactured home, travel trailer, motor home, camper, or similar vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise.

**Subd. 14. Parking or Storage of Motor Home or Travel Trailer.** One travel trailer, motor home, camper, or similar vehicle may be parked or stored on a residential site when used by the family residing in the dwelling on such site. Such vehicles or items shall have affixed thereto current registration or license plates as required by law and shall be stored so that same shall meet all minimum side, front and rear yard setback requirements of the residential district of this Chapter and such parking or storage shall otherwise meet all other requirements of any other City Code provision and State laws. None of such parked or stored vehicles or items shall be connected to any water or sewage disposal system on said residential property where same is so parked or stored.

**Subd. 15. Temporary Parking of Recreational Vehicles.** Temporary parking and occupancy of one recreational vehicle per residential parcel shall be allowed for non-residents of the City for a maximum of a fourteen (14) day period in any one year if such parking and occupancy otherwise complies herewith. Any such occupancy as stated in this Subdivision shall be only for noncommercial use with no fee paid to the landowner, occupant or renter.

**Subd. 16. Fences.**

- A. Purpose. The purpose of this Subdivision is to promote a pleasant physical environment and to protect the public and private property within the City by regulating the location, height, type of construction, and maintenance of all fences.
- B. Definitions.
  - 1) **“Fence”** - A fence is defined as any structure, partition or enclosure of wood, iron, metal, or other material enclosing or dividing a piece of land. For the purpose of this Subdivision, a fence shall not include naturally growing shrubs, trees or other foliage. Snow fences must adhere to the location, construction and maintenance ordinances outlined in this section.
- C. Permit Required.
  - 1) Fence to be erected on property line requires the written permission of the abutting property owner to be filed with the Zoning Administrator.

- 2) No fence shall be erected or substantially altered in the City without securing a permit from the Building Inspector. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence.
- 3) Snow fences are allowed from November 1st to April 30th each year. A fence permit is required to erect a snow fence. This permit fee will be refunded after the applicant provides proof that the fence has been removed in the spring.

D. Location of Fences.

- 1) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or the adjacent property.
- 2) No fences shall be allowed or constructed on street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or over ground utilities. Further, the City or any utility company having authority to use such easements, shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.

E. Construction and Maintenance.

- 1) Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If such fence is allowed to become and remain in such condition, the Building Inspector is authorized to notify the owner or owner(s) of such fences of the condition and allow ten (10) days in which to repair or demolish the fence.
- 2) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
- 3) No barbed wire fences shall be allowed on private property in residential zones. No barbed wire fences shall be allowed on private property in

business or industrial zones where the property lines of such property abut lots or parcels adjacent to residential districts.

- 4) All fences shall be constructed in conformity with the wind, stress, foundation, structural and other requirements of the State Building Code.
- F. Residential District Fences. In residential districts, no fence may exceed five (5) feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this Chapter. In such districts, fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six (6) feet in height above ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road, by obscuring the view. On corner lots, no fence shall be permitted within a triangular area defined as follows: "Beginning at the intersection of the projected curb line of two intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning.
- G. "Commercial and Industrial Fences. In business, industrial zones and multifamily zones, including abutting residential properties, fences may not exceed eight (8) feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire shall not be used, installed or constructed, on fences fronting any street, or when adjacent to any residential district. The owners of fences must take reasonable precautions to protect the public from injuries incurred in accidental contact.
- H. Swimming Pool Fences.
- 1) A fence, hedge, barrier or retaining wall, constructed or placed for the purpose of limiting access to outdoor swimming pools, and which otherwise complies with City Code provisions and regulations, may exceed the height limitations provided in Subparagraph F of this Subdivision.
  - 2) Fences shall be at least four (4) feet in height for all pools of less than four (4) feet in elevation above the ground. The bottom of the fence shall not be more than four (4) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed so as to not be easily climbable. All fence openings or points of entry into the pool area enclosure shall be equipped with gates or doors that have self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to small children.

I. Special Purpose Fences.

- 1) Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the City, only by issuance of a special fence permit approved by the Council after a recommendation by the Planning Commission, and upon evidence that such special purpose fence is necessary to protect, buffer, or improve the premises for which such fence is intended.
- 2) The approval of such buffer fences may include stipulations as to the material, height, or location of such special purpose fences.

J. Non-Conforming Fences. All existing fences, on the effective date of this Chapter, which are not in violation of this Subdivision and are not located within a public right-of-way, but which violate other Sections of this Chapter, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

**Subd. 17. Permitted Encroachments - Yards.** For the purpose of this Chapter, the following shall be considered as permitted encroachments within the yards indicated:

- A. In any yard: Overhanging roof eaves, open terraces, marquees, flues, sills, lintels, pilasters, cornices, gutters, open canopies, and awnings attached to the principal building, not to exceed twenty-five percent (25%) of the depth of the front or rear yards or twenty-five percent (25%) of the width of the side yards. Chimneys, flag poles, ornamental features, sidewalks, fences, landscaping, posts, or other similar amenities are permitted encroachments that are not restricted by area, placement, and land use intensity.
- B. Yard lights and name plate signs in residential districts, provided such lights and signs are three (3) feet or more from all lot lines. Lights for illuminated parking and loading areas or yards for safety and security purposes may be provided where necessary, provided that the glare is not visible from public rights-of-way or adjacent residential property.
- C. In front yards, balconies may extend a distance of four (4) feet or less, provided they are seven (7) feet or more above the grade at the building line. Patios or decks may extend a distance of eight (8) feet or less. Enclosed entryway not to exceed 64 square feet.
- D. In rear yards, balconies, breezeways, detached picnic shelters, swimming pools, recreational equipment, landscaping, driveways, steps, stoops, uncovered porches, patios, picnic tables, open arbors, trellises, laundry drying equipment, detached outdoor living room and outdoor eating facilities, provided they are not less than five (5) feet from any lot line.

- E. Encroachments in any yard that abut a public or private street, shall be considered as permitted encroachments, as outlined above, except that no encroachment shall be permitted within present or proposed street right-of-way lines.
- F. On corner lots, in any district, encroachments are not permitted in excess of thirty (30) inches above the curb line in a triangular area defined as follows: “Beginning at the intersection of the projected curb line of two intersecting streets, thence thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning.”

**Subd. 18. Home Occupations.**

- A. Intent. To provide peace, quiet, and domestic tranquility within all residential neighborhoods, within the City, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas, and to protect the public health, safety, and general welfare of the residents of the City.
- B. Definition. A home occupation is defined as any gainful occupation, business that is conducted by an occupied dwelling that is zoned for residential use.
- C. Home occupations shall conform to the following standards:
  - 1) No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.
  - 2) There shall be no exterior storage of business equipment, materials, merchandise, inventory or heavy equipment.
  - 3) Vehicular traffic flow and parking within the driveway shall not increase by more than four (4) additional vehicles at a time.
  - 4) All parking related to the home occupation shall be off-street and within the driveway.
  - 5) Any manufacturing business or activity which produces noxious matter or perceptible noise or is visible beyond the lot line is prohibited.
  - 6) Shall not constitute a fire hazard to neighboring residences, will not adversely affect neighboring property values, nor constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors or other circumstances.

- 7) The home occupation shall be carried out by a member of the family residing in the dwelling unit and no outside help shall be hired.
- D. All home occupations shall conform to the above standards #1 through #7 or be subject to Subd. 5 Conditional use permits.

**Subd. 19. Manufactured Homes.**

- A. The placement of manufactured homes within the City is authorized in all residential zones if such homes comply with the following conditions:
- 1) Such homes shall comply with all zoning regulations for the residential zone in which they are located.
  - 2) A building permit and any other required permits shall be obtained for such manufactured homes.
  - 3) No such home shall have ground floor space of less than 960 square feet.
  - 4) No such home shall have a width of less than twenty (20) feet.
  - 5) A permanent foundation of concrete, concrete block or wood as approved by the Uniform Building code as adopted in the State of Minnesota is required with frost footings of at least forty-four (44) inches.
  - 6) Any such manufactured homes shall have exterior siding extending from within six (6) inches of the ground or two (2) inches of concrete, which siding shall be of a conventional exterior dwelling-type material. Any metal siding would have horizontal edges and overlap in sections no wider than twelve (12) inches. Sheet metal siding is prohibited.
  - 7) Such homes shall have a pitched roof covered with shingles or tile and have eaves of not less than six (6) inches.
  - 8) All such manufactured homes shall be built in compliances with Minnesota Statutes 327.31 - 327.35.
  - 9) All manufactured homes shall have available for inspection, manufacturer's instructions specifying how said home is to be situated on a permanent foundation.
  - 10) All exterior and bearing stud walls are to be of at least 2' x 4' construction.
  - 11) The current Minnesota State Building Codes/ Manufactured Homes is hereby adopted as though set forth verbatim herein.



- B. Exemptions. This Subdivision shall have no application to manufactured homes built in compliance with the Uniform Building Code as adopted in the State of Minnesota or to manufactured housing place in a manufactured home park.

**Subd. 20. Zero Lot Line Provisions - Residential.** Two family residential lots may be platted or subdivided in such a manner that the common boundary line for the residential units will have a zero lot line setback, provided, however, that such lot meets with the following requirements:

- A. Each lot shall have a minimum square footage of 6,000 square feet.
- B. Separate services shall be furnished to each residential unit for sanitary sewer and water.
- C. Fence or shrubbery dividers may be installed or maintained on the common boundary line in the rear of the structure.
- D. The two family unit shall be constructed in a side-by-side manner.
- E. A double fire wall in conformance with the Building Code shall be constructed as a common wall extending from the foundation through the rafters of the building.

**Subd. 21. Traffic Control.** The traffic generated by any use shall be channelized and controlled in a manner that will avoid: congestion on public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic.

- A. Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of Commercial and industrial areas shall, to the extent possible, be forward moving with no backing into streets. On corner lots, no structure or other materials shall be placed within the intersection sight distance triangle between the height of two and one-half (2 1/2) and ten (10) feet above the center line grade of the intersecting Street. This intersection sight distance triangle is described as that area on the Street side of a line drawn between two points located approximately thirty (30) feet from the point of the intersection of the curb lines of the intersecting streets.
- B. Access Drives and Access.
  - 1) The number and type of access drives onto arterial or collector streets may be controlled and limited in the interest of public safety and efficient traffic flow.

- 2) Access drives onto County or State highways shall require a review by the County or State Engineer who shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
  - 3) All lots or parcels shall have direct adequate physical access for emergency service vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway or an existing private roadway approved by the Council.
- C. Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the center line of said vacated area shall not be affected by such proceedings.

**Subd. 22. Parking.**

- A. Any off-street parking space in connection with existing buildings or structures, on the effective date of this Chapter, shall not be removed, enlarged or altered, except in conformance with the requirements of this Chapter. In connection with any building or structure which is to be erected or substantially altered and which requires off street parking spaces, off-street parking space will be provided in accordance with the following regulations. The following requirements are designed to provide adequate off street parking space for passenger automobiles of patrons, occupants or employees.
- B. Size. A required off-street parking space shall be at least nine (9) feet in width and twenty (20) feet in length, exclusive of access drives, aisles, ramps and columns.
- C. Access.
- 1) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to parking spaces.
  - 2) All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley, or driveways, in a manner which will least interfere with traffic movements.
  - 3) A parking area containing four (4) or more parking spaces, shall have vehicular access to it by a street, alley, or driveway, containing all-weather, hard surfaced pavement and the size, location, and route of access to such parking areas shall be approved by Council.
- D. Yards.

- 1) Off-street parking shall not be permitted within any front yard or side yard setback, except in residential districts.
  - 2) Parking spaces required for single or two family dwelling units shall be located on the same lot as the dwelling served.
- E. Computation of Parking Spaces. When determination of the number of parking spaces required by this Chapter results in a requirement of a fractional space, any fraction shall be counted as one parking space.
- F. Collective Parking Provisions for Non-Residential Uses. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each use and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space, or portion thereof, shall serve as a required space for more than one use unless otherwise authorized in this Chapter.
- G. Repair. No major motor vehicle repair work shall be permitted in parking lots.
- H. Design, Maintenance, and Installation.
- 1) All open off-street parking areas shall be paved with a hard and dust-free surface.
  - 2) All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
  - 3) All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential property, by an approved, compatible wall or fence that conforms with this Chapter or a densely planted compact hedge not less than five (5) feet in height and so as not to create a traffic hazard on adjacent streets.
  - 4) Illumination of an off-street parking area shall be arranged so as not to project or reflect rays of light into adjacent and residential districts, and so as not to create a traffic hazard on adjacent streets.
  - 5) The owner of any off-street parking area shall maintain the area in good condition without holes and free of all dust, trash, and other debris.
- I. Required Parking Spaces. The minimum number of off-street parking spaces for each type of use shall be determined in accordance with the following:

- 1) Residential Use. Two parking spaces for each dwelling unit for single family, two family, or multiple dwelling units.
- 2) Automobile Service Stations. At least one parking space for each employee, plus two for each service stall.
- 3) Banks. At least one parking space for each two hundred square feet of floor area.
- 4) Group Homes, Boarding and Rooming Houses. At least two parking spaces, plus one parking space for each three persons for which living accommodations are provided.
- 5) Bowling Alleys. At least seven parking spaces for each alley, plus such additional spaces as may be required for affiliated uses.
- 6) Business and Professional Offices or Public Administration Buildings. At least one parking space for each two hundred square feet of floor area.
- 7) Churches and Synagogues. At least one parking space for each four seats in accordance with density capacity of the main auditorium.
- 8) Establishments Handling the Sale and Consumption of Food and Refreshment on the Premises. At least one parking space for each seventy-five square feet of floor area.
- 9) Furniture and Appliance Stores, Motor Vehicle Sales, Stores for Repair of Household Equipment, or Furniture. At least one parking space for each six hundred square feet of floor area.
- 1) Hotels. At least one space for each three separate rooms and at least one space for each three suites of more than one room.
- 2) Libraries and Museums. At least one parking space for each five hundred square feet of floor area.
- 3) Manufacturing, Fabricating, and Processing Plants Not Engaged in Retail Trade. At least one parking space for each employee or one parking space for every one thousand square feet of floor area, whichever is greater.
- 4) Medical and Dental Clinics. At least two spaces for each examining or treatment room, plus one for each doctor and employee in the building.
- 5) Motels. At least one parking space for each dwelling unit, plus one space per employee.

- 6) Public Utility and Public Service Uses. At least one parking space for each three employees, plus spaces in adequate number as determined by the Council to serve the visiting public.
  - 7) Recreational Buildings or Community Centers. Spaces in adequate number as determined by the Planning Commission.
  - 8) Schools, Elementary. Junior High, Public or Private. At least one parking space for each faculty member and other full-time employees. Senior high schools shall also provide one space for each ten students.
  - 9) Supermarkets, Discount Houses, Mail Order Outlets, Retail Stores and Other Stores with High Customer Volume. At least one parking space for each three hundred square feet of floor area.
  - 10) Theaters. At least one parking space for each four seats in the theater.
  - 11) Warehouse and Storage Establishments and Freight Terminals. At least one off-street parking space for each two thousand square feet of floor area or one parking space for every two employees, whichever is greater.
  - 12) Other Uses. Parking spaces on the same basis as required for the most similar use.
- J. Exception to Required Parking Spaces: The City may modify the minimum parking requirements in any Multiuse or Business District, as part of a planned unit development approval process or for other exception circumstances, if it is determined that the use is consistent with the purpose of the district and that parking is determined by the City to be sufficient to accommodate the use.

**Subd. 23. Off-Street Loading.** In connection with any building or structure, which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or other similar vehicles, there shall be provided off-street loading space not less than the minimum requirements specified in this Subdivision. Any loading operation shall not create traffic congestion or traffic hazard on the public approaches to any property.

A. Location.

- 1) All required loading spaces shall be located on the same lot as the use to be served and no portion of any vehicle shall, while occupying any loading space, project into a street or alley.

- 2) No required off-street loading space shall be less than 100 feet from any residential district boundary without adequate screening provided.
  - 3) No loading spaces shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front or side yard.
  - 4) Loading spaces may be located within the confines of a building.
  - 5) All loading spaces shall be in the side or rear yards.
- B. Access. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and shall be subject to approval by the City Engineer.
- C. Space Usage. Space allocated for an off-street loading space shall not, while so allocated, be used to satisfy the parking requirements.
- D. Required Loading Spaces.
- 1) In Commercial Districts. One off street loading space shall be provided for each store unit having a gross floor area of 10,000 square feet or less. One additional space shall be provided for each additional 15,000 square feet of floor area.
  - 2) Banks, Business and Professional Offices, Public Administration Building, Schools and Other Similar Uses. One off-street loading space for each building containing up to 100,000 square feet of floor area. One additional space for each additional 100,000 square feet of floor area.

**Subd. 24. Signs.** The purpose of this Subdivision is to provide for necessary visual communication and to preserve and promote a pleasant physical environment on the streets and highways within the City, by regulating the type, number, structure, size, height, type of illumination, and the erection and maintenance of all outdoor signs and sign structures within the City.

A. Non-Conforming Signs.

- 1) Temporary signs shall be permitted only to identify special, unique, or limited activities, services, products or sales of limited duration. A temporary sign shall not exceed thirty-two (32) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of sixty-four (64) square feet. A temporary sign shall be located only upon the lot(s) upon which the unique, special, or limited activities, services, or sales are to occur. Such signs may be located

within required front, rear or side yards, but shall not extend over any lot line nor within fifteen (15) of any point of vehicular access to a public roadway. The temporary sign shall not project higher than eight (8) feet as measured from the base of the sign or the grade of the nearest adjacent roadway, whichever is higher. Permits are to be allowed for 30 day increments four (4) times per calendar year with a minimum 30 day waiting period between each increment. Permits can be issued for smaller increments of time each with a minimum 30 day waiting period between each increment for up to a maximum of 120 days per calendar year. Such temporary sign shall be removed within three (3) days of the termination of the advertised activity, service, product, or sale.

- 2) Other signs existing on the effective date of this Chapter and not conforming to its provisions, but which conform to previous laws, shall be regarded as nonconforming signs, which may be continued if properly repaired and maintained as provided in this Chapter, and if in conformance with other City Code provisions. If said signs are not so continued, they shall be removed in accordance with Section 11.10, Subd. 5.
- 3) All non-conforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Chapter.

B. Prohibited Signs.

- 1) Signs that, by reason of position, shape or color would interfere with the proper function of a traffic sign or signal.
- 2) Signs within a public right-of-way or easement, except for signs installed by governmental subdivisions.
- 3) Signs that resemble any official marker erected by a governmental agency or that display such words as "Stop" or "Danger" which are not erected by legal authority.
- 4) Signs or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure. With reference to commercial districts, signs painted on the inside glass portion of windows or doors are permitted.
- 5) Sign posters that are tacked or posted on trees, fences, utility posts, or other such supports.
- 6) Billboards.
- 7) All other signs not expressly permitted by this Chapter.

8) Projecting signs.

C. Permitted Signs. General requirements and standards for permitted signs:

- 1) Where a sign is illuminated, the beam of light shall not shine directly upon any part of a residence or into the street.
- 2) No sign shall extend more than two (2) feet above the eave or parapet of the building to which it is mounted.
- 3) No part of any permanent freestanding sign shall be closer than five (5) feet from the side lot line.
- 4) No part of any sign shall project over or beyond the property line of the property upon which the sign is located.
- 5) The supporting columns of a freestanding sign, exceeding sixteen (16) square feet in area, shall not materially impede vision between a height of two and one-half (2 1/2) and seven and one-half (7 1/2) feet above the center line grade of a street. Such a freestanding sign shall be set back ten (10) feet or more from the street right-of-way line. Freestanding signs located within twenty-five (25) feet of intersecting streets shall have a minimum vertical clearance of ten (10) feet above the center line grade of the intersecting streets.
- 6) When electrical signs are installed, their installation shall be subject to inspection by the State Board of Electricity.
- 7) Canopies and marquees shall be considered to be an integral part of the structure to which they are attached. If signs are attached to a canopy or marquee, the canopy or marquee shall be considered a part of the wall area used.

D. Permitted Signs - No Permit Required.

- 1) Identification signs for one and two family dwellings, provided that such signs are less than two (2) square feet in area.
- 2) Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than six (6) square feet in area.
- 3) Traffic control signs, non-commercial governmental signs, local notices, and temporary non-advertising safety or emergency signs.



- 4) Signs denoting the architect, engineer, contractor, or owner, when placed upon a worksite, which do not exceed an aggregate of forty-eight (48) square feet in area. Such signs must be removed ten (10) days after completion of construction.
- 5) Copy of message changing on a printed or painted sign, which is a permitted sign.
- 6) Political Campaign Signs. Signs designating candidates seeking political office and other data pertinent thereto shall be permitted, provided that the property owner's permission has been obtained, as follows: A maximum of nine (9) square feet for each premise in a residential zone and a maximum area of thirty-two (32) square feet in a commercial or industrial zone. These signs shall be located on private property and shall not be less than thirty (30) feet from the nearest curb line intersection of any street or road. These signs may be displayed thirty (30) days prior and five (5) days after the election for which they are intended. In a state general election year (even years), this ordinance is overruled by Minnesota Statute 211B.045 (as may be amended) from 46 days before the primary until 10 days after the general election, and campaign signs may be posted in any size and number.
- 7) Signs or posters painted on or attached to the inside of a display window.
- 8) Flags, badges, or insignia of any government or governmental agency, or of any civic, religious, fraternal or similar organizations.
- 9) Emergency signs required by other governmental agencies.
- 10) Temporary displays which are erected to celebrate commemorate or observe a civil or religious holiday.
- 11) Real Estate Signs, as follows:
  - (a) Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten (10) square feet for residential property and thirty-two (32) square feet for other property and provided that only one sign is permitted for each property. The signs must be removed within ten (10) days following the least or sale.
  - (b) One sign per building for the purpose of leasing dwelling units in buildings containing two or more units provided such signs are limited to five (5) square feet in area.

E. Permitted Signs - Permit Required.

- 1) Commercial Business Districts.
- 2) Wall Signs and Roof Signs. Each establishment or enterprise may have wall signs and projecting signs on each wall, provided the aggregate area of such signs does not exceed thirty percent (30%) of the area of the wall supporting the signs.
- 3) Marquee Signs. Signs may be placed on the vertical faces of a marquee or may project below the lower side of a marquee not more than twenty-four (24) inches. The bottom of a sign placed on a marquee shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee. The signs shall not be permitted on a marquee which project over any public right-of-way, except that a variance may be granted for theater marquees by the Council.
- 4) Each establishment or enterprise eligible for a freestanding sign may instead elect to have a roof sign for identification, instead of a freestanding identification sign, provided that the sign does not extend more than ten (10) feet above the roof line, or more than thirty-five (35) feet, whichever is lesser. The sign may not exceed two hundred fifty (250) square feet in area.
- 5) Individual establishments or enterprises which are not located in a shopping center complex may have one freestanding sign not to exceed two hundred fifty (250) square feet in area and not to exceed thirty-five (35) feet in height.
- 6) Commercial establishments or those enterprises clustered in a shopping center complex may have a single freestanding sign not to exceed two hundred fifty (250) square feet in area and not to exceed thirty-five (35) feet in height.
- 7) Residential Districts.
- 8) Home occupations and special home occupations may have one freestanding or wall sign per dwelling, which may not exceed 2.5 square feet and which may not be more than six (6) feet above the ground.
- 9) Multiple family dwellings may have one wall or freestanding sign per building, which may not exceed ten (10) square feet in area.
- 10) Public and Semi-Public Places (All Zoning Districts).
- 11) Churches, synagogues, temples, and places of worship may have the following signs:
  - (a) One freestanding sign with the sign area not to exceed thirty-six (36) square feet. The sign shall not extend more than ten (10) feet above

ground level. There may be a second such sign if the use abuts two or more streets.

- (b) One wall sign immediately above or beside each public entrance to that part of the building which is used as a school and meets the requirements of the Minnesota Department of Education. The sign area shall not exceed ten (10) square feet.

12) Other Public and Semi-Public Uses.

- (a) Freestanding signs as specified above for churches, synagogues, and temples.

- (b) One wall sign with an area of not more than thirty-six (36) square feet.

F. Sign Permits. No sign shall hereafter be erected, re-erected or altered, unless a permit for each sign has been obtained, unless no permit is required pursuant to this Chapter. In addition, electrical permits shall be obtained for all electrical signs. Application for a sign permit shall be made in writing on forms furnished by the Building Inspector. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor, or erector. The Building Inspector may require filing of plans or other pertinent information where such information is necessary to insure compliance with this Chapter.

G. Sign Permit Fees. The following fees are hereby established and shall be collected before issuance of any sign permit.

- 1) Sign Permit Fee established by fee schedule resolution each year.

H. Sign Variances. The procedure for obtaining a variance from the requirements of this Chapter shall be the same as set out in Section 11.20, Subd. 6 of this Chapter. The Planning Commission may recommend that the Council may grant variances from the literal provisions of this Chapter in instances where the strict enforcement would cause hardship because of circumstances unique and distinct as to the specific property or use under consideration. Circumstances caused by the property owner or the applicant or a predecessor in title may not constitute sufficient justification to grant a variance. A variance may be granted by the Council after demonstration by evidence that all of the following qualifications are met.

- 1) A particular hardship to the owner would result if the strict letter of the regulations were observed.

- 2) The circumstances upon which the application for a variance are based are unique to the parcel of land or the use thereof and are not common generally to other property or uses within the same zoning classification.
- 3) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

I. Repair and Removal.

- 1) Any sign or sign structure which may be, or may hereafter become rotted, unsafe, or unsightly, shall be repaired or removed by the lessee, licensee<sup>9</sup> owner, or agent of the owner of the property upon which the sign is located after receipt of written notice from the Building Inspector.
- 2) The Building Inspector may order the removal of any sign erected or maintained in violation of this Chapter. Ten (10) days notice in writing shall be given to the owners of such sign, or the owner of the building, structure or premises on which the sign is located, to either bring the sign into compliance with this Chapter, or effect its removal. Upon failure to remove the sign or to comply with this notice, the Building Inspector shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.

J. Sign Enforcement.

- 1) It shall be the responsibility of the Building Inspector to administer and enforce the sign provisions of this Chapter.
- 2) It is unlawful for any person to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any provisions of this Chapter.

**Subd. 25. Requiring The Numbering Of Buildings.**

- A. Numbers Assigned. The City shall assign distinctive street numbers to all principal buildings presently located within the City. Principal buildings hereafter constructed shall be assigned street number when the building permit is issued.
- B. Numbering Required. It shall be the duty of the owner, agent, lessor or occupant of every house, mobile home or other building except barns, garages and other residential, commercial or industrial buildings which are part of the same property with a numbered house or building, to place on

every such mobile home or building its proper street number in conformity with the following:

- 1) Arabic Numbers shall be posted above, on or beside the principal entrance to the building.
- 2) Numbers shall be posted in a manner as to be visible from the dedicated street on which the property is located.
- 3) Premises which are located so that they are not visible from the abutting street shall have an additional set of numbers located on a post, sign or other device, which is clearly visible from such street and which clearly designates the premises numbered.
- 4) Numbers must have a minimum height of 4 inches and a minimum width of 1-1/2 inches. Numbers must contrast with the color of background to which they are attached or must be made of a reflective material.
- 5) In cases where a principal building is occupied by more than one business or family dwelling unit each separate front entrance of such building shall bear a number, as assigned by the City.

C. Time to Comply. All houses or other buildings with existing non-conforming numbering shall comply with this Section no later than July 1, 2002. All persons replacing existing numbers shall comply with the terms of this Section. Buildings hereafter constructed in the City shall comply with this ordinance within thirty (30) days of substantial completion of construction and/or occupancy

D. Variations. Variations from the strict application of provisions of this Section may be granted by the Council where there are practical difficulties or unnecessary hardships in effecting strict compliance. Such hardships or difficulties must have to do with the characteristics of the property and not of the property owner

**Subd. 26. Zero Lot Line Provisions - Commercial.** Two or more business or commercial use lots may be platted or subdivided in such a manner that the common boundary line for the commercial units will have a zero lot line setback, provided, however, that such lot meets with the following requirements:

- A. Each lot shall have a minimum square footage as identified for that zoning district as listed in Section 11.34. Dimensional Requirements.
- B. Separate services shall be furnished to each unit for sanitary sewer and water.

- C. Fence or shrubbery dividers may be installed or maintained on the common boundary line in the rear of the structure.
- D. The units shall be constructed in a side-by-side manner.
- E. A double fire wall in conformance with the Building Code shall be constructed as a common wall extending from the foundation up through the rafters of the building.
- F. The end units must meet the side yard setback requirements for the non-zero lot line side of the lot as identified for that zoning district as listed in Section 11.34. Dimensional Requirements.

***SECTIONS 11.61 THROUGH 11.98, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.***

***SECTION 11.99. VIOLATION A MISDEMEANOR.*** Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.