

## CHAPTER 901

### LAND USE REGULATIONS (ZONING)

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## **CHAPTER 901**

### **LAND USE REGULATIONS (ZONING)**

#### **901.100: GENERAL PROVISIONS**

##### **SECTION 901.101: TITLE**

Zoning Ordinance, City of Altura, Minnesota.

##### **SECTION 901.102: INTENT AND PURPOSE**

This Chapter is adopted for the purpose of:

1. implementing the goals and policies of the Altura Comprehensive Plan by regulating land uses;
2. protecting the public health, comfort, convenience and general welfare;
3. promoting orderly development of the residential, commercial, industrial, recreational and public area;
4. conserving the natural resources in the City;
5. providing for the compatibility of different land uses and the most appropriate use of land throughout the City.
6. minimizing environmental pollution;
7. conserving energy such as through the encouragement of solar and earth-sheltered structures for commercial, industrial, and residential areas; and,
8. protecting the natural resources in the City.

##### **SECTION 901.103: JURISDICTION**

This Chapter shall be applicable to all lands, structures and waters within the corporate limits of Altura, Minnesota.

##### **SECTION 901.104: SCOPE**

Any structure or use existing on the effective date of this Chapter, and which does not conform to the provisions of this Chapter, may be continued for a certain period of time subject to the following conditions:

1. No such use shall be expanded, changed or enlarged except in conformity with the provisions of this Chapter.

2. If a non-conforming use is discontinued for a period of twelve months, further use of the structures or property shall conform to this Chapter. The County Assessor and/or Zoning Administrator shall notify the City Clerk or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve consecutive months.
3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Chapter.
4. All non-conforming junk yards, open storage areas, and similar non-conforming uses of open land not involving a substantial investment in permanent buildings shall be removed, altered or otherwise made to conform within one (1) year of the effective date of this Chapter.
5. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

#### **SECTION 901.105: INTERPRETATION AND APPLICATION**

1. In their interpretation and application, the provisions of this Chapter, shall be held to the minimum requirements for the promotion of the public health, safety, and welfare.
2. No part of the yard or open space required for a given building shall be included as part of the yard or other space required for another building, and no lot shall be used for more than one principal building.
3. Each new occupied building shall be required to connect to the City sewage disposal system where it is available. For existing lots of record where city sewage service is not available, the private sewage disposal system shall meet the standards of the Minnesota Pollution Control Agency (6MCA #4.8040).
4. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spire, wireless or broadcasting towers, masts or aerials, and necessary mechanical appurtenances are hereby excepted from the height regulations of this Chapter and may be erected in accordance with other regulations or City Code provisions.
5. Except as in this Chapter specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered; and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Chapter.

#### **SECTION 901.106: SEPARABILITY**

It is hereby declared to be the intention that several provisions of this Chapter are separable in accordance with the following:

1. If any court of competent jurisdiction shall judge any provisions of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

2. If any court of competent jurisdiction shall judge invalid the application of any provision of this Chapter to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

**SECTION 901.107: ZONING DISTRICTS AND DISTRICT PROVISIONS**

Subdivision 1. Zoning Districts.

The zoning districts are so designed as to assist in carrying out the interests and purposes of the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this Chapter, the City is hereby divided into the following Zoning Districts:

Symbol	Name
A	Agricultural District
R-1	Suburban Residential District
R-2	Urban Residential District
R-3	Multi-Family Residential District
C-1	Central Business District
C-2	Highway Commercial District
I-1	Industrial District
C	Conservancy District

Subdivision 2. Zoning Map.

1. 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 Zoning Administrator's office.
2. District boundary lines recorded on the Zoning Map are intended to follow lot lines, the centerline of streets or alleys, the centerline of streets or alley projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist on the effective date of this Chapter.
3. All territory which may hereafter be annexed to the City shall be considered zoned agricultural.
4. Amendments to the Zoning Map shall be recorded on the Official Zoning Map by the Zoning Administrator within fifteen (15) days after the said adoption of the amendment by the Council. The Official Zoning Map shall be maintained by the Zoning Administrator and shall be kept on file in the office of the Zoning Administrator for view by the public during normal office hours.
5. In those cases where there is a question of the exact location of a zoning district, the Board of Adjustment shall make the necessary interoperation.

**SECTION 901.108: EXISTING LOTS**

A lot or parcel of land in a residential district which was a record as a separate lot or parcel in the office of the County Recorder or Registrar to Titles, on or before the effective date of this Chapter may be used for single family detached dwelling purposes provided the area and width thereof are within sixty percent (60%) of the minimum requirement of this Chapter; and provided it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling.

## **SECTION 901.109: ZONING AND COMPREHENSIVE PLAN**

Any change in zoning granted by the Council shall automatically amend the Comprehensive Plan in accordance with said zoning change, provided that hearing was held by the Planning Commission within ten (10) days if the publication of the notice, prior to the amendment. Only amendments which are contrary to the present Comprehensive Plan would be considered an amendment.

## **901.200: RULES AND DEFINITIONS**

### **SECTION 901.201: RULES**

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- B. In the event of a conflicting provisions, the more restrictive provisions shall apply.

### **SECTION 901.202: DEFINITIONS**

The following terms, as used in this section, shall have the meanings stated:

**Accessory Use or Structure** - A use or structure, or portion of a structure, subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

**Agriculture Use** - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:

- A. Field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum and sunflowers.
- B. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game bird and other animals including dogs, ponies, deer, rabbits and mink.
- C. Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

**Alley** - A street or thoroughfare affording secondary access to abutting property.

**Agricultural Building or Structure** - Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

**Apartment** - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.

**Auto or Motor Vehicle Reduction Yard** - A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parks, sale of scrap, storage, or abandonment. (See also Junk Yard.)



**Automobile Service Station** - A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles or any portion thereof.

**Basement** - A portion of a building located partly underground but having one-half (1/2) or more of its floor to ceiling height above the average grade of the adjoining ground.

**Bed and Breakfast** - A building of residential design wherein lodging is provided to tourists and wherein breakfast may also be provided to said tourists. For purposes of this definition, the term "tourist" shall mean persons renting such accommodations for a total period of time not to exceed fourteen (14) days during any consecutive ninety (90) day period.

**Boarding House (Rooming or Lodging House)** - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty person.

**Building** - Any structure having a roof which may provide shelter or enclosure of person, animals, chattel, or property of any kind.

**Building Line** - A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.

**Building Height** - The vertical distance to be measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on round or other arch type roof, to the main distance of the highest gable on a pitched or hip roof.

**Building Setback** - The minimum horizontal distance between the building at its furthest protrusion and a lot line, or the normal high water mark of a stream or river.

**Business** - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

**Cellar** - That portion of a building having more than one-half (1/2) of the floor-to-ceiling height below the average grade of the adjoining ground. The cellar shall not be counted as a story for purposes of height limitations.

**Church** - A building where person regularly assemble for religious worship and which build, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clear-Cutting** - The entire removal of a stand of vegetation.

**Clustering/Cluster Housing** - A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

**Comprehensive Plan** - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development of the City and its environs and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**Commissioner** - Commissioner of the Department of Natural Resources.

**Conditional Use** - A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or traffic congestion.

**Condominium** - A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the common property. In a condominium, each apartment or townhouse is owned outright by its occupant and each occupant also owns a share of the land and the other common property.

**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 total enterprise.

**Curb Level** - The grade elevation established by the Council of the curb in front of the center of the building. Where no curb level has been established, the City hall determine a curb level or its equivalent of the purpose of this Chapter.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

**Drive-In** - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of where service is also provided within a building.

**Dwelling, Attached** - One, which is joint to another dwelling or building at one (1) or more sides by a party wall or walls.

**Dwelling, Detached** - One, which is entirely surrounded by one space on the same lot with no common party walls.

**Dwelling Unit** - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. There are three (3) types:

- A. Single-Family Detached - A free-standing residence structure designed for or occupied by one (1) family only.
- B. Single-Family Attached - A residential building containing two (2) or more dwelling units with one common wall.
  - B1. Duplex: A residence designed for or occupied by two (2) family only, with separate housekeeping and cooking facilities for each.
  - B2. Townhouse: A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit or oriented as to have all exits open to the outside.
- C. Multiple-Family - A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a large structure (detached), with separate housekeeping and cooking facilities for each.

**Earth Sheltered Building** - A building constructed so that 50% or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in

non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or substructure for above-ground construction. A partially completed building shall not be considered earth sheltered.

**Earth Sheltered Berm** - An earth covering on the above grade portions of building walls.

**Easement** - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage way and gas line.

**Efficiency Unit** - A dwelling unity with one primary room, which doubles as living room, kitchen and bedroom. Essential Services - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structure or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commission or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, public call boxes and accessories in connection there with but not including buildings.

**Exterior Storage (Includes Open Storage)** - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**Extraction Area** - Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of two feet in depth, other than activity involved in preparing land of earth sheltered or conventional construction of residential, commercial and industrial buildings, excavated or made by the removal from gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

**Family** - One (1) or more persons related by blood, marriage or adoption. Five (5) or fewer persons not related by blood, marriage or adoption will be considered a family regardless of the ownership of the unit amongst the five or fewer persons.

**Farm** - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

**Feed Lot** - An area where livestock/animals are confined.

**Fence** - Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or with the required yard.

**Floor Area** - The sum of the gross horizontal area of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within a building or structure.

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

**Garage, Private** - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family of families resident upon the premises.

**Garage, Public** - Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.

**Garage Storage** - Any building or premises used for housing motor driven vehicles and at which automobile fuels are not sold or motor vehicles are not equipped, repaired, hired, or sold.

**Grade** - The average of the finished level at the center of the exterior walls of the building. For an earth sheltered building grade means the average of the finished level at the center of the lot. For a building with earth berms but less than 50 percent earth covering grade means the average of the finished level at the center of the building at the beginning of the earth berm.

**Home Occupation** - Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit. Such uses included professional offices, minor repair services, photo or art studios, dressmaking, barber shops, beauty shops, tourist homes, or similar uses.

**Horticulture** - Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

**Hotel** - A building which provides a common entrance, lobby, halls, and stairway and in which twenty or more people can be, for compensation, lodged with or without meals.

**Junk Yard** - An open area where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

**Kennel** - Any structure or premises on which four (4) or more dogs over six (6) months or age are kept for sale, breeding, profit, training, ect.

**Landscaping** - Planting, including trees, grass, ground cover, and shrubs.

**Lodging Room** - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of room without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.

**Lot** - A Parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale for lease or separate use thereof.

**Lot of Record** - Any lot which is one unit of a plat heretofore duly approved as filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the Office of the County Recorder for Winona County, Minnesota, prior to the effective date of this Chapter.

**Lot Area** - The area of a lot in a horizontal plan bounded by the lot lines.

**Lot, Corner** - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees (135) degrees.

**Lot Coverage** - The area of the zoning lot occupied by the principal buildings and accessory buildings. Earthberms are not to be included in calculating lot coverage. Only the above grade portions of an earth sheltered building should be included in lot coverage calculations.

**Lot Depth** - The mean horizontal distance between the front lot line and the rear lot line of the lot.

**Lot Line** - The proper line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for purposes of this Chapter.

**Lot Line, Front** - That boundary of a lot which abuts an existing or dedicated public street and in case the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.

**Lot Line, Rear** - That the boundary of a lot which is opposite the front line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

**Lot Lines, Side** - Any boundary of a lot which is not a front lot line or a rear lot line.

**Lot, Substandard** - A lot or parcel of land for which a deed has been recorded in the office of the County Recorder upon or prior to the effective date of this Chapter which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Chapter.

**Lot Width** - The maximum horizontal distance between the side lot line of a lot measured within the first thirty feet of the lot depth.

**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 permanent foundation when connected to the required utilities, and which 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 which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this Chapter.

**Manufactured/Mobile Home Park** - Any site, lot, field or tract of land under single ownership, designated, maintained or intended for the placement of two (2) or more occupied homes. It shall include any buildings, structure, vehicle, or enclosure intended of use as part of the equipment of such mobile/manufactured home park.

**Metes and Bounds** - A method of property description by means of their direction and distance from an easily identifiable point.

**Mining** - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building provided such removal is an approved item in the building permit.

**Modular Home** - A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where the final installations are made, permanently affixing the module to the site.

**Motel (Tourist Court)** - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed used or intended to be used primarily for the accommodation of automobile transients.

**Motor Home or Recreational Vehicle** - Any vehicle mounted on wheels and for which a license would be required if used on highway, roads, or streets and so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes and used for recreational purposes.

**Nursery, Landscape** - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

**Nursing Home** - A building with facilities for the care of children, the aged, infirm or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statutes, Section 144.50.

**Obstruction** - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collection debris carried by such water.

**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 that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Open Sales Lot (Exterior Storage)** - Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and or the storing of same under the open sky prior to sale.

**Parking Space** - A suitably surfaced and permanently maintained area on privately owned property either within or outside of building of sufficient size to store one standard automobile.

**Party Wall** - A wall common to two residential dwelling units such as in condominiums or zero lot line buildings. This is applicable to townhouses and other multi-family developments.

**Pedestrian Way** - A public or private right-of-way across or within a block to be used by pedestrians.

**Planned Unit Development** - A residential development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowner's association.

**Principal Structure or Use** - One which determine the predominant use as contrasted to accessory use or structure.

**Property Line** - The legal boundaries of a parcel of property which may also coincide with a right-of-way line or a road, cartway, and the like.

**Property Owner** - Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one year, a dominant easement interest, or an option to purchase any of same, but not including owners or interest held for security purposes.

**Protective Covenant** - A contract entered into between private parties which constitutes a restriction of the use of a particle parcel of property.

**Public Land** - Land owned or operated by municipal, school district, county, state or other governmental units.

**Reach** - A hydraulic engineering term to describe a longitudinal segment of a stream or river included by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

**Recreation, Commercial** - 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.

**Regional Flood** - 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 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

**"Registered Land Survey"** - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts. Of Registered Land Survey Number. (See Minnesota Statutes 508.47).

**Right-of way** - The total width of land owned by a governmental unit (local, county, state and federal) in and adjacent to a street, road or highway. This shall include the road surface, drainage ditches, curb and gutter and sidewalk.

**Roadside Stand** - A temporary structure, unenclosed and so designed and constructed that the structure is easily portable and can be readily removed.

**Selective Cutting** - The removal of single scattered trees.

**Setback** - The minimum distance between a structure or sanitary facility and a property line.

**Shoreland** - Means land located within the following distances from public waters:

- A. 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and
- B. 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits or shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water or lesser distance and when approved by the Commissioner.

**Shoreland Alteration** - Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

**Shoreland Setback** - The minimum horizontal distance between a structure and the ordinary high water mark.

**Sign** - Any letters, figures, design, symbol, trademark, architectural or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and pointed, printed, or constructed and displayed in constitutes a sign, but no including an emblem, or insignia of a government, school or religious group when displayed for official purposes.

**Sign, Advertising** - A 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.

**Sign, Business** - A sign which directs attention to a business or profession to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

**Sign, Flashing** - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

**Sign, Name Plate** - Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

**Sign, Projecting** - A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

**Sign, Pylon** - A free standing sign erected upon a singly pylon or post which is in excess of ten (10) feet in height with a sign mounted on top thereof.

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

**Sign, Surface Area of** - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside of the limits of such sign and not forming an integral part of the display.

**Sign, Wall (Flat)** - A sign affixed directly to the exterior wall and confined within the limits thereof of any building and which projects from the surface less than eighteen (18) inches at all points.

**Solar Access Space** - That airspace above all lots within the district necessary to prevent any improvements, vegetation 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 (10) feet high located along the property lines of said lots between the hours of 9:30 A.M. and 3:30 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 the installation of said device or to vegetation existing at the time of installation of said Solar Device.

**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.

**Solar Energy System** - A complete design to assemble consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transforming energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

**Solar Skyspace** - The space between a solar energy collector and the sun which must be free of obstruction that shade the collector to an extent which precludes its cost effective operation.

**Solar Skyspace Easement** - A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a describe location by forbidding or limiting activities or



land uses that interfere with access to solar energy. The solar skyspace must be described as the three dimensional 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 (20 methods).

**Solar Structure** - A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

**Stable, Private** - An accessory building in which horses are kept for private use or not for hire, remuneration, or sale.

**Stable, Public** - A building in which horses are kept for remuneration, hire, or sale therefore, principal building and/or use.

**Street** - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.

**Street, Collector** - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

**Street, Major or Thoroughfare** - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**Street, Local** - A street intended to serve primarily as an access to abutting properties.

**Street Pavement** - The wearing or exposed surface of the roadway used by vehicular traffic.

**Street Width** - The width of the right-of-way, measured at right angles to the centerline of the street.

**Story** - That portion of a building included between the surface of any floor and the surface of the floor next above, including below ground portions of earth sheltered buildings.

**Story, Half** - A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Structure** - Any constructed, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

**Structural Alteration** - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any change in the roof or in any exterior walls.

**Subdivision** - The division or redivision of a lot, tract, or parcel of land into two or more lots either by metes and bound description.

**Townhouse** - A single family building attached by party walls with other single family buildings and oriented so that all exits open to the outside.

**Use** - The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

**Use, Accessory** - A use subordinate to and serving the principal use or structure on the same lot and customarily

incidental thereto.

**Use, Non-Conforming** - Use of land, buildings, or structures legally existing on the effective date of this Chapter which does not comply with all the regulations, and performance standards of a particular district.

**Use, Permitted** - A public or private use which of itself conforms with the purposes, objective, requirements, regulations, and performance standards of a particular district.

**Use, Principal** - The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or condition.

**Use, Condition** - See Conditional Use.

**Variance** - A modification or variation of the provisions of this Chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this Chapter would cause undue hardship.

**Wetland** - Land which is annual subject to periodic or continual inundation by water and commonly referred to as bog, swamp, or marsh.

**Yard** - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Chapter. The yard extends along the lot line at right angles to such regulations for the Zoning district in which such lot is located. The earth sheltered buildings and buildings covered with earth berm, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.

**Yard, Rear** - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

**Yard, Side** - The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

**Yard, Front** - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

**Zoning Administrator** - The duly appointed person charged with enforcement of this Chapter.

**Zoning Amendment** - A change authorized by the City either in the allowed use with a district or in the boundaries of a district.

**Zoning District** - An area within the limits of the City for which the regulations and requirements governing use are uniform as defined by this Chapter.

**SECTION 901.300: ADMINISTRATION**

**SECTION 901.301: ZONING ADMINISTRATOR**

The Zoning Administrator for the City of Altura shall be appointed or hired by the City Council and shall have the power and duty to enforce this ordinance.

**SECTION 901.302: ZONING ADMINISTRATOR, SPECIFIC POWERS AND DUTIES**

The Zoning Administrator shall enforce this Chapter and shall perform the following duties:

1. Issue occupancy, building and other permit, and make and maintain record thereof.
2. Conduct inspections of buildings and use of land to determine compliance with the terms of this Chapter.
3. Maintain permanent and current records of this Chapter, including but not limited to: all maps, amendments, and conditional uses, variances, appeals and applications therefore.
4. Receive, file and forward all applications for appeals, variances, conditional use or other matters to the designated official bodies.
5. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

**SECTION 901.303: COMPLIANCE REQUIRED**

It shall be the duty of all property owners, architects, contractors, subcontractors, builders and other person involved in the use of property, the erecting, altering, changing or remodeling of any building or structure, including tents and mobile homes, before beginning or undertaking any such use or work, to see that such work does not conflict with and is not in violation of the provisions of this ordinance, and any such property owner, architect, builder, contractor or other person using property, or doing or performing any such work and in violation of the provisions of this ordinance shall be held accountable for such violation.

**SECTION 901.304: ZONING CERTIFICATE**

It shall be unlawful to use, occupy or permit the use of occupancy of any building or premises or park thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a zoning certificate shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance. Where a non-conforming use or structure is extended or substantially altered, the zoning certificate shall specifically state the manner in which the non-conforming structure or use differs from the provisions of this ordinance.

**SECTION 901.305: VIOLATIONS**

Any property, building or structure being used, erected, constructed or reconstructed, altered, repaired, converted or maintained in a manner not permitted by this ordinance, shall be prohibited. The City Council or the Zoning Administrator may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

### **SECTION 901.306: PENALTIES**

Any person, firm, corporation or entity violating the provisions of this ordinance shall be guilty of a misdemeanor. Each day that violation is committed or permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this ordinance; and the City may pursue, by appropriate actions or proceedings, and/or all additional other remedies.

### **SECTION 901.307: BOARD OF ADJUSTMENT**

1. The Planning Commission of the City of Altura is hereby designated as the Board of Adjustment. The members of such Board of Adjustment may be paid their necessary expenses, as determined by the Council in the conduct of the business of the Board.
2. Officers, Rules and Meetings. The Board shall annually elect a chairman and vice-chairman from among its members and shall appoint a secretary, who need not be a member of the Board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.
3. The Board of Adjustment shall act upon all questions as they may arise in the administration of this Chapter, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by such an administrative official charged with enforcing this Chapter. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City. The Board of Adjustment shall also have the power to grant variances and conditional use permits to the provisions of this Chapter under certain conditions. The conditions for the issuance of a variance or a conditional use permit are as indicated in Section 901.403 and 901.404. No use variances (uses different than those allowed in the district) shall be issued by the Board of Zoning Adjustment.
4. Hearings of the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in this Chapter and its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.
5. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises. The reasons for the Board's decision shall be stated.
6. The decision of the Board of Adjustment may be appealed to the City Council by written notice delivered to the City Clerk within ten (10) days of the filing of the decision of the Board of Adjustment. The City Council upon appeal may sustain, reverse or modify a decision of the Board of Adjustment and the decision of the City Council shall be final, subject only to judicial review.

## **901.400: ZONING PROCEDURES SECTION**

### **901.401: PLANNING AND ZONING COMMISSION**

1. A Planning and Zoning Commission is hereby established which shall consist of five (5) members. The members of the Commission shall be appointed by the Council and shall serve staggered four year terms.
2. The Commission shall elect a chairman from among its members and may create and fill such other offices as it may determine is necessary to conduct business. The City Administrator's office shall provide a secretary for the purpose of taking minutes.
3. The Commission shall hold a regular meeting each month and adopt rules for the transaction of business along with keeping public records of any resolutions, transactions, findings and recommendations of the Commission.
4. The Planning Commission shall provide assistance to the Council and Zoning Administrator in the administration of this Chapter and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the Council on all applications for zoning amendments using three criteria in Section 901.402.

### **SECTION 901.402: ZONING AMENDMENTS**

The Council may adopt amendments to this Chapter and the zoning map in relation both to land uses within a particular district or to the location of a 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.

1. Kinds of Amendments.
  - A. A change in the district's boundary (rezoning).
  - B. A change in the district's regulations.
  - C. A change in any other provision of this Chapter.

**ZONING AMENDMENTS**

(Change in a District's Boundary)  
(Change in a District's Regulations)  
(Change in any Other Provisions in this Chapter)

MEETING WITH ZONING ADMINISTRATOR –  
(Learn the Procedures, ect.)

FILING COMPLETED APPLCIATION WITH  
ZONING ADMINISTRATOR AND  
PAY FILING FEE

PUBLIC HEARING BY PLANNING COMMISSION

PLANNING COMMISSION RECOMMENATION  
TO COUNCIL

COUNCIL ACTION

VARIANCE AND CONDITIONAL USE PERMIT

MEETING WITH ZONING ADMINISTRATOR –  
(Learn the Procedures, ect.)

FILING COMPLETED APPLCIATION WITH  
ZONING ADMINISTRATOR AND  
PAY FILING FEE

PUBLIC HEARING BY BOARD OF ADJUSTMENT

BOARD OF ADJUSTMENT ACTION

(OPTIONAL)

BOARD OF APPEALS (COUNCIL)

2. Initiation of Proceedings.

Proceedings for emending this Chapter shall be initiated by at least one of the following three methods:

- A. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.

B. By recommendation of the Planning Commission.

C. By action of the Council.

3. Required Exhibits for Rezoning or District Regulation Changes Initiated by Property Owners.

A. A preliminary building and site development plan. The Council may also require a boundary survey of the property.

B. Evidence of ownership or enforceable option on the property.

4. Procedure.

The procedure for a property owner to initiate a rezoning or district regulation change applying to this property is as follows:

A. The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures, and obtain an application form.

B. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.

C. The Zoning Administrator shall transmit the application and required exhibits to the Planning Commission and shall notify all property owners within the affected zone and within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to received such notification shall not invalidate the proceedings.

D. The Zoning Administrator shall set the date for a 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 City-wide amendment to this Chapter initiated by the Planning Commission or Council.

E. The Planning Commission shall hold the public hearing and then shall recommend to the Council within thirty (30) days, one of three actions - approval, denial or conditional approval.

F. The Council shall act upon the application within thirty (30) days after receiving the recommendation of the Planning Commission.

G. No application of a property owner for an amendment to the text of this Chapter or the zoning map shall be considered by the Planning Commission within the one year period following a denial of such request, except 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.

**SECTION 901.403: CONDITIONAL USE PERMITS**

The purpose of a conditional use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use or development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

1. Criteria for Granting Conditional Use Permits.

In granting a conditional use permit, the Board of Adjustments shall consider 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 Board of Adjustments shall make the following finding where applicable:

- A. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area.
- B. The use will sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing home will not be depreciated in value and there will be no deterrence to development of vacant land.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- D. The use, in the opinion of the Board of Adjustment, is reasonably related to the overall needs of the City and to the existing land use.
- E. The use is consistent with the purposes of this Chapter and the purposes of the zoning district in which the applicant intends to located the proposed use.
- F. The use is not in conflict with the Comprehensive Plan of the City.
- G. The use will not cause traffic hazard or congestion.

## 2. Additional Conditions.

- A. In permitting a new conditional use or in the alternative of an existing conditional use, the Board of Adjustment may impose, in addition to these standards and requirements expressed specified in this Chapter, additional conditions which the Board of Adjustment considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:
  - (a) Increasing the required lot size or yard dimension.
  - (b) Limiting the height, size or location of buildings.
  - (c) Controlling the location and number of vehicle access points.
  - (d) Increasing the street width.
  - (e) Increasing the number of required off-street parking spaces.
  - (f) Limiting the number, size, location or lighting of signs.
  - (g) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - (h) Designation sites for open spaces.
  - (i) Establish a time limit.
- B. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the Board of Adjustment; time limits, review dates, and such other information as may be appropriate.



### 3. Required Exhibits for Conditional Use Permits.

- A. Copy of full legal description.
- B. A preliminary building and site development plan. The Council may also require a boundary survey of the property.
- C. Evidence of ownership or enforceable option on the property.

### 4. Procedure. The procedure for obtaining a conditional use permit is as follows:

- A. The property owner or his agents shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application form.
- B. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
- C. The Zoning Administrator shall transmit the application to the Board or Adjustment and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to received such notification shall not invalidate the proceedings.
- D. The Zoning Administrator shall set the date for a public hearing and shall have 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.
- E. The Board of Adjustments shall hold the public hearing and then shall study the application to determine possible adverse effects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects, and approve or deny the conditional use within thirty (30) days of the public hearing.
- F. Revocation of Conditional Use Permits. Where a conditional use permit has been issued pursuant to the provisions of this Chapter, such permit shall become null and void without further action by the Board of Adjustment unless work thereon commences within six (6) months of the date granting such conditional use. The conditional use permit shall not be assignable. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than six (6) consecutive months
- G. In the event that the applicant violates any of the conditions set forth in the permit, the Board of Adjustment shall have the authority to revoke the conditional use permit.
- H. No application of a property owner for a conditional use shall be considered by the Planning Commission within a one year period following a denial for such a request, except the Planning Commission may permit a new application if in its opinion new evidence or a change in circumstances warrant it.

## **SECTION 901.404 VARIANCES**

### 1. Criteria for Granting Variances.

A variance to the provisions of this Chapter may be issued by the Board of Adjustments to provide relief to the landowner in those cases where this Chapter imposes undue hardship or practical difficulties to the property owner in the use of this land. No use variance may be issued. A variance may be granted only in the event that all the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the properties 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 property since the effective date of this Chapter have had no control.
- B. 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 term of this Chapter.
- C. That the special conditions or circumstances do not result from the actions of the applicant.
- D. The granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures or buildings in the same district.
- E. That the variance requested is the minimum variance which would alleviate the hardship. Economic conditions alone shall not be considered a hardship.
- F. The variance would not be materially detrimental to the purpose of this Chapter, or to other property in the same zone.
- G. The Board of Adjustment may impose such restriction and conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by the 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. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by Federal, State or local law.

## 2. Required Exhibits for Variances.

- A. Copy of full legal description.
- B. A preliminary building and site development plan. The Board of Adjustment may also require a boundary survey of the property.
- C. Evidence of ownership or enforceable option on the property.

## 3. Procedures.

The procedure for obtaining a variance from the regulations of this Chapter are as follows:

- A. The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application.

- B. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
- C. The Zoning Administrator shall transmit the application to the Board of Adjustment for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
- D. The Zoning Administrator shall set the date for a public hearing and shall have notice in such hearing published at least once in the legal newspaper, not less than ten (10) days nor more than thirty (30) days prior to the hearing.
- E. The Board of Adjustments shall hold a public hearing on the proposed variance and shall make a decision within thirty (30) days after the public hearing.

### **SECTION 901.405: ENFORCEMENT**

- 1. Enforcing Officer. It shall be the duty of the Zoning Administrator and Building Inspector to cause the provisions of this Chapter to be properly through the proper legal channels.
- 2. Building Permit.
  - A. Hereafter, it is unlawful for any person to move any kind of structure or building or part thereof including deck without first securing a building permit therefore.
  - B. Applications for building permits shall be accompanied by the following exhibits unless waived by the Zoning Administrator:
    - (a) A drawing or sketch of an area including the property in question up to 100 feet beyond its outer boundaries or adjacent building, whichever is closer, showing existing utilities, lot boundaries and dimension, buildings, easements, foliage, and topography and waterways if pertinent. Soil test may be required if pertinent.
    - (b) Preliminary building and site development plans showing building's 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 floor plans of all floors, elevations of all sides of buildings, sections and outline material specifications as appropriate.
  - C. State and Federal Permits.
 

Prior to the granting of a building permit, the Zoning Administrator shall determine that the application has obtained all necessary State and Federal permits.
- 3. Procedure.
  - A. Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator.

- B. Completed building permit forms and a fee as may be established by resolution of the Council shall be submitted to the Zoning Administrator. 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 thirty (30) days.
- C. If the proposed development involves a zoning amendment, variance, or conditional use permit, the application, together with the building permit, shall be submitted either to the Planning Commission or Board of Zoning appeals for review and appropriate action according to the procedures set forth in Sections 901.402, 901.403 and 901.404 of this Chapter.
- D. Whenever appropriate, a certificate of occupancy shall be submitted to the Building Inspector for review. The Building Inspector, after conferring with the Zoning Administrator, shall either issue or deny the certificate depending upon whether the structure or its use conforms to this Chapter.

## **901.500: PLANNED UNIT DEVELOPMENT**

### **SECTION 901.501: PURPOSE**

The purpose of this Section is:

1. to encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan and preserving the health, safety, and welfare of the citizens;
2. to allow for a mixture of residential units in an integrated and well-planned area; and,
3. to ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodland, steep slopes, and scenic areas.

### **SECTION 901.502: PERMITTED USES**

Dwelling units in detached, clustered, semi-detached, attached, or multi-storied structures or combination thereof.

### **SECTION 901.503: GENERAL REQUIREMENTS**

A conditional use permit shall be required of all planned unit developments. The City may approve the planned unit development only if it finds that the development satisfies all the following standards in addition to meeting the requirements of Section 901.403 except for the time limit:

1. The planned unit development is consistent with the Comprehensive Plan of the City.
2. The planned unit development is an effective and unified treatment of the development possibilities in the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
3. The planned unit development can be planned and developed to harmonize with any existing or

proposed development in the areas surrounding the project site.

4. Financing is available to the applicant on conditions and in amount which is sufficient to assure completion of the planned unit development.
5. A minimum of five or more principal structures are proposed.
6. The tract under consideration is under single control.
7. The tract is at least two (2) acres in size.

#### **SECTION 901.504: COORDINATION WITH SUBDIVISION REGULATIONS**

1. It is the intent of this Chapter that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned development under this Section.
2. The plan required under this Section must be submitted in a form which will satisfy the requirements of the subdivision regulations for the preliminary and final plans required under these regulations.

#### **SECTION 901.505: PRE-APPLICATION MEETING**

Prior to submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator, and if necessary, with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the outline plan and preliminary plat.

#### **SECTION 901.506: PRELIMINARY DEVELOPMENT PLAN**

1. An applicant shall make an application for a conditional use permit following the procedural steps as set forth in Section 901.403.
2. In addition to the criteria and standards set forth in Section 901.403 for granting of the conditional use permits, the following additional findings shall be made before the approval of the outline development plan.
  - A. The proposed PUD is in conformance with the Comprehensive Plan.
  - B. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to potential surround uses.
  - C. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation of dwelling units and common open space are balanced and coordinated.
  - D. The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which are proposed to service the district.

E. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

3. Preliminary Development Plan Documentation. The following exhibits shall be submitted to the Zoning Administrator by the proposed developer as part of the application of a conditional use permit:

A. An explanation of the character and need for the planned development and the manner in which it has been planned to take advantage of the planned development regulations.

B. A statement of proposed financing of the PUD.

C. A statement of the present ownership of all the land included within the planned development of a list of property owners within 350 feet of the outer boundaries of the property.

D. A general indication of the expected schedule of development including sequential phasing and time schedules.

E. A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easement, street rights-of-way, utilities, and buildings for the property, and for the area 350 feet beyond.

F. Natural features on the map or maps of the property and area 350 feet beyond showing contour lines at no more than two (2) foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil condition.

G. A map indication proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.

H. Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water system, streets, and other public utilities.

4. Preliminary Plat.

The applicant shall also submit a preliminary plat and all the necessary documentation as required under the Subdivision Regulations of all or that portion of the project to be platted. For the purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one hearing or may be held concurrently.

#### **SECTION 901.507: FINAL DEVELOPMENT PLAN**

1. Within ninety (90) days following the approval of the preliminary development plan with recommended modifications, if any, and the preliminary plat, the applicant shall file with the Zoning Administrator a final development plan containing in final from the information required in the preliminary development plan plus any changes recommended by the Planning Commission and the Council as a result of the public hearing. The applicant shall also submit a final plat for all or that

portion to be platted.

2. The Zoning Administrator shall submit a final development plan and the final plat to the Planning Commission and other applicable agencies for review.
3. The final development plan and the final plat shall conform to the preliminary development plan and preliminary plat plus any recommended changes by the Planning Commission or the Council to the general development plan and preliminary plat.
4. If the final development plan is approved by the Council, the Zoning Administrator shall issue a conditional use permit to the applicant.

#### **SECTION 901.508: ENFORCING DEVELOPMENT SCHEDULE**

The construction and provisions of all the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan, the Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he shall find that the rate of construction of dwelling units is faster than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he shall forward this information to the Council, which may revoke the conditional use permit. If the developer or landowner fail to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the City may finish the open space areas and assess the cost back to the developer or landowner.

#### **SECTION 901.509: CONVEYANCE AND MAINTENANCE OF COMMON OPEN SPACE**

1. All land shown on the final development plan as common open space must be conveyed under one of the follow methods at the option of the City:
  - A. It may be conveyed to the public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
  - B. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Council which restrict common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
2. If the common space is conveyed to a homeowner's association, and the common open space is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs back to the homeowner's association.

#### **SECTION 901.510: STANDARDS FOR COMMON OR PUBLIC OPEN SPACE**

No open area may be accepted as common open space under the provisions of this Chapter unless it meets the following standards:

1. The location, shape, size, and character of the common open space must be suitable for the planned

development.

2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
3. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must converse and enhance the amenities of the common open space having regard to its topography and unimproved condition.

## **SECTION 901.511: PUD REVIEW AND AMENDMENTS**

1. Annual Review.

The Zoning Administrator and Planning Commission shall review all PUD's within the City at least once each year and shall make a report to the Council on the status of the development in each of the PUD Districts. If the Council finds that the development has not occurred within a reasonable time after the original approval of the conditional use for the PUD, the Planning Commission may recommend that the City revoke the conditional use permit as set forth in Section 901.403.

2. Revision to the PUD.

- A. Minor changes in the location, placement, and heights of buildings or structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved.
- B. Approval of the Planning Commission and the Council shall be required for other minor changes such as rearrangements of lots, blocks, and building tracts. These changes shall be consistent with the purpose and intent of the approved Final Development Plan.

3. Amendments to the PUD. Any amendment to the PUD shall require the same procedures for the same procedures for the application of a conditional use permit as set forth in Section 901.403.



## **901.600: AGRICULTURAL DISTRICT (A)**

### **SECTION 901.601: PURPOSE**

The major purpose of this district is to allow existing agricultural and conservancy areas in the outlying parts of the City that does not have central sewer services. Limited residential development will be allowed in this district and clustering of housing units will be encouraged.

### **SECTION 901.602: PERMITTED USES**

1. Single-family residence.
2. Commercial agricultural and horticulture.
3. Farm building and structures.
4. Farm drainage and irrigation systems.
5. Roadside stands for the sale of agricultural products.
6. Historic site.
7. Public and private riding stables.
8. Truck gardens, orchards, nurseries and greenhouses.
9. Roadside stands for the sale of farm products produced only on agricultural premises.
10. Public and parochial schools of general instruction.
11. Churches and similar places of worship and instruction, including parish houses.
12. Cemeteries, including mausoleums and crematories.
13. Hospitals, clinics sanatoriums and charitable institutions for the treatment of diseases, nursing and convalescent homes, except correctional or penal institutions.
14. Public parks, recreation areas, playgrounds and community centers.
15. Public and private forests and wildlife reservations or similar conservation projects.
16. Semi-Public recreation areas and center, including country clubs, swimming pools and golf courses, but not including such uses as miniature golf courses or practice driving tees which are operated for commercial purposes.
17. Essential Services - telephone, telegraph, power lines and necessary appurtenant equipment and structures under 35KV.
18. Signs, subject to the standards in Section 901.1423.
19. Cattle, livestock holding areas, AND FEEDLOTS provided that no area shall be located within 850 feet of a residential district. (r2/4/98)

### **SECTION 901.603: ACCESSORY USES**

1. Any incidental machinery, structure or buildings necessary to the conduct of agricultural, single-family residential, and other permitted uses.
2. Private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.

### **SECTION 901.604: CONDITIONAL USES**

1. Commercial amusement or recreation developments.
2. Home occupations.
3. Agricultural products and livestock processing plants.
4. Hobby farms and stables.
5. Resort campgrounds.

6. Mining, sand and gravel operations.
7. Municipal, County, State and Federal government buildings and areas.
8. Radio and television towers and broadcast stations.
9. Power lines and structures over 35KV.
10. Airports and private landing fields.
11. Waste-holding facility, provided that no waste-holding facility shall be within 1,000 feet of a residential district. (r3/10/98)
12. Sanitary landfills, provided that no sanitary landfill shall be located within 1,000 feet of a residential district.
13. Any other use or similar character to those listed under permitted uses.
- 14.\* Single Family Residences; consisting of manufactured/mobile homes, subject to but not limited to the following:
  - A. Occupants must be directly involved in agriculture operations on the land where situated.
  - B. Located not less than 1500 feet to any City Residential Districts.
  - C. Installation in accordance with Minnesota State Building Code Standards.

## **SECTION 901.605: PERFORMANCE STANDARDS**

1. Height Regulations.
  - A. The maximum height of all buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.
  - B. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys and smokestacks, church spires.  
\*(Revised Nov. 1992)
2. Front Yard Regulations.
  - A. The minimum setback shall be forty (40) feet from the right-of-way line.
  - B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.
3. Side and Rear Yard Regulations.
 

Minimum Side Yard - 30 feet.  
Minimum Rear Yard - 50 feet.
4. Lot Area. Minimum Lot Width - 150 feet.
5. Lot Width Regulations.
 

The minimum lot size shall be ten (10) acres.

6. Location of Structures.

Structures shall be so located on each lot as to permit resubdivision if and when central sewer and water systems become available.

7. General Regulations.

8. Additional requirements for parking, signs, sewage systems and other items are set forth in Section 901.1400.

## **901.700: SUBURBAN RESIDENTIAL DISTRICT (R-1)**

### **SECTION 901.701: PURPOSE**

The purpose of this district is to allow low-density family dwelling units in the developing portions of the City where City sewer and water is available. All dwelling units in an R-1 District shall be required to hook up to City sewers.

### **SECTION 901.702: PERMITTED USES**

1. One and two-family residential dwellings.
2. Public recreation including parks and playgrounds.
3. Historic sites and structures.
4. Public and parochial schools of general instruction.
5. Signs, subject to standards in Section 901.1426.
6. Essential Services - telephone, telegraph, and power lines and necessary appurtenant equipment and structures.
7. Manufactured/Mobile Homes.
8. Churches, chapels, including parish house.

### **SECTION 901.703: ACCESSORY USES**

Any incidental structures or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.

### **SECTION 901.704: CONDITIONAL USES**

1. Multi-family structures.
2. Cemeteries, memorial gardens and funeral home.
3. Boarding or rental of rooms with a maximum of two (2) roomers for each residential dwelling.
4. Home occupations.
5. City buildings and structures including police and fire station, libraries, museums and art galleries.
6. Nursing homes, hospitals, and sanitarium.
7. Manufacture/Mobile home parks.
8. Water supply buildings and reservoirs, elevated tanks and public swimming pools.
9. Planned unit development (PUD).
10. Zero-lot-line homes with either detached or common walls.
11. Professional offices.
12. Any other use of the same character of those listed as permitted uses.
13. Private stable, provided that all buildings and exercise yards shall be at least one hundred seventy-five (175) feet from all adjacent dwellings and there shall be no storage of animal wastes upon the property as to become a nuisance or offensive to adjoining residents.
14. Gardening and farming, including nurseries for the propagation of plants only, except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms, and poultry farms.
15. Semi-private recreation areas, clubs, lodges, and centers, including country clubs, swimming pools and golf course, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes.
16. Bed and breakfast.

17. State licensed residential facilities.

## **SECTION 901.805: PERFORMANCE STANDARDS**

1. Height Regulations.

The maximum height of all buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

2. Front Yard Regulations.

A. The minimum setback shall be twenty-five (25) feet from the right-of-way line.

B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of the corner lot.

3. Side and Rear Yard Regulations.

The minimum side and rear yard shall be twelve (12) feet.

4. Lot Area.

The minimum lot area shall be 11,000 sq. ft.

5. Lot Width Regulations.

The minimum lot width shall be eighty-five (85) feet.

6. Lot Coverage.

The maximum lot coverage of all buildings including accessory buildings shall not exceed fifty (50) percent.

7. General Regulations.

Additional requirements for parking, signs, sewage systems and other items are set forth in Section 901.1400.

## **901.800: URBAN RESIDENTIAL DISTRICT (R-2)**

### **SECTION 901.801: PURPOSE**

The major purpose of this district is to allow the continuation of existing residential development and in filling of existing lots in the older residential areas of the City where central sewer and water systems are available.

### **SECTION 901.802: PERMITTED USES**

Any permitted use allowed in the R-1 District.

### **SECTION 901.803: ACCESSORY USES**

Any accessory use permitted in the R-1 District.

### **SECTION 901.804: CONDITIONAL USES**

Any conditional use permitted in the R-1 District.

### **SECTION 901.805: PERFORMANCE STANDARDS**

1. Height Regulations.

The maximum height of all buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

2. Front Yard Regulations.

A. The minimum setback shall be twenty (20) feet from the right-of-way line.

B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of the corner lot.

3. Side and Rear Yard Regulations.

The minimum side yard shall be 7.5 feet.

The minimum rear yard shall be 12 feet.

4. Lot Area.

The minimum lot area shall be 8,000 sq. ft.

5. Lot Width Regulations.

The minimum lot width shall be seventy (70) feet.

6. Lot Coverage.

The maximum lot coverage of all buildings including accessory buildings shall not exceed fifty (50)

percent.

7. General Regulations.

Additional requirements for parking, signs, fencing, sewage systems and other items are set forth in Section 901.1400.

## **901.900: MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)**

### **SECTION 901.901: PURPOSE**

The purpose of this district is to allow low-density multi-family dwelling (up to 24 units per acre) including apartments and townhouses in appropriate areas of the City.

### **SECTION 901.902: PERMITTED USES**

1. Duplexes.
2. Townhouses.
3. Apartments.
4. Condominiums.
5. Public recreation including parks and playgrounds.
6. Signs, subject to standards in Section 901.1426.
7. Essential services, including telephone, telegraph and power lines and necessary appurtenant equipment and structures.
8. Churches, chapels, temples and synagogues.
9. Public and parochial schools of general instruction.
10. Single-family residential units.

### **SECTION 901.903: ACCESSORY USES**

Any incidental structures or buildings necessary to the conduct of a permitted use including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.

### **SECTION 901.904: CONDITIONAL USES**

1. Cemeteries, memorial gardens and funeral homes.
2. Boarding or rental of rooms with a maximum of one roomer per unit.
3. Group homes (State licensed facility).
4. City buildings and structures including police and fire station, libraries, museums and art galleries.
5. Home occupations.
6. Funeral homes.
7. Planned unit development (PUD).
8. Nursing homes, hospitals and sanitarium.
9. Manufactured/Mobile home parks.
10. Zero lot line homes with either detached or common walls.
11. Any other use of the same character as those listed as permitted uses.
12. Residential dwellings have an approved building permit prior to the effective date of this ordinance. Such conditional use shall cease if the building is destroyed by fire more than 50% of its market value as determined by the Building Inspector. If the building is modified to conform to this Chapter, the conditional use permit shall expire.
13. Bed and breakfast.



## SECTION 901.905: PERFORMANCE STANDARDS

### 1. Height Regulations.

The maximum height of all buildings shall not exceed three (3) stories or forty (40) feet.

### 2. Front Yard Regulations.

A. The minimum setback shall be twenty (20) feet from the right-of-way line.

B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of the corner lot.

### 3. Side and Rear Yard Regulations

The minimum side yard shall be six (6) feet.

The minimum rear yard shall be twelve (12) feet.

### 4. Lot Areas and Density Standards.

A. The minimum lot area for each multi-family dwelling shall be 9,000 sq. ft.

B. The minimum lot area for each townhouse project shall be one (1) acre.

C. The maximum density shall be twenty-four (24) units per acre.

### 5. Minimum Floor Area.

Multi-family dwellings of three or more families.

Efficiency 500 sq. ft.

1 bedroom 600 sq. ft.

2 bedroom 700 sq. ft.

3 bedroom 960 sq. ft.

Each additional bedroom shall require 250 sq. ft. of additional minimum floor area.

### 6. Other Specific Requirements.

Other specific requirements for multi-family dwellings units are set forth in Section 901.1400.

### 7. General Regulations.

Additional requirements for parking, signs, sewage systems and other items are set forth in Section 901.1400.

## **901.1000: CENTRAL BUSINESS DISTRICT (C-1)**

### **SECTION 901.1001: PURPOSE**

The purpose of this district is to encourage the continuation of viable downtown area by allowing retain, service, office and entertainment facilities as well as public and semi-public uses. In addition, residential uses will be allowed to located above the commercial establishments.

### **SECTION 901.1002: PERMITTED USES**

1. Commercial establishments offering merchandise or services to the general public in return for compensation. Such establishment to include but not limited to the following:
  - A. Retail establishments such as groceries, bakery, department stores, hardware, drug, clothing, furniture stores, veterinary supply and agricultural feed stores.
  - B. Personal services such as laundry, barber, shoe repair shop and photography studios.
  - C. Restaurants, cafes and supper clubs.
  - D. Professional services such as medical and dental clinics, architects and attorneys offices.
  - E. Repair services such as jewelry, radio and television repair shops and auto repair.
  - F. Banks, finance, insurance, and real estate services.
  - G. Entertainment and amusement services such as motion picture theaters, bowling alleys, art galleries and dance halls.
  - H. Lodging services such as hotel and motel.
  - I. Upholstery shops.
  - J. ON AND OFF-SALE LIQUORE ESTABLISHMETNS. (added 7/18/95)
  - K. AUTO REPAIR AND SERVICE STATIONS (added 7/18/95)
2. Public and semi-public buildings such as post office, City Hall, fire and police stations.
3. Private clubs.
4. Hospitals and medical centers.
5. Automobile parking lots, parking garages, bus stations.
6. Automobile and implement sales and service.
7. Essential Service - telephone, telegraph and power lines.

### **SECTION 901.1003: ACCESSORY USES**

Uses incidental to the principal uses such as off-street parking and loading and unloading areas, storage of merchandise.

### **SECTION 901.1004: CONDITIONAL USES**

1. Apartments, provided they are located above the first floor level. No more than 70% of the first floor may be used for apartments.
2. Light industry such as printing shops that require direct contact with the public.
3. Wholesaling.
4. Other uses which, in the opinion of the Planning Commission and Council, is of the same general character as the permitted uses and which will not be detrimental to the Central Business District.
5. Small animal clinics for cats, dogs, etc.

## **SECTION 901.1005 PERFORMANCE STANDARDS**

1. Height Regulations.

The maximum height of any building shall be three (3) stories or forty (40) feet.

2. Front Yard Regulations.

A. No minimum. The doors must be recessed so as not to swing out into the sidewalk.

B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback (refer to Section 901.1418) on each road or highway side of each corner lot. No accessory building shall project beyond the front yard of either road.

3. Side and Rear Yard Regulations.

A. Side Yard - No minimum.

B. Rear Yard - The minimum rear yard shall be twenty-five (25) feet.

4. Lot Area.

No minimum.

5. Screening and Fencing.

The City may require the screening or fencing of commercial uses on side and rear yards, which face the Residential Districts.

6. General Regulations.

Requirements for signs, parking, shopping centers, and other regulations are set forth in Section 901.1400.

## **901.1100: HIGHWAY COMMERCIAL DISTRICT (C-2)**

### **SECTION 901.1101: PURPOSE**

This district is established to accommodate the type of businesses that are oriented to the traveling public or require highway access. To minimize unmanageable strip development, these districts should only allow the type of businesses that absolutely require highway access and exposure.

### **SECTION 901.1102: PERMITTED USES**

1. Farm implement dealers.
2. Drive-in restaurants.
3. Recreation equipment sales.
4. Motels and hotels.
5. Auto service stations.
6. Seasonal produce stand.
7. Auto sale slot.
8. Café and restaurants.
9. Bait and sporting goods shops.
10. Essential service - telephone, telegraph and power lines.
11. BANK, FINANCE, INSURANCE, AND REAL ESTATE SERVICES.

### **SECTION 901.1103: ACCESSORY USES**

The same accessory uses as permitted in the C-1 District.

### **SECTION 901.1104: CONDITIONAL USES**

1. Mobile home sales.
2. Office and other highway businesses, which in the opinion of the Planning Commission and Council, will not have a detrimental effect on the Highway Commercial District.

### **SECTION 901.1105: PERFORMANCE STANDARDS**

1. Height Regulations.

The maximum height of all buildings shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet.

2. Front Yard Regulations.

The minimum front yard setback shall be thirty (30) feet from the street right-of-way.

3. Side and Rear Yard Regulations.

Minimum Side Yard - 20 ft.

Minimum Rear Yard - 35 ft.

No building shall be located closer than fifty (50) feet from any Residential District.

4. Screening and Fencing.

The City may require the screening or fencing of Commercial side and rear yards which abut a Residential district.

5. General Standards.

Other standards and regulations related to parking, signs, ect., are set forth in Section 901.1400.

## **901.1200: INDUSTRIAL DISTRICT (I-1)**

### **SECTION 901.1201: PURPOSE**

This district is intended to provide for industrial uses that may also be suitable located in areas of relatively close proximity to no-industrial development. As such, industries that pose problems of air or noise pollution will be restricted from this district.

### **SECTION 901.1202: PERMITTED USES**

1. Wholesale business establishments.
2. Warehouse; packing and crating establishment; truck yard and terminal.
3. Contractors, shops, roofing, electrical, paper hanging, ventilating, welding, upholstering, fencing, building.
4. Storage yards for building material coal, wood and ice.
5. Laboratories for research and quality control.
6. Public and public utility uses.
7. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries and food products except the rendering of fats and oils.
8. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
9. The manufacture of boats, cameras, electrical appliances, radio and television receivers, musical instruments, medical appliance and photographic equipment except film.
10. The manufacture of sporting and athletic equipment, small tools, toys, children's vehicles, caskets and burial vaults.
11. Trade schools.
12. Offices.
13. Animal clinics.
14. Essential service - telephone, telegraph, and power lines.

### **SECTION 901.1203: ACCESSORY USES**

1. Off-street parking, storage garage, and buildings and loading as regulated in this Chapter.
2. Building temporarily located for purposes of construction.
3. Essential security and safety facilities as approved by the Council.

### **SECTION 901.1204: CONDITIONAL USES**

1. Dwellings for watchmen or custodians of industrially used property only.
2. Outdoor storage of vehicles or materials or open sales lot.
3. Restaurants, lunch counters, confectioneries to serve the employees of the district.
4. Mining and extraction.
5. Manufacturing, refining and processing of chemicals.
6. Auto reduction yards and recycling centers.
7. Sanitary landfills.
8. Retail sales activities listed in Section 901.1202 #3.
9. Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse, or rancid fats.
10. Any industry that creates an excessive odor, noise, or air environmental pollution problem.

## **SECTION 901.1205: PROHIBITED USES**

1. Distillation of bone, coal, tar, petroleum, grain or wood.
2. Manufacturing or bulk storage of explosives.
3. Livestock feeding yards.

## **SECTION 901.1206: PERFORMANCE STANDARDS**

### 1. Height Regulations.

- A. No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height.
- B. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimney and smokestacks, church spires and radio towers.

### 2. Front Yard Regulations.

- A. The minimum front yard setback shall be twenty (20) feet form the right-of-way line.
- B. Where a lot is located at the intersection of tow or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.

### 3. Side and Rear Yard.

The minimum side yard shall be twenty (20) feet and rear yard thirty-five (35) feet, except that no building shall be located closer than fifty (50) feet from a Residential District.

### 4. Lot Area.

The minimum lot area shall be 15,000 sq. ft.

### 5. Screening and Fencing

The City may require the screening or fencing of industrial side and rear yards which abut a Residential District.

### 6. General Regulations.

Standards and regulations related to signs, parking, ect., are set forth in Section 901.1400.

## **901.1300: CONSERVANCY DISTRICT (C)**

### **SECTION 901.1301: PURPOSE**

The purpose of this district is intended to provide for open space, and recreational purposes that does not detract from its natural features.

### **SECTION 901.1302: PERMITTED USES**

1. Harvesting or wild crops such as fruits, hay, berries, rice.
2. Fishing, scenic, historic, scientific and wildlife preserve.
3. Public and private parks and picnic areas.
4. Hiking trails, bridle paths and ski trails.
5. Recreation related structures not requiring basements.
6. General farming, provided no filling, drainage or dredging takes place and that no farm buildings are constructed.
7. Regulator signs not over six (6) sq. ft.
8. Essential service - telephone, telegraph and power lines.

### **SECTION 901.1303: ACCESSORY USES**

Uses incidental to the principal uses, such as off-street parking.

### **SECTION 901.1304: CONDITIONAL USES**

1. Filing, draining and dredging.
2. Farm structures.
3. Single-family residence.
4. Dams and power plants.
5. Flowage, ponds and relocation of water courses.
6. Removal of top soil and peat.
7. Campgrounds.
8. Manufactured mobile home parks.
9. Home occupations.
10. Any other use of similar character to those listed under permitted uses.

## **901.1400: PERFORMANCE STANDARDS**

### **SECTION 901.1401: PURPOSE**

The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to environment. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated. Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or land owners shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.



**SECTION 901.1402: SOLAR ENERGY SYSTEMS AND SOLAR AND EARTH-SHELTERED STRUCTURES.**

1. Solar energy and solar and earth-sheltered structures shall be a permitted use in all districts provided the system is in compliance with minimum lot requirements and setbacks.
2. Solar energy systems and solar and earth-sheltered structures may be exempted from setback, height, and lot coverage restrictions in all districts by variance.
3. In a residential district no owner, occupier, or person in control of property shall allow vegetation or structures to be placed or planted so as to cast a shadow on a solar energy system which is greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line of said property between the hours of 9:30 A.M. and 2:30 P.M. Central Standard Time on December 21, provided, however, this standard shall not apply to vegetation or structures which casts a shadow upon the solar energy system at the time of installation of said solar energy system or to vegetation existing at the time of installation of said solar energy system. Violation of this standard shall constitute a private nuisance, and any owner or occupant whose solar energy system is shaded because of such violation, so that performance of the system is impaired, may have to tort for the damages sustained thereby and may have such nuisance abated.
4. As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the affected area within the City prior to installation of said system.

**SECTION 901.1403: WIND ENERGY CONVERSION SYSTEM (WECS)**

1. Condition Use Permit. Each Wind Energy Conversion System shall require a conditional use permit.
2. Plans.

Each application for a conditional use permit shall be accompanied by a dimensional representation of the tower including the conversion system, base, and footings and an accurate plan containing the following information:

- A. Property lines.
  - B. Proposed location of tower on site.
  - C. Location of all existing structures on site.
  - D. All above ground utility lines.
  - E. All underground utility lines within a radius equal to the proposed WECS heights.
  - F. Boundaries of all adjacent utility easements or reversed areas.
3. WECS Height.

The total height of the tower (including any portion of the rotor or axis extending above the tower) shall not exceed the horizontal distance between the base of the tower and the nearest lot line or building line. Except, the horizontal distance may extend beyond the nearest lot line or building line provided there are not overhead utility lines or easements therefor or in the abutting area is a public alleyway. Furthermore, the Council may allow the height requirements to be exceeded provided it is satisfied that the proposed structure will withstand the wind loads in the area. As evidence of this, the Council shall require the following information:

- A. Dimensional representation of the various structural components of the tower construction including the base and footings;
- B. Design date which shall indicate basis of design, including manufacturer's dimensional drawings, installation and operation instructions;
- B. Certification by an independent Registered Professional Engineer or sufficient to withstand wind load requirements for structures as established by provisions of the City Code.

4. Tower Access.

Climbing access to the WECS tower shall be limited either by means of a fence six (6) feet high around the tower base with a locking portal, or by limiting tower climbing apparatus to no lower than twelve (12) feet from the ground

5. Wind Access.

Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the set back requirements, a site plan establishing easements or reserved areas must be submitted for approval.

6. Noise.

A WECS operation shall not produce noise in excess of the limits established by State standards.

7. Limited Use.

Wind Energy Conversion Systems installed in accordance with the requirements of this Section shall not generate power as a commercial enterprise as defined by the Public Utilities Commission.

8. Electromagnetic Interference.

A WECS shall not be installed in any location along the major axis of an existing microwave communications link where the level of electromagnetic interference with the possible effect on the microwave communications link of which is at a level satisfactory to the Zoning Administrator.

9. Airspace.

A WECS shall be located or installed in compliance with the regulations of the airport approach zones and Federal Aviation Regulations for clearance around VOR and VOR stations.

10. Interconnect.

A WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the Electric Utility Company. In any case, the interconnect shall include a manual disconnect with complies with the National Electric Code.

11. Codes.

Construction, design and installation of a WECS shall comply with all City Code provisions, State and National Electrical Codes in effect at the time of installation.

12. Liability.

No building permit shall be issued for the construction of a WECS until and unless the applicant for the building permit deposits with the City Administrator a policy of liability insurance indemnifying applicant from liability for personal injury or property damage in the sum of at least \$500,000.00. The policy of insurance so deposited shall contain a clause obligating the company issuing the same to give at least thirty days written notice to the City before cancellation thereof, the building permit to be automatically revoked upon the lapse or termination of said policy.

**SECTION 901.1404: EXTERIOR STORAGE**

In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises, off-street parking of passenger automobiles and pick-up trucks and fire wood. Boats and unoccupied campers, less than twenty-five (25) feet in length, are permissible. Existing uses shall comply with this provision within twelve (12) months from the effective date of this Chapter. In all new districts, the City may require a conditional use permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

**SECTION 901.1405: REFUSE**

In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes, with the exception of crop residue. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six (6) months from the effective date of this Chapter. Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding fourteen (14) days; "inoperative" shall mean incapable of movement under their own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use, or conditional use, or otherwise permitted by provisions of this Chapter, shall be considered as refuse.

**SECTION 90.1406: GLARE**

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not to exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from said property.

**SECTION 901.1407: BULK STORAGE (LIQUID)**

All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall

require a conditional use permit 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 general welfare). The Council may require the development of diking around said tanks. Diking shall be suitable sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity. Any existing storage tank that, in the opinion of the Council, constitutes a hazard to the public safety shall discontinue operations within one (1) year from the effective date of this Chapter.

## **SECTION 901:1408: NUISANCES**

### 1. Nuisance Characteristics.

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectional effect upon adjacent or nearby property. All wastes in all districts shall be disposed on in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The following standards apply to non-industrial districts.

### 2. Noise

#### A. Noise Prohibited.

It is unlawful for any person to make, continue or cause to make or continued, any noise in excess of the noise levels set forth unless noise be reasonable necessary to the preservation of life, health, safety or property.

#### B. Measurement of Noise.

Any activity not expressly exempted by this Section which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property of more than six (6) decibels above the ambient noise levels as designate in the following table at the time and place and for the duration then mentioned, shall be deemed to be a violation of this Chapter, by any enumeration herein shall not be deemed to be exclusive.

- (a) In determining whether a particular sound exceeds the maximum permissible sound level in the above table: (1) sounds in excess of the residential district limitations as measured in a residential district are violation of this Section whether the sound originates in a residential district or any other district; (2) during all hours of Sundays and State and Federal holidays, the maximum allowable decibel levels for residential districts are as set forth in Column II of the Table.
- (b) Sounds emanating from the operation of (1) motor vehicles on a public highway; (2) aircraft; (3) outdoor implements such as power lawn mowers, snow blowers, power hedge clippers, and power saws; and (4) pile drivers or jackhammers and other construction equipment and (5) emergency equipment and (6) trains are exempt from the provisions of this Section except during the hours of 9:00 PM to 7:00 AM. Sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places wherein athletic contests take place are exempt from the provisions of this Chapter.

3. Vibration.

The following vibrations are prohibited:

- A. Any vibrations discernible (beyond property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
- B. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of most current standards of the United States Bureau of Mines on any structures.

4. Toxic or Noxious Matter.

Any use shall be so operated so as not to discharge across the boundaries of any lot or through percolation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare of cause injury or damage to property or business.

5. Air Pollution.

Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public. For the purpose of this Chapter, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

6. Miscellaneous Nuisances.

- A. It is unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highways; but, without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in the residential district.
- B. It is unlawful for any person to create or maintain a junkyard or vehicle dismantling yard except as provided herein.
- C. The following are declared to be nuisances affecting public health or safety:

- (a) The effluence from any cesspool, septic tank, drainfield or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
- (b) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substance.
- (c) The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges, or latches or providing locks to prevent access by the public.

## **SECTION 901.1409: LANDSCAPING AND SCREENING**

### **1. Landscaping**

A. In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard, including grass or decorative stones, or shrubs and trees, along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot; such yard shall have a depth of at least ten (10) feet.

B. In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

C. All vacant lots, tracts or parcels shall be properly maintained in accordance with their natural or existing character.

### **2. Screening.**

A. Screening shall be required in residential zones where (a) any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone, and/or (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.

B. Where any business or industry (structure, parking or storage) is located adjacent to property zoned or developed for residential use, 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 located across the street front residential zone, but not on that side of a business or industry considered to be the front.

C. All exterior storage shall be screened. The exceptions are: (a) merchandise being displayed for sale, (b) materials and equipment presently being used for construction on the premises.

D. The screening required in this Section may consist of a fence, trees, shrubs, and berms, but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty (20) feet from the street right-of-way with landscaping between the screening and pavement. Planting of a type approved by the Council may also be required in addition to or in lieu of fencing.

## **SECTION 901.1410: PERMITTED ENCROACHMENTS**

The following shall be considered as permitted encroachments on setback and height requirements except as provided in this Chapter. In any yard: posts, off-street open parking space, flues, leader, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks and fences, and all other similar devices incidental and appurtenant to the principal structures except as hereinafter amended. Decks are also exempted from the setback requirements except that a deck may not be located closer than six (6) feet from the side property line and twenty (20) feet from the front property line and twelve (12) feet from the rear property line.

## **SECTION 901.1411: ACCESSORY BUILDING AND STRUCTURES**

### **1. In Residential Districts.**

- A. No accessory building on an internal lot may be located within ten (10) feet of the rear lot lien or from the designated setback on a corner lot.
- B. No accessory building shall exceed the height or area of the principal building.
- C. Utility sheds shall not be located any closer than twelve (12) feet from the principal structure. A concrete slab or other suitable foundation shall be required. Such shed shall not exceed 120 sq. ft. in area.
- D. No private garage used or intended for the storage of passenger automobiles or motor vehicles, recreational vehicles, boats, ect., shall exceed 12% of the total lot area nor shall any access door or other opening exceed the height of ten (10) feet.

### **2. In Commercial and Industrial Districts.**

- A. No accessory building shall exceed the height of the principal building except by conditional use permit.
- B. Accessory buildings may be located nay place to the rear of the principal buildings, subject to the State Building Code regulations except where prohibited by other Sections in this Chapter.

### **3. In all Districts.**

Accessory buildings shall not be constructed prior to or in lieu of the principal building.

## **SECTION 901.1412: DWELLING UNITS PROHIBITED**

No cellar, garage, tent, trailer, recreational vehicles or accessory building shall be used as a permanent dwelling. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed a has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

## **SECTION 901.1413: RELOCATING STRUCTURES**

- 1. Permit required.

Every licensed house mover shall, in each and every instance, before raising, holding up or moving any building, obtain a conditional use permit from the Council. An application for such permit shall indicate the origin and destination of such building, the route over which it is to be moved and shall state the time in which the moving of such building shall be issued. The permit shall also indicate the location of the lot on which the house is to be located, the dimensions of the lot and the proposed location of the structure on the lot along with setback distances. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the Council.

- A. The building to be moved must comply in all respects with the State Building Code and other pertinent State rules and City Code provisions.
- B. The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which is it located.
- C. The building must be place on the lot so as to meet all the front, side, and rear yard requirements as set forth in this Chapter.

2. Electrical Corrections Requirements.

In every case in which a permit shall be issued as herein provided, for the removal required or the displacement of any overhead electrical or other wires, it shall be the duty of the person, association, or corporation owning, operating or controlling said wires to remove or displace the same, so far as the same way may be necessary to effect the removal thereof, shall be authorized by such permit. The person to whom said permit shall have been issued shall notify the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same facilitate the removal of said wires sufficiently to allow the passage of said building along the street over which said wires are suspended. Any expenses incurred or to be incurred in the moving, removing or displacing of such wires shall be paid for by the person who makes the application for said permit.

3. Application procedure.

The Zoning Administrator shall submit the application to the Planning Commission for approval and recommendations to the Council at the next stated meeting of said Commission. The Planning Commission shall determine whether such application shall conform to the immediate surrounding community. The meeting of resident owners within a radius of 350 feet form subject property for owner's reviewal of the proposed application. The Planning Commission will determine the application on its merits and make its recommendation to the Council. The Council shall take action to approve or disapprove the permit within thirty (30) days after receiving the recommendation of the Planning Commission.

## **SECTION 901.1414: EROSION AND SEDIMENTATION CONTROL**

1. General Standards.

- A. All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.
- B. Slopes over 18% in grade shall not be developed.
- C. Development on slopes with a grade between 12% and 18% shall be carefully reviewed to insure



that adequate measures have been taken to prevent erosion, sedimentation and structural damage.

D. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

E. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time and no exposure shall exceed sixty (60) days unless extended by the Council.

F. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The topsoil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

G. The natural drainage system shall be used as far as is feasible for storage and flow of runoff. Storm water drainage shall be discharged to marshlands, swamps, and retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost.

H. Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the City within five (5) days of receiving notification of such. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

2. Exposed Slopes. The following control measures shall be taken to control erosion during construction:

- A. No exposed slopes should be steeper in grade than four (4) feet horizontal to one (1) foot vertical.
- B. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap)
- C. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron a gravel energy dissipater should be installed to prevent erosion at the discharge end.
- D. Exposed slopes shall be protected by whatever means will effectively prevent erosion

considering the degree of the slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes and netting, or should be worked into soil to provide additional slope stability.

- E. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

## **SECTION 901.1415: PRESERVATION OF NATURAL DRAINAGEWAYS**

### 1. Waterways.

- A. Every effort shall be made to retain the natural drainage systems in the City including existing wetlands and ponds. The natural drainage system shall be maintained by the City. Above-ground runoff disposal waterways may be constructed to augment the natural drainage system.
- B. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
- C. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
- D. The banks of the waterway shall be protected with permanent vegetation.
- E. The banks of the waterway should not exceed four (4) feet horizontal to one (1) foot vertical in gradient.
- F. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
- G. The bend of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials of concrete. The rip rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of recreation trail systems.
- H. If the flow velocity of the waterway is such that erosion of the turf side wall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

### 2. Sediment Control of Waterways.

- A. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- B. Temporary pervious sediment traps could consist of a construction of bales of hay with low

spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.

C. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water

#### **SECTION 901.1416: TREE AND WOODLAND PRESERVATION; GENERAL PROVISIONS**

1. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.
2. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternative to the cutting of trees on the site and that, if trees are cut, he will restore the density of trees to that which existed before development.
3. 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 landscapes.
4. Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.
5. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or disease trees shall not be prohibited.

#### **SECTION 901.1417: WETLAND PRESERVATION**

1. General Provisions.

To the extent possible, all wetlands including marshlands and swamps shall be retained in their natural state to serve as a storm water runoff basin and also as a wildlife habitat.

2. Discharges Into Wetlands.
  - A. No part of any sewage disposal system requiring on -land or in-ground disposal of waste shall be located closer than one hundred fifty (150) feet from the normal high water mark unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.
  - B. Organic and other waste which would normally be disposed of at a solid waste disposal site or which would normally be discharged into a sewage disposal system or sewer shall not be directly or indirectly discharged to the wetlands.
  - C. Storm water runoff from construction sites may be directed to the wetland only when substantially free of silt, debris and chemical pollutants and only at rates which will not

disturb vegetation or increase turbidity.

3. Building Constraints.

- A. The lowest floor elevation of buildings is used for living quarters or work area shall be at least three (3) feet above the seasonal high water level of wetland.
- B. Development which will result in unusual road maintenance costs or utility line breakages due to solid limitations, including high frost action, shall not be permitted.
- D. The minimum setback for all buildings shall be 75 feet from the seasonal high water level of the wetland.

**SECTION 901.1418: TRAFFIC CONTROL AND SIGHT DISTANCE**

1. Intersection With Traffic Controls.

On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility, including buildings, within clear sight triangle which is formed by the intersection of the center line of two intersecting streets and a straight line joining the two said center lines at points eighty (80) feet distant from their point of intersection.

2. Intersections Without Traffic Controls.

On any corner lot, in districts, at a street intersection which does not have any form of traffic control, there shall be no obstruction to the traffic visibility, including buildings, within the clear sight triangle which is formed by the intersection of the center line of the two intersecting streets and a straight line join the two said center line at points a given number of feet distant from their points of intersection. The distance from said point of intersection are specified in the following table for various speeds in miles an hour of enforced speed limit:

Distance Measurement For Clear Sight Triangle

Miles Per Hour	Distance Measurement
30	88 feet
40	120 feet
50	156 feet
55	174 feet

**SECTION 901.1419: VACATED STREETS**

Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such procedure.

**SECTION 901.1420: ACCESS DRIVES AND ACCESS**

- 1. Access drives may be located adjacent to property lines except that they shall not be placed closer than five (5) feet to any side or rear lot line. The number and types of access drives onto major

streets may be controlled and limited by the Council in the interest of public safety and efficient traffic flow.

2. Access drives onto County roads shall require a review by the County Engineer. The County Engineer 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. Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material dept sufficient to support access by emergency vehicles. The Zoning Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards. All driveways shall have a minimum width of ten (10) feet with a road strength capable of support emergency and fire vehicles.
4. All lots or parcels shall have direct adequate physical access for emergency vehicles long the frontage of the lot or parcel form either an existing dedicated public roadway, or an existing private roadway approved by the Council.

### **SECTION 901.1421: PRIVATE SEWER SYSTEMS**

The standards as found in Minnesota Pollution Control Agency's Standards for Sewage Treatment Chapter 7080 are hereby adopted by reference. If there are any inconsistencies between the standards found in this Chapter and the State standards, or if the State standards are amended, the State standards as amended shall be govern.

### **SECTION 901.1422: MANUFACTURED/MOBILE HOMES; STANDARDS**

Manufactured homes shall be permitted in all residential districts provided they meet the following standards:

- A. Exceeds twenty (20) feet in width at the narrowest point.
- B. The dwelling SHALL BE BOLTED TO A CONTINUOUS FROST-FREE FOOTING. (Added 2/98)

### **SECTION 901.1423: MOBILE/MANUFACTURED HOME PARKS**

1. Purpose.

It is the purpose of this section to permit the development of mobile/manufactured home parks in a manner that will promote and improve the general health, safety, convenience, and welfare of the citizens by minimizing any adverse effects of such development.

2. Location.

A manufactured park or subdivision may be established in the R-2 Residential Districts.

3. Permit Required.

A permit is required to establish and operate a manufactured home park within the City.

4. Application Requirements and Procedures.

All applications for a conditional use permit shall be submitted to the Zoning Administrator and approved by the Council following the procedures established in Section 901.403. The application for a condition use permit shall be accompanied by plans including the following information:

- A. Location and size of manufactured home park.
- B. Location, size, and character of all manufactured home lots, manufactured home stands storage areas, recreation areas, laundry drying areas, central refuse disposal, roadways, parking spaces and site, and all setback dimensions.
- C. Detailed landscaping plans and specifications.
- D. Location and width of sidewalks.
- E. Plan for sanitary sewer disposal, surface drainage, water systems, electrical service, telephone service and gas service.
- F. Plans for an overhead street lighting system shall be submitted for approval by the City Engineer.
- G. The method of disposing of garbage and refuse.
- H. Location and size of all streets abutting the manufactured home park and all driveways from such streets to the park.
- I. Plans and specifications from all road construction within the park or directly related to park operation.
- J. Floor plans of all service buildings to be constructed within the manufactured home park.
- K. Such other information as may be required or requested by the Council.

#### 5. Construction and Installation Standards.

All manufactured homes within a park shall be subject to and meet the construction, plumbing, electrical and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute identified as ANSI A119.1 or the provisions of the national Fire Protection Association identified as NFPA 501B and any revisions thereto and shall be certified to these standards by a seal affixed to the manufactured home.

#### 6. Performance Standards for Manufactured Home Parks.

- A. All manufactured homes shall be properly connected to the City water system and sanitary sewer system in conformance to standards adopted by the Minnesota Pollution Control Agency. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the City Engineer.
- B. Each manufactured home park shall maintain a hard surfaced off-street overload parking lot

for guests of occupants in the amount of one (1) space for each five (5) site and located within three hundred (300) feet of the unit to be served.

- C. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to the depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. Plans for the disposal of surface stormwater shall be approved by the City Engineer.
- D. A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial or residential and uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
- E. Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every structure shall be kept in good repair. All of said structures must be constructed to meet existing City Cod provisions. Portable fire extinguisher rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- F. Each manufactured home park shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the manufactured home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a manufactured home lot which is occupied by a manufacture home nor upon the streets within the manufactured home park.
- G. Signs shall be limited to one (1) nameplate or identification sign not to exceed twenty-five (25) square feet, with lighting, height and location as approved by the Zoning Administrator and have a fifteen (15) foot setback from the front line.
- H. Each manufacture home park shall have at least 10% of the land area developed for recreational use. Development of such recreational land shall be approved by the Council and the cost and maintenance shall be at the owner/operator's expense.
- I. Each manufactured home park shall have one (1) or more central community buildings to serve primarily as an emergency weather shelter which shall be provided with central heating which must be maintained in a safe, clean, and sanitary condition. Said building shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, public telephones, and public mail boxes, in addition to public toilets and lavatory. For each one hundred (100) manufactured home lots or fractional part thereof, there shall be one (1) flush toile and one (1) lavatory for each sex.
- J. All structures being placed in the park shall require a permit.

## 7. Manufactured Home Park Lots.

- A. Each manufactured home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty feet wide.

- B. Manufactured homes shall be placed upon lots so that there shall be at least ten (10) feet from the side lot line, twenty (20) feet between the front of the manufactured home and front lot line, and twenty-five (25) feet between the rear of the manufactured home and the rear lot line.
- C. The area occupied by a manufactured home shall not exceed 50% of the total area of a manufactured home site; land may be occupied by manufactured home, a vehicle, a building, a cabana, a ramada, a carport, an awning, and storage close. The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site.
- D. Each manufactured home lot shall have hard-surfaced off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum.
- E. No more than two motor vehicles shall be stored or kept on any manufactured home lot. No vehicle shall be dismantled, nor shall mechanical work except a very minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in a n operable condition be parked, store, or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park, and then it shall not be parked in that condition for a period of more than seven (7) days.
- F. The corners of each manufactured home lot shall be clearly marked and each site shall be numbered.
- G. Each site shall be properly landscaped with at least one tree, hedges, grass, fences, windbreaks, and the like.

#### 8. Manufactured Home Stands.

The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie down of the manufactured home, thereby securing the super-structure against uplift, sliding, rotation, and over-turning.

- A. The manufactured home stands shall not heave, shift, or settle unevenly under the weight of the manufactured home, due to the frost action, inadequate drainage, vibration, or other forces acting upon the structure.
- B. The manufactured home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw auger, arrowhead anchors or other devices providing for stability of the manufactured home.
- C. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota Uniform Manufactured Home Standards Code, whichever is more restrictive.



## 9. Park Management.

- A. The person to who a permit for a manufactured home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.
- B. The park management shall notify park occupants of all applicable provision of this Chapter and inform them of there duties and responsibilities under this Chapter
- C. An Adult caretaker must be present at all times and is responsible for the maintenance of the park at all times.
- D. Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.
- E. The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by number and letter also.
- F. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable mans, said lot limits shall be approximately the same as shown on the accepted basis.
- G. A map of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.
- H. No public address or loudspeaker system shall be permitted.
- I. Dogs and animals shall not be permitted to run at large within the manufactured home park.
- J. It is unlawful for any person to erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.
- K. The park management shall provide for the weekly collection and disposal of garbage, waste and trash as approved by the City.

## **SECTION 901.1424: RECREATION VEHICLES, BOATS, CAMPERS AND EQUIPMENT**

### 1. Location.

Recreational vehicles shall not be parked or occupied on the premises of any occupied dwelling or any residential lot; except, the parking of one vehicle in the rear yard of any district may be allowed, provided that no permanent living quarters (occupancy exceeding 10 day) shall be maintained or business practiced in the vehicle.

### 2. Public Property.

Recreational trailers, boats, campers, or associated equipment shall not be allowed on any public property

overnight except in those public areas specifically designed for overnight stops, or in-route stops. Camping of trailers in authorized areas shall not exceed ten (10) consecutive days or nights.

### 3. Construction Use.

A trailer or mobile home may be allowed as a conditional use in any district where the trailer is used as an office connected with construction where a permit has been granted for the construction work. Such conditional use permit shall be issued for a period not exceeding one hundred eight (108) days.

## **SECTION 901.1425: APARTMENTS, TOWNHOUSES AND OTHER MULTI-FAMILY STRUCTURES**

1. All multi-family structures allowed in the R-1, R-2 and R-3 Districts shall be subject to the following standards:
2. Standards for Multi-Family Buildings.

All requests for building or conditional use permits shall be accompanied by a series of site plans and data showing:

- A. Building locations, dimensions, and elevations, all signs, structures, entry areas, storage sites, and other structural improvements to the sites.
- B. Circulation plans for both pedestrian and vehicular traffic.
- C. Fences and screening devices.
- D. Solid waste disposal provisions and facilities.
- E. Storm drainage plans.
- F. Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
- G. Data pertaining to numbers of dwelling units, size, lot area, ratio, ect.
- H. Exterior wall materials and design information.
- I. A minimum of two (2) foot contour topographical map of the existing site.
- J. A grading plan illustrating the proposed grade changes from the original topographical map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.
- K. A recreational plan illustrating in detail all recreational facilities and structures.
- L. A Landscape Plan. The site, when fully developed, shall be landscaped according to a plan approved by the Planning Commission. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas.

- M. A soil erosion control plan for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery and/or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of 18%.

3. Performance Standards.

Same as those listed in the R-3 District.

4. Parking Requirements.

- A. One and one-half (1-1/2) parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Zoning Administrator, and each space shall be served adequately with access drives.
- B. Parking spaces shall not be located within ten (10) feet of the side or rear lot line.
- C. Bituminous concrete driveways and parking areas with concrete curbing shall be required.

4. Landscaping Provisions.

- A. The design shall make use of all land contained in the site. All the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.
- B. A minimum of 20% of the site shall be landscaped.

5. Screening.

- A. Screening to a height of at least five (5) feet shall be required where: (1) any off-street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.
- B. All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street driveway or lot line.
- C. Sidewalks shall be provided from parking areas, loading zones and recreational areas to the entrance of the building.
- D. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.

6. Appearance.

All buildings within an apartment development shall be so planned that they have the equivalent of a front

appearance of each exterior vertical surface.

## 8. General Buildings or Structural Requirements.

- A. Requirements for Exterior Wall Surfacing and Covering. All multiple family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.
- B. Each multiple family dwelling development containing more than four (4) dwelling units shall include a play area, part of which shall be a paved surface.
- C. Any blighting or deteriorating aspects of the multiple family dwelling development shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.
- D. The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, either parking, circulation, recreation, landscaping, screening, building, storage, etc. so that no portion remains undeveloped.
- E. Trash Incinerators and Garbage. Except with townhouses and multiple family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less, there shall be no exterior incineration and storage shall be completely enclosed by walls and roofs.

## SECTION 901.1426 SIGNS

### 1. Approval of Plans and Location.

A permit shall be required to erect any sign in the City. No sign shall be erected by any person until the plan for the proposed sign has been received by the Planning Commission and approved by the Council. Permit fees shall be as determined by the Council.

### 2. Prohibited Signs.

No sign shall be permitted:

- A. In a location which would interfere with the view of any traveler on any roadway of approaching vehicles or of traffic control devices on signs for a distance of five hundred (500) feet.
- B. On rocks, trees, or other perennial plant or on any public utility pole.
- C. Containing a rotating beam or beam of light resembling an emergency vehicle.
- D. Which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of light simulating or resembling traffic signals or control signs.

- E. Which cast a distracting or confusing ray of light onto or visible from a public roadway.
- F. Which interferes with public utility facilities or the maintenance thereof.
- G. Which constructs any window, door, fire escape, stairway or opening essential to the provisions of light, air, ingress or egress from any building.
- H. Which contain more than two surface areas or facings.
- I. Within the right-of-way of any public road, except as erected by an official unit of government for the direction of traffic or necessary public information.

### 3. Temporary Signs.

The following signs will be permitted in all districts subject to the specific standards indicated:

- A. Real Estate Signs - Not to exceed sixteen (16) square feet in area which advertise the sale, rental, or lease of the premises upon which the sign is temporarily located.
- B. Name, Occupation and Warning Signs - Not to exceed sixteen (16) square feet in area located on the premises.
- C. Official Signs - Such as traffic control, directional signs, parking restrictions, information and notices.
- D. Political Signs - Are allowed in any district on private property with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.
- E. Construction Signs - Not exceeding thirty-two (32) square feet in area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is completed.
- F. Business Signs - Signs which advertise goods or services made and/or sold on the premises; provided, that they meet the setback requirements established for the use and do not contain a total combines surface in excess of two hundred fifty (250) square feet, limited to two (2) in number and located within the plot limits of the use.
- G. Farm Product Signs - Provided that they are located within three hundred (300) feet of the farm residence property and related to farm products, merchandise or services sold, produced, manufactured or furnished on such farm; and provided further that no such device shall exceed twenty (20) square feet in area.
- H. For Sale or For Rent Signs - Not to exceed sixteen (16) square feet in area which advertises property as being for sale or for rent.
- I. Residential Signs - Signs which either identify personal property or residence and provided that they are affixed flat thereto and do not contain more than two (2) square feet in area.

- J. Miscellaneous Signs - Signs or posters of a miscellaneous character which advertise temporary events, provided they are self-supporting and not tacked, posted, painted or otherwise affixed to walls of buildings, trees, fences or poles. Said signs shall be removed forty-eight (48) hours after the culmination of the special event.

#### 4. Non-Conforming Signs.

Signs lawfully existing on the effective date of this Chapter may be continued although the use, size or location does not conform with the provisions of this Chapter. However, it shall be deemed a non-conforming use.

#### 5. Sign Maintenance.

- A. Painting. The owner of any sign shall be required to have such sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such supports are galvanized or otherwise treated to prevent rust.
- B. Area Around Signs - The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds, or other grown cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.

#### 6. Obsolete Signs.

Any signs which no longer advertise a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notice from the Zoning Administrator.

#### 7. Unsafe or Dangerous Signs.

Any sign which, in the opinion of the Building Inspector or Zoning Administrator, becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

### **SECTION 901.1427: PARKING.**

#### 1. Surfacing and Drainage.

Off-street parking areas, except for single-family residences, shall be paved with Portland cement concrete or plant mixed bituminous surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area. Open sales lots for cars, trucks, and other equipment shall also be graded, drained, and paved but the interior landscaping is not required.

#### 2. Location.

All accessory off-street parking facilities required herein shall be located as follows:

- A. Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
- B. Spaces accessory to the multiple family dwellings on the same lot as the principal use served or within three hundred (300) feet of the main entrance to the principal building service.
- C. There shall be no off-street parking space within twenty (20) feet of any street right-of-way.
- D. No off-street open space parking are containing more than four (4) parking spaces shall be located closer than twenty (20) feet from an adjacent lot zoned or used for residential purposes.

### 3. General Provisions.

- A. Access drive may be placed adjacent to property lines except that drives consisting of crushed rock, or other non-finished surfacing shall be no closer than five (5) feet to any other side or rear lot line.
- B. Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length.
- C. Control of Off-Street Parking Facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the council requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
- D. Use of Parking Area. Required off-street parking space in any district shall not be utilized for open storage of good or for the storage of vehicles which are inoperable or for sale or rent.
- E. Parking shall not be allowed in areas not designated for off-street parking.

### 4. Design and Maintenance of Off-Street Parking Areas.

- A. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed thirty (30) feet in width and shall be so located as to cause the least interference with traffic movements.
- B. Curbing and Landscaping. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the property line or a guard of normal bumper height not less than three (3) feet from the side property line.
- C. Parking Space of Six (6) or More Cars. When a required off-street parking space for six (6) or more is located adjacent to a Residential District, a fence approved by the Building Inspector shall be erected along the Residential District property line.
- D. Maintenance of Off-Street parking Spaces. It shall be the joint and several responsibility of

the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space access ways, landscaping and required fences.

- E. Determination of Areas. A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.

5. Parking in Public Streets and Residential Areas.

Parking in public streets and residential areas shall be subject to the standards set forth in Chapter \_\_ of the City Code.

6. Off-Street Space Required (One Space Equals 300 square feet).



## 7. Off-Street Loading and Unloading Areas.

- A. Location. All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from the intersection of two (2) street right-of-way and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard fence space.
- B. Size. Unless otherwise specified in this Chapter, a required loading berth shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, exclusive if aisle and maneuvering space.
- C. Required Loading Spaces. Determined by the Council following review by the Planning Commission.
- D. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
- E. Surfacing. All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- F. Accessory Use. Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Chapter shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.
- G. In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading spaces.
- H. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 P.M. and 7:00 A.M. except for the loading and unloading of grain.

### **SECTION 901.1428: AUTO SERVICE STATION STANDARDS**

#### 1. Lot Size.

A service station site shall be a minimum of 20,000 square feet in size.

#### 2. Setbacks.

The building or buildings shall be set back at least thirty-five (35) feet from the street right-of-way. Adjacent to residential districts, the service station buildings, signs, and pumps shall be a minimum of twenty-five (25) feet from adjoining property. In commercial areas, the structures shall be set back at least ten (10) feet from adjoining property.

#### 3. Curb and Gutters.

Concrete curbs and gutters shall be installed on all streets giving access to the station. There shall be a six (6) inch curb along all interior driveways.

4. Fencing and Screening.

When adjacent to residential property, there shall be a screening fence. When adjacent to commercial property, there shall be a bumper-type fence about eighteen (180) inches high between the station and the adjacent commercial property.

5. Vehicles.

No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than fifteen (150) days.

6. Exterior Storage.

Exterior storage besides vehicles shall be limited to service equipment and items offered for sale and those items listed in Subparagraph 9, below. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise.

7. Screening.

All areas utilized for the storage or disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

8. Architecture.

The station and other buildings shall be of a design that is compatible with the surroundings.

9. Outdoor displays.

The storage of used tires, batteries, and other such items for sale outside the building shall be controlled; such items shall be displayed in specially designated containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans, and other unsightly materials will not be permitted in an area subject to public view.

10. Lighting.

Lights shall be designed and placed in such a manner as to direct the light away from residential areas.

11. Other Activities.

Business activities not listed in the definition of service stations and not incidental to the station are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: (a) automatic car and truck wash; (b) rental of vehicles, equipment or trailers, and (c) general retail

sales. Gas pumps located at and a part of other types of business establishments shall require a conditional use permit.

## **901.1429: DRIVE-IN BUSINESS STANDARDS**

The following standards shall apply to drive-in businesses in all districts:

### 1. Design Standards.

- A. The entire area of any drive-in business shall have a drainage system approved by the City Engineer.
- B. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.
- C. A fence or screen of acceptable design not over six(6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained.

### 2. General.

- A. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.
- B. The hours of operation shall be set forth as a condition of any building permit for drive-in business.
- C. Each drive-in business serving food may have outside seating.
- D. Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.
- E. Electronic devices such as loudspeakers, automobiles service or devices, drive-in theater car speakers and similar instruments shall not be located within three hundred (300) feet of any residential dwelling unit.
- F. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

### 3. Locations.

- A. No drive-in business shall be located within two hundred (200) feet of a public or parochial school or church.
- B. No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.
- C. No drive-in shall be located on any street other than one designated as a thoroughfare or

business service road in the Policies Plan.

4. Site Plan.
  - A. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
  - B. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.
  - C. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
  - D. The design of any structure shall be compatible with other structures in the surrounding are.

### **SECTION 901.1430: AGRICULTURAL OPERATIONS**

All farm in existence on the effective date of this Chapter within the City limits shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained in these performance standards shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. Any structure exceeding \$5000.00 in value to be erected on a farm shall APPLY FOR A building permit. The Council may require any far operator to secure a conditional use permit to expand or intensify said operations in the event of the following: (r2/98)

1. The farm is adjacent to, or within four hundred (400) feet of any dwelling unit OR may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or similar nuisances (r2/98)
2. The farming operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade.

### **SECTION 901.1431 HOME OCCUPATOINS**

1. General.

Home occupations shall be allowed as a conditional use in all residential districts subject to the following standards:

- A. No more than 25% of the gross floor area of the structures including accessory buildings shall be used for this purpose.
- B. Only articles made on the premises or delivered by a carrier shall be sold on the premises, unless such articles are incidental to permitted commercial service.
- C. No articles for sale shall be displayed so as to be visible from any street.
- D. No person is employed other than a member of the household residing on the premises.
- E. No mechanical or electrical equipment is used if the operation of such equipment interferes

with adjacent property owners TV or radio reception or with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered.

- F. No outside storage of materials shall be allowed.
- G. Conducting of the home occupation shall result in no change of outside appearance of the building.
- H. Signs (non lighted), not exceeding two (2) square feet shall be allowed on the premises.
- I. The home occupation shall conform to the standards in the State Building Code and the State Fire Code.

## 2. Retail Sales.

Home occupations allowing retail sales or employment of persons other than the members of the household residing on the premises may be permitted by conditional use permit if the following conditions are met:

- A. Such occupation is carried on in the principal building.
- B. Not more than 25% of the gross floor area of the structures including accessory buildings shall be used for this purpose.
- C. No articles for sale shall be displayed so as to be visible from any street.
- D. No mechanical or electrical equipment is used if the operation is such equipment interferes with adjacent property owners TV or radio reception or with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered.
- E. Such occupation does not generate more than two (2) vehicles at one time, in addition to vehicles owned by the landowners. Such occupation must provide off-street parking.

## **SECTION 901.1432: BED AND BREAKFAST**

Bed and Breakfast establishments allowed as a conditional use in residential zones may be permitted by conditional use permit if the following conditions are met:

1. The owner or operator shall reside on the property or submit a management plan for approval as part of the conditional use permit.
2. The establishment shall conform with State Health and Building Code requirements.
3. The only meal served to guests shall be breakfast and only guests shall be served.
4. The facility shall be limited to five (5) guest rooms or a maximum guest capacity of ten (10).
5. Guests shall not stay for more than fourteen (14) days within any ninety (90) day period.
6. A minimum of one (1) off-street parking space for each guest room and two (2) off-street parking spaces

for each resident or manager.

7. Signs. On-premises advertising for any bed and breakfast facility located in any residential zone shall be limited to either one (1) wall sign or a one or two sided free standing sign not more than two(2) square feet in area per sign face. The content of any such sign shall be limited to identifying not more than the name and address of any facility. No sign shall be internally illuminated.

8. No cooking or cooking facility shall be allowed or provided in the guest rooms.

9. The facility shall have historical or architectural significance.

#### **901.1500: BUILDING PERMITS**

No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all requirements of these regulations have been fully met.

#### **901.1600: VIOLATION A MISDEMEANOR**

Every person violates a section, subdivision, paragraph or provision of this Chapter when he 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.