CHAPTER 152: ZONING

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§ 152.01 SCOPE AND INTERPRETATION.

(A) Scope. From and after the effective date of this chapter, the use of all land and every building and the erection or structural alteration of any building or portion of a building in the city shall be in conformity with the provisions of this chapter. Any structure or use lawfully existing at the passage of this chapter but not in conformity with the regulations of the appropriate zoning district may be continued subject to the regulations of § 152.06.

(B) Interpretation. The provisions of this chapter shall be interpreted as the minimum requirements for the promotion of the public health, safety, morals, convenience, and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other provision of this code of ordinances, or regulation, this chapter shall apply. Where the provisions of any statute, other provision of this code of ordinances, or regulation impose greater restrictions than this chapter, such restrictions shall apply.

(2006 Code, § 11.01)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
AGRICULTURE. The growing of soil crops in the customary manner on open tracts of land; the raising of animals or poultry. The term shall include incidental retail selling by the producer of the products raised on the premises; provided, that customer parking space is furnished off of the public right-of-way.

ALLEY. A public or private right-of-way less than 30 feet in width which affords secondary means of access to abutting property.

APARTMENTS. A room or suite of rooms designed for, intended for, or used as a residence for one family or individual and equipped with cooking facilities.

APARTMENT BUILDING. Three or more dwelling units grouped in one building.

BLOCK. A tract of land bounded by streets or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, unsubdivided acreage, or boundary line of the corporate limits of the city.

BOARDING HOUSE. Any dwelling other than a hotel or motel where meals or lodging and means for compensation are provided for five or more persons pursuant to previous arrangements.

BUILDING. Any structure for the shelter, support, or enclosure of persons, animals, chattel, or property of any kind; and when separated by bearing walls without openings, each portion of such building so separated shall be deemed a separate BUILDING.

BUILDING, ACCESSORY. A subordinate building, the use of which is incidental to that of the main building on the same lot.

BUILDING HEIGHT. The vertical distance from the average of the lowest and the highest point of the portion of the lot covered by the building to the highest point of the roof, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

CENTRAL BUSINESS DISTRICT. Main concentration of uses devoted to the retailing of goods and services for a profit.

COMMERCIAL - C-1 DISTRICT. would consist of other business locations, such as highway serving uses and that which deal more in convenience goods and services.

DWELLING, MULTIPLE-FAMILY. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

DWELLING, TWO-FAMILY. A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

FAMILY. Any number of individuals living together on the premises as a single nonprofit housekeeping unit (except for necessary servants) as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or sorority house.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls, including basements and attached accessory buildings.

GARAGE, PRIVATE. An accessory building for storage of self-propelled vehicles and tools and equipment maintained as incidental to a conforming use of the premises.
GARAGE, PUBLIC. Any premises except those defined as a private garage used for storage or care of self-propelled vehicles and/or where any such vehicles are equipped for operating, repair, or are kept for remuneration, hire, or sale.

HOME OCCUPATION. Any use customarily conducted entirely within a dwelling and carried on by members of a family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals, barber shops, mortuaries, beauty parlors, motor vehicle repairing for hire, welding, animal hospitals, and the maintenance of animals, except as provided in § 152.26, shall not be deemed to be HOME OCCUPATIONS.

INDUSTRIAL, HEAVY I-2 DISTRICT. All manufacture, compounding, processing, packaging, treatment, or assembly of products and materials which due to their size and nature, would not conform in the I-1 District.

INDUSTRIAL, LIGHT I-1 DISTRICT. All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the use is located.

HOTEL. Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five sleeping rooms, with no cooking facilities in individual dwelling units.

JUNK YARD. Land or buildings where waste, discarded, salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other machinery.

LOADING AREA. Any area where trucks are parked, maneuvered, or loaded or unloaded of materials or equipment.

LOT. One unit of a recorded plat or subdivision, which unit has frontage on a public street and is occupied, or to be occupied, by a building and its accessory buildings, and including as a minimum, such open spaces as are required under this chapter.

LOT AREA. The land area within the lot lines.

LOT CORNER. A lot situated at the intersection of two or more streets.

LOT COVERAGE. The total allowable amount of lot area, expressed as a percentage, which may be covered by a principal use and its accessory structures.

LOT DEPTH. The average distance between the front and rear lot line (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width).

LOT, DOUBLE-FRONTAGE. An interior lot having frontage on two streets.

LOT, INTERIOR. A lot other than a corner lot.

LOT WIDTH. The horizontal straight line distance between the side lot lines at the setback line.

NONCONFORMING USE. A use lawfully in existence on the effective date of this chapter and not conforming to the regulations for the district in which it is situated, except that such a use is not nonconforming if it would be authorized under a special use permit where located.

PREMISES. A lot or plot with the required front, side, and rear yards for a dwelling or other use as allowed under this chapter.

SETBACK. The shortest horizontal distance between the front lot line and the foundation wall of a building or the allowable building line as defined by the front yard regulations of this chapter.
**SIGN**. A name, identification, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, purpose, institution, or business.

**SIGN, BILLBOARD, OFF-PREMISE.** 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 of 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, ILLUMINATED.** Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign.

**SIGN, NAMEPLATE.** Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

**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, not including any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

**STORY.** The portion of the building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

**STORY, HALF.** A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

**STREET LINE.** The right-of-way line of a street.

**STRUCTURAL ALTERATION.** Any change or addition to the supporting members of a building such as bearing walls, columns, beams, or girders.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

**SUBDIVISION.** A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one-half acres in area and 150 feet in width, for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term includes **RESUBDIVISION**, and, where it is appropriate to the context, relates either to the process of **SUBDIVISION** or to the land subdivided.

**TRAILER HOUSE or MOBILE HOME.** A detached dwelling structure used for living purposes that is transportable in one or more sections and is less than 24 feet wide, with or without a permanent foundation.

**USE.** The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

**USE, ACCESSORY.** A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

**VARIANCE.** A modification or variation of the provisions of this chapter, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance.

**YARD.** Any space in the same lot with a building open and unobstructed from the ground to the sky, except for fences five feet or less in height, and trees and shrubs.
**YARD, FRONT.** A yard extending across the front of the lot between the side yard lines and lying between the front street right-of-way of the road or highway and the nearest line of the building.

**YARD, REAR.** An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

**YARD, SIDE.** An open, unoccupied space on the lot with a building between the building and the side line of the lot.


§ 152.03 REGULATION OF DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS.

(A) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DISH.** The part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

**DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS.**

(a) One, or a combination of two or more of the following:

1. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources;

2. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer, and/or transmit electronic or light signals; or

3. A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

(b) Also referred to as **EARTH STATIONS** or **GROUND STATIONS**.

**GROUNDING ROD.** A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

**RECEIVER.** A television set or radio receiver.

(B) Permit required. It is unlawful for any person to construct an earth station without a permit, nor shall construction commence before a permit is issued in accordance with division (C) below.

(C) Application for permit.

(1) The owner, or occupant with written permission from the owner, of any lot, premises, or parcel of land within the city who desires to construct an earth station on said lot, premises, or land parcel, must first obtain a permit to do so from the Zoning Administrator.

(2) The Zoning Administrator shall issue such permit, provided, the applicant submits a written application upon forms provided and approved by the Planning Department, along with a plot plan of the lot, premises, or land parcel attached, showing the exact location and dimensions of the proposed earth station and underground wiring; a description of the kind of earth station proposed; the exact location and dimensions of all buildings or structures; showing the elevations of the proposed earth station upon completion.

(3) The applicant shall submit with each application a sum, as set by City Council resolution, which represents the permit fee. The permit fee shall cover the costs of processing the application.

(D) Location of earth station; ground mounted.

(1) No earth station shall be constructed in any front or side yard, but, shall be constructed to the rear of the residence or main structure.
(2) No earth station, including its concrete base slab or other substructure, shall be constructed less than eight feet from any property line or easement.

(3) Wiring between an earth station and a receiver shall be placed at least eight inches beneath the surface of the ground.

(4) Such earth station shall be designed to withstand a wind force of 75 mph without the use of supporting guy wires.

(5) An earth station must be bonded to a grounding rod.

(6) No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital, or any other commercial building or structure.

(7) All earth stations and the construction and installation thereof shall conform to National Electric Safety Code regulations.

(2006 Code, § 11.21) (Ord. 54, 3rd Series, passed 4-24-1985) Penalty, see § 152.99

§ 152.04 WIND ENERGY CONVERSION SYSTEMS.

(A) Purpose. The purpose of this section is to regulate the installation and operation of wind energy conversion systems (WECS) within the city for the safety and well-being of the citizens. This section is to establish regulations not otherwise subject to the siting and oversight by the state.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**METEOROLOGICAL TOWER.** A temporary tower which is erected to gather data on wind speed and direction, plus other data relevant to the siting of a WECS.

**WECS-WIND ENERGY CONVERSION SYSTEM.** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including and not limited to, power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed to the electrical grid.

(C) Special requirements.

(1) Wind energy conversion systems regulated by this section shall only be allowed within any zoning district as a conditional use and permitted as prescribed under the this chapter. In addition a land use and zoning permit must be obtained.

(2) Only one WECS system is permitted on any one lot.

(D) Application requirements.

(1) A site plan drawn to scale and dimensioned including all structures, buildings, above-ground utilities, and trees on the lot where the WECS is to be installed;

(2) The elevations of all items mentioned above;

(3) The proposed location of the WECS including the location of guy wire anchors;

(4) The location and elevation of all structures within 350 feet of the exterior boundaries of the property of installation of the WECS;

(5) A description of the project including name plate generating capacity, tower height, rotor diameter, and means of interconnection with the electrical grid;
(6) Standard drawings of the structural components of the WECS and support structures including base and footings shall be provided as certified by a state licensed engineer;

(7) A contract or agreement with the affected electrical power supplier for excess power fed back into the electrical grid;

(8) A permit or letter from the FAA or MNDOT Aeronautics related to the use of air space; and

(9) Other local, county, state, and federal permits as may be required.

(E) Meteorological towers.

(1) An interim permit will be issued for a meteorological tower for a period not to exceed 18 months by the City Planning and Zoning Director.

(2) The meteorological tower is subject to the same setback regulations as a WECS.

(3) No tower shall have affixed or attached lights, reflectors, flashers, or any other illumination, except for those required by the Federal Aviation Administration.

(4) Any abandoned or obsolete temporary tower shall be removed within 30 days from the cessation of operation at the site.

(5) The temporary meteorological tower shall be erected to meet all standards for wind resistance and weatherability to not be a safety hazard or nuisance.

(F) Performance standards.

(1) A WECS may not interfere with hospital heliport approach/departure corridors.

(2) The permitted maximum height of a WECS shall be measured from the base if the tower to the highest possible extension of the rotor and shall not exceed 175 feet.

(3) No part of a WECS (including guy wires) shall be located within or above any required front, side, or rear yard setback. WECS towers shall be set back from the closest property line one foot for every one foot of system height.

(4) No rotor blades may extend over driveways, sidewalks, or parking areas and must not be within 12 feet of the ground. The maximum diameter of the rotor shall not exceed 26 feet.

(5) WECS shall not be located within 30 feet of an above ground utility line.

(6) Blade arcs created by the WECS shall have a minimum of 30 feet of clearance over any structure within a 200-foot radius.

(7) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 mph or greater).

(8) Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code.

(9) To prevent climbing by unauthorized people, the tower must comply with one of the following:

   (a) Tower climbing apparatus shall not be located within 12 feet of the ground;

   (b) A locked anti-climbing device shall be installed on the tower; and

   (c) Towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet high.

(10) WECS shall have a sign posted at the base of the tower containing the following information:

   (a) A high voltage warning;

   (b) The manufacturer’s name;
(c) An emergency phone number;
(d) Emergency shutdown procedures; and
(e) This sign must be easily legible and not over four square feet in size.

(11) WECS shall not have affixed or attached any lights, reflector, flasher or any other illumination except for illumination devices required by the FAA.

(12) WECS shall be designed and constructed not to cause radio, television or other communication interference.

(13) Noises created by the operation of the WECS shall be in compliance with and regulated by the State Pollution Control Standards, State Regulations NPC 1 and 2, as amended; and

(14) All electrical equipment and connections shall be designed and installed in compliance with the Electrical Code.

(G) Conditions of permit.

(1) Ornamental wind devices that are not a WECS shall be exempt from this section.

(2) If a WECS is not maintained in operational condition and poses a potential safety hazard or a nuisance, the owner shall be take expeditious action to correct the situation.

(3) Any WECS or tower which is not used for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

(4) By the acceptance of the conditional use permit, the owner/operator grants permission to the city to enter the property to assure compliance with all conditions set forth in this section.

(Ord. 176, 3rd Series, passed 5-12-2009) Penalty, see § 152.99

§ 152.05 SEXUALLY-ORIENTED BUSINESS ZONING.

(A) Location prohibitions. Sexually-oriented businesses shall be prohibited in all of the city’s zoning districts, except in the commercial district, as defined and regulated in this chapter, where such businesses shall be permitted, provided, the conditions specified in this code of ordinances are met.

(1) In the commercial district, in which sexually-oriented businesses are permitted uses, the following conditions shall be met prior to a sexually-oriented business being allowed.

(a) Sexually-oriented businesses shall be at least 1,500 feet from any other sexually-oriented business.

(b) Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual business premises of any other sexually-oriented business.

(c) Sexually-oriented businesses shall be located no less than 1,500 feet from:

1. Any zoned residential area, whether R-1 or R-2 as defined in this chapter;
2. Mobile home parks;
3. Places of worship;
4. Governmental buildings;
5. City/public parks, recreational areas, or open spaces;
6. Schools, public or private;
7. Licensed family day care homes, licensed group family day care homes, licenses child-care or day care centers, licensed development achievement centers, and senior housing complexes; or

8. On-sale liquor establishments.

(2) Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest boundary of the residential use district or the boundary of a mobile home park, or to the nearest property line of the premises used as a school, place of worship, governmental building, city/public park, recreational area or open space, licensed family day care home, licensed group family day care home, licensed child-care or day care center, licensed developmental achievement center, senior housing complex, or on-sale liquor establishment.

(3) The operation, establishment, or maintenance of more than one sexually-oriented business in the same building, structure, or portion thereof, or in the increase of the floor area of any sexually-oriented business in any building, structure, or portion thereof is prohibited.

(B) Sign restrictions. In order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding sexually-oriented businesses, the following sign regulations shall apply to all sexually-oriented businesses in the city in lieu of the provisions of the definitions of “signs” in §§ 152.02 and 152.54.

(1) (a) All signs shall be flat wall signs.

(b) No signs shall be freestanding, located on the roof or contain any flashing lights, moving elements or electronically, or mechanically changing messages.

(c) No sign shall contain any message or image which identifies changing messages which identifies “specified sexual activities” or “specified anatomical areas”, as defined in § 115.03.

(d) The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage.

(e) Signs otherwise permitted pursuant to this section shall contain only:

1. The name of the sexually-oriented business; and/or

2. The specific type of sexually-oriented business conducted on the licensed premises.

(2) Temporary signage shall not be permitted in connection with any sexually-oriented business.

(3) No signs shall be placed in any window.

(4) A one-square foot sign shall be placed on the door to state hours of operation and admittance is restricted to adults only.


Cross-reference:

Sexually-Oriented Businesses, see Ch. 115

§ 152.06 NONCONFORMING USES.

(A) Generally. A nonconforming use may be continued subject to the following limitations and such further regulations as the Council may require for securing the purposes of this chapter.

(1) A nonconforming use of land shall not be enlarged or increased in land area, nor shall such nonconforming use be moved to any part of the parcel of land upon which the same was not conducted prior to the adoption of this chapter.
§ 152.07 CONDITIONAL USE PERMITS.

(A) Conditional use permits. Conditional use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this chapter;

2. Public utility or public service uses or public building in a district when found to be necessary for the public health, safety, convenience, or welfare;

3. To classify as a conforming use, any institutional use existing in any district at the time of the establishment of such district; or

4. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this chapter: library; community center; church; hospital; fairgrounds; any institution of any educational, philanthropic or charitable nature; cemetery; mausoleum; or any other place for the disposal of the human dead.

(B) Application.

1. Application for the issuance of a conditional use permit shall be made to the Planning Commission. Any proceedings to classify certain uses as conforming uses as provided in this section may be initiated either by application or by the Council or by the Planning Commission. The Planning Commission may hold such hearings on the proposal to issue a conditional use permit as it may consider necessary; but at least one public hearing shall be held on any application for a use permit for the establishment of any use listed in division (A)(4) above.

2. The Planning Commission shall make a report to the Council upon any application for conditional permit and shall recommend to the Council whatever action it deems advisable; but it shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a use permit is sought will not under the circumstances of the particular use be detrimental:

   a. To the health, safety, morals, comfort, convenience, or welfare of the persons residing or working in the neighborhood of such use;

   b. To the public welfare or injurious to property or improvements in the neighborhood; or

   c. It may designate conditions and require guarantees in the granting of use permits in the manner provided in § 152.09 for the granting of adjustments. Upon receipt of the report of the Planning Commission, the Council may hold whatever public hearings it deems advisable and shall make a decision upon the proposal to
grant a use permit. If the Council finds that the conditions exist which are necessary under this section before the Planning Commission may recommend the granting of a use permit, the Council may grant the use permit and it may attach to the permit such conditions and guarantees as are provided for in § 152.09 for the granting of adjustments.

(C) *Conformance.* Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.

(2006 Code, § 11.40) (Ord. 130, passed 12-24-1971) Penalty, see § 152.99

§ 152.08 THE ADMINISTRATIVE OFFICIAL.

(A) The Mayor is hereby authorized and directed to enforce all the provisions of this chapter. He or she may delegate the enforcement of this chapter to any administrative official of the city, and supporting staff if deemed necessary, who shall be directly under the control of the Mayor and shall be known as the Zoning Administrator or Zoning Enforcement Officer.

(B) The Zoning Administrator shall perform the following duties:

1. *Examine applications.* Examine all applications pertaining to use of land, buildings, or structures, and approve same when the application conforms with the provisions of this chapter;

2. *Nonconforming uses.* Keep a record of all nonconforming uses;

3. *Inspections.*
   a. Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this chapter.
   b. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance.
   c. The cost of employing said laboratory shall be paid for by the owner if a violation of this chapter is established, otherwise by the city.

4. *Notifications.* Notify, in writing, any person responsible for violating a provision of this chapter, indicating the nature of the violation and ordering the action necessary to correct it;

5. *Orders.* Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions, alterations; order discontinuance of illegal work being done; or take any action authorized by this chapter to ensure compliance with or to prevent violation of its provisions;

6. *Recordkeeping.* Maintain permanent and current records of this chapter as provided in § 152.25(B), including all maps, amendments, conditional use, and variations;

7. *File maintenance.* Maintain a current file of all permits, all certificates, and all copies of notices of violation, discontinuance, or removal for such time as necessary to ensure a continuous compliance with the provisions of this chapter and, on request, provide information to any person having a proprietary or tenancy interest in any specific property; and


(2006 Code, § 11.50) (Ord. 130, passed 12-24-1971)

§ 152.09 ADJUSTMENTS AND VARIANCES.

(A) *Purpose.* The Council, in each case as hereinafter provided, shall have the power to grant adjustments in and exceptions to any of the provisions of this chapter to the extent of the following and no further:
(1) To vary or modify the strict application of any of the regulations or provisions contained in this chapter in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application; and

(2) To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this chapter.

(B) Application.

(1) Application for any adjustment permissible under the provisions of this section shall be made to the Zoning Administrator in the form of a written application for a permit to use the property or premises as set forth in the application. An application for an adjustment shall be accompanied by payment of a fee in such amount as may be set by motion or resolution of the Council from time to time in addition to the regular building fee, if any.

(2) Upon receipt of any application, such officer shall set a time and place for a public hearing before the Planning Commission on such application. At least ten days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper.

(C) Review and decision. The Commission shall thereupon make its decision upon the application and report its recommendation to the Council within ten days after such hearing. In recommending granting any adjustment or variance under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation involved; and in recommending denial, the Commission shall specify the reasons why the variance cannot be adjusted to meet the purposes of this chapter as to light, air, public health, safety, comfort, convenience, or general welfare.

(D) Issuance.

(1) No permit shall be issued under the provisions of this section unless and until it is ordered by the Council. In reporting its decision to the Council, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith and shall specifically and fully set forth the conditions upon which variance is recommended.

(2) Upon receipt of such report, the Council shall by resolution either accept or reject the same and shall either grant or deny the application for the permit according to its own determination of the question involved. In all cases in which adjustments or variances are granted under the provisions of this section, the Council shall require such evidence and guarantees as it deems necessary to ensure compliance with the conditions designated in connection therewith.

(E) Conditions for issuance. The Planning Commission shall not recommend the granting of any application and the Council shall not grant any application unless they find the following facts:

(1) There are special circumstances or conditions affecting the land, building, or use referred to in the application;

(2) The granting of the application is necessary for the preservation and enjoyment of substantial property rights;

(3) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and

(4) At the hearing, the applicant shall present a statement and evidence in such form as the Planning Commission may require, to show these facts.

(F) Form of action taken and record thereof. The Planning Commission and the Council shall provide for a record of their proceedings, which shall include the minutes of their meetings, their findings, and the action taken on each matter heard by them, including final recommendation, decision, and order.
(G) *Appeals from the decision of the Council.* Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Council may seek review by a court of record of such decision, in the manner provided by the laws of the state and particularly by M.S. § 462.361, as it may be amended from time to time.

(2006 Code, § 11.60)

§ 152.10 AMENDMENTS TO THIS CHAPTER.

(A) *Purpose.* The Council may, on its own motion, or on request of the Planning Commission, or on petition or appeal of the affected property owners:

(1) Transfer land, or a portion thereof, from the district in which it is situated into another district, by amendment to this chapter; and

(2) Change any of the regulations of this chapter as to the use or platting of land in any district, or as to the restrictions upon buildings or structures herein, by amendment to this chapter.

(B) *Procedure.*

(1) An application for amendment shall be filed with the City Administrator in duplicate, accompanied by a fee as determined by the Council. The City Administrator shall forward one copy to the Planning Commission. The Planning Commission may transmit its recommendations on the application to the city within 30 days.

(2) The Planning Commission may transmit its recommendations on the application to the Council within 30 days.

(3) (a) The Planning Commission shall give notice of the time and place of the public hearing.

    (b) Notice shall be given not more than 30 days nor less than ten days in advance of the hearings, by publishing a notice thereof at least once in a newspaper published in the city by notifying the owner or owners of the property under consideration, and by notifying by mail at least ten days prior to the meeting the property owners within 300 feet of the subject property.

    (c) The current City Assessor’s tax records shall be deemed sufficient for the location or certification of ownership of said properties.

(4) (a) The Council, upon receiving reports of the Planning Commission, and without further public hearing, may vote upon the adoption of any proposed amendment or it may refer it back to the Planning Commission and/or Board for further consideration.

    (b) If no recommendation is transmitted by the Planning Commission within 30 days after the hearing, the Council may take action without awaiting such modifications.

    (c) In considering such recommendations, due allowance shall be made for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire city, and for the uses to which the property affected is being devoted at the time; and no change shall be recommended unless it is required for the public good.

    (d) The amendment shall be effective only if three-fourths of all the members of the Council concur in its passage.

(C) *The petition.* The petition shall:

(1) Give the name or names of the petitioner or petitioners, and the petition shall be signed by each of them. The address of each petitioner shall be given;

(2) Specifically describe the area proposed to be rezoned, and give the names and addresses of all owners of property owned by each;
(3) State the present zone classification of the area and the proposed zone classification;

(4) State the present use of each separately owned tract within the area, and the intended use of any tract of land therein, if the petitioners, or any of them, have particular use presently in mind;

(5) Show how the rezoning will fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire city; and

(6) Be accompanied by three copies of a map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of 500 feet, including the street pattern of such area. The map scale shall be 100 feet to the inch.

(2006 Code, § 11.61) (Ord. 130, passed 12-24-1971)

§ 152.11 ANNEXATIONS.

No annexation petition shall be considered unless and until a hearing has also been petitioned for placing the annexed territory in a zoning district or districts. No land use and zoning permits shall be issued in annexed territory until such hearing has been held and the territory assigned a zoning district or districts.


ZONING DISTRICTS

§ 152.25 DISTRICTS, MAPS, AND BOUNDARIES.

(A) Districts, maps, and boundaries. For the purpose of this chapter, the city is divided into the following districts:

(1) R-1 One- to Four-Family Residence District;
(2) R-2 Multiple-Family Residence District;
(3) C-B Central Business District;
(4) C-1 Commercial;
(5) I-1 Light Industrial District;
(6) I-2 Heavy Industrial District;
(7) F Floodplain District; and
(8) PID Planned Industrial District.

(B) Zoning map. The boundaries of the districts established by this chapter are delineated on the zoning map; said map and all notations, references, and date shown thereon are hereby adopted and made part of this chapter and will be on permanent file, and for public inspection, in the office of the City Administrator. It shall be the responsibility of the Zoning Administrator and staff to maintain said Map, and amendments thereto shall be recorded thereon within 30 days after official publication of amendments.

(C) District boundaries. The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line, they indicate the district boundary line runs parallel to the street at a distance therefrom equivalent to the number of feet stated unless otherwise indicated.
§ 152.26 R-1 ONE-TO FOUR-FAMILY RESIDENCE DISTRICT.

(A) **Purpose.** The R-1 District is intended for low-density residential development in those areas where such development fits the land use plan and policies, and where municipal utilities are available at reasonable costs.

(B) **Permitted uses.** Within an R-1 District, unless otherwise provided by this chapter, no uses are permitted except the following:

1. One- to four-family-dwellings;
2. Parks and recreational areas owned or operated by governmental agencies;
3. Public elementary or high schools, or private schools with an equivalent curriculum;
4. Churches, parish houses, convents, children’s nurseries, and schools; provided, that no building shall be located within 50 feet of any abutting lot in any residential district;
5. Grain or vegetable farming or gardening on unplatted land assessed as agricultural land, but not involving a sales structure;
6. Home occupations and offices of professional persons where such use does not exceed one-third of the main floor space of a dwelling, is conducted only in principal dwelling, and does not employ more than one person not residing on the premises;
7. Public golf courses, except clubhouses, public swimming pools, private recreational clubs, tennis courts, except those operated for commercial purposes; and
8. Accessory buildings and accessory uses (also to apply to principal structure):
   a. Private garage or carport, boathouse, one of each designation;
   b. Private swimming pools when completely enclosed within a chain-like or similar fence five or more feet high;
   c. Boarding or rental of rooms shall be subject to providing off-street parking for all motor vehicles of tenants by landlord;
   d. Maintenance of dogs and cats or other household pets, subject to licensing requirements, health regulations and other applicable provisions of this code of ordinances;
   e. Off-street parking as regulated by § 152.56;
   f. Parking of one commercial motor vehicle of not over 26-foot length used by the resident occupant, and parking of passenger cars, but not including the storage of vehicles which are inoperable or for sale or rent; or
   g. Signs as regulated in § 152.55.

(C) **Uses by conditional use permit within an R-1 District.** Buildings or land may be used for the following if granted a conditional use permit as provided in § 152.07:

1. Municipal administration buildings, police and fire stations, libraries, museums, art galleries, post offices, and other municipal service buildings except those customarily considered industrial in use; providing, that no building shall be located within 50 feet of any other lot in a residential district;
2. Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures;
(3) Golf clubhouse, commercial country club, commercial swimming pool, private swimming pool service more than one family; provided, that no principal structure shall be located within 50 feet of any other lot in a residential district;

(4) Apartment buildings and multiple-dwelling units housing four to eight families with appropriate off-street parking facilities;

(5) Boarding or rental of rooms for three to eight persons on a premises;

(6) Mobile home park developments, subject to the regulations as established in § 152.57, “minimum mobile home park requirements”;

(7) Barber shops and beauty salons; or

(8) Property owners within 150 feet of the proposed barber shop/beauty salon will be notified in writing by the city that a conditional use permit has been applied for.

(D) Height, yard, and lot coverage regulations.

(1) Height regulations. No structure shall exceed two and one-half stories or 35 feet whichever is less in height, except that church spires, belfries, domes which do not contain usable space, chimneys, and similar structures not intended for human occupancy, may be of any height which does not conflict with airport requirements.

(2) Front yard regulations.

(a) There shall be a front yard having a depth of not less than 25 feet, except that in a block where two or more residences have been erected facing the same street, the setback for remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings.

(b) There shall be a front yard on each street side of each corner lot except that for corner lots of record at the date of this chapter, the front yard on the side street may be reduced to a depth of not less than 15 feet.

(3) Side yard regulations. Each lot shall have two side yards, each such yard having a width of not less than ten feet.

(4) Rear yard regulations. Each lot shall have an unoccupied rear yard having a depth of not less than 25% of the lot depth, except that accessory buildings and uses as stipulated in divisions (B)(8)(a) and (B)(8)(b) above shall be allowed.

(5) General yard regulations. General yard regulations shall be as set forth in § 152.49, “yard regulations”.

(6) Lot size regulations.

(a) Every lot on which a one- or two-unit dwelling is erected shall contain an area of not less than 9,000 square feet. For lots on which three to eight multiple-family dwelling units are erected, 2,000 additional square feet shall be provided for each dwelling unit in excess of two.

(b) Every lot on which a one- or two-family dwelling is erected shall not be less than 75 feet in width, nor less than 120 feet in depth. Lots fronting on curvilinear streets shall have a minimum frontage of 50 feet and a 75-foot width at the building line.

(c) No residential lot not served by public sewer and public water supply shall be less than 22,000 square feet in area; provided, that a lot served by public water supply, but not public sewer may have a minimum area of 11,000 square feet.

(d) The lot area, width, and depth regulations of this section shall not apply to lots platted prior to the adoption of this chapter; however, such lots shall not be altered in any way which would further reduce their
dimensions below the minimum requirements of this section, and no lot in conformance with the provisions of this section shall be reduced or resubdivided to produce a lot not in full conformance with this section.

(e) Not more than 35% of a lot or plot shall be occupied by buildings.

(E) General regulations. Additional regulations applicable to the R-1 District are set forth in §§ 152.45 through 152.58.

(2006 Code, § 11.04) (Ord. 64, 3rd Series, passed 10-15-1986; Ord. 130, passed 12-24-1971; Ord. 206, 3rd Series, passed 6-7-2016) Penalty, see § 152.99

§ 152.27 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT.

(A) Purpose. The R-2 District is intended for apartments, row houses, townhouses, dormitories, and other buildings of three or more dwelling units in those areas where such development fits the land use plan, where properly related to other land uses and thoroughfares, and where adequate municipal utilities are available. A secondary characteristic of this District is to provide areas suitable for administrative buildings and related office uses where there is limited contact with the public, no manufacture or exterior display, and where merchandising is limited to essential land convenience types of goods serving neighborhood needs.

(B) Permitted uses. Within an R-2 District, unless otherwise provided by this chapter, no building or land shall be used except for the following:

(1) Any use permitted in § 152.26(B), as regulated therein;

(2) Multiple dwellings, apartment buildings, townhouses, and group or row houses;

(3) Boarding or lodging houses;

(4) Hospitals, convalescent and nursing homes, elderly housing projects;

(5) Institutions of a religious, educational, charitable, or philanthropic nature;

(6) Private clubs or lodges, except those whose chief activity is a service customarily carried on as a business for profit;

(7) Accessory storage garages or other accessory uses or buildings, customarily incident to the uses permitted in this section;

(8) Signs as regulated in § 152.55; and

(9) Off-street parking and loading as regulated by § 152.56.

(C) Uses by conditional use permit. Within an R-2 District, buildings or land may be used for one or more of the following uses if granted a conditional use permit as provided in § 152.07:

(1) Any use permitted in § 152.26(C), R-1 Residence District;

(2) Mobile home park developments only, subject to the special conditions and requirements set forth in § 152.57, minimum mobile home park requirements;

(3) Medical and dental offices and clinics;

(4) Offices for administrative, executive, professional, research, or similar organization and laboratories having only limited contact with the general public; provided, that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the permissible use;

(5) Neighborhood grocery delicatessen, bakery, or drug store; provided, that floor space for the principal use shall be limited to 1,400 square feet, and that no more than four employees shall be required to operate the use at any given time;
(6) Laundry and dry cleaning collection and clothes storage centers, tailor shops, hobby shops, small home appliance repair and hardware stores, and specialty shops; provided, that floor space for the principal use shall be limited to 2,400 square feet and that no more than four employees shall be required to operate the use at any given time; and

(7) Barber shops and beauty salons.

(D) **Height, yard, and lot coverage regulations.**

(1) **Height regulations.** Structures shall not exceed two and one-half stories or 35 feet in height, whichever is less, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smokestacks, cooling towers, and similar structures not designed for human occupancy, may be erected with no height limitations except airport requirements.

(2) **Front yard regulations.**

(a) There shall be a front yard having a depth of not less than 25 feet, except that for any building exceeding three stories in height, there shall be an additional front yard setback of one foot for every one foot that the building exceeds the height of 30 feet.

(b) There shall be a front yard on each street side of a corner lot.

(c) On double-frontage lots the required front yard shall be provided on both streets.

(3) **Side yard regulations.**

(a) For one- and two-family dwellings and their accessory buildings the side yard regulations of § 152.26 (D)(3) applies.

(b) For other buildings not exceeding two stories in height, there shall be two side yards, each such yard having a width of not less than ten feet.

(c) For buildings exceeding two stories in height, there shall be two side yards, each yard having a width of 15 feet, plus one foot for each one foot of building height over 30 feet.

(4) **Rear yard regulations.** There shall be a rear yard as required in § 152.26(D)(4), yard regulations”.

(5) **General yard regulations.** General yard regulations shall be as set down in § 152.49, “yard regulations”.

(6) **Lot size regulations.**

(a) The minimum total lot area for a multiple-dwelling structure shall not be less than 11,000 square feet, plus 2,000 square feet for each unit in excess of two.

(b) A lot for a multiple-dwelling structure shall have a width of not less than 85 feet and a depth of not less than 125 feet.

(c) Not more than 35% of a lot or plot shall be occupied by buildings.

(E) **General regulations.** Additional regulations applicable to the R-2 District are set forth in §§ 152.45 through 152.58.

(2006 Code, § 11.05) Penalty, see § 152.99

§ 152.28 **C-B CENTRAL BUSINESS DISTRICT.**

(A) **Purpose.** The C-B District is intended for retail stores and offices which are mutually compatible and can benefit from and contribute to a compact shopping area serving the city and surrounding area.

(B) **Permitted uses.** Within a C-B District, unless otherwise provided by this chapter, no building or land shall be used except for the following:
(1) Antique shops;
(2) Apparel shops;
(3) Appliance stores;
(4) Art and school supply;
(5) Art galleries;
(6) Art studios;
(7) Auction room;
(8) Auto accessory store;
(9) Bakeries, provided, the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet;
(10) Banks and other saving institutions;
(11) Barber parlors;
(12) Beauty parlors;
(13) Beverage stores;
(14) Bicycle sales, rental, and repairs;
(15) Book and stationery stores;
(16) Brewpubs;
(17) Camera and photo stores;
(18) Candy and ice cream stores;
(19) Carpet and rug stores;
(20) Catering establishments;
(21) Clothes pressing and tailoring shops;
(22) Clothing stores;
(23) Coin and philatelic stores;
(24) Decorating studios;
(25) Delicatessen;
(26) Department stores;
(27) Drug stores;
(28) Dry cleaning and laundry receiving and pick-up stations, excluding laundering and dry cleaning processing;
(29) Dry goods or notions stores;
(30) Electrical appliance sales and service;
(31) Employment agencies;
(32) Fabric shops;
(33) Florist shops;
(34) Financial institutions;
(35) Food, grocery, meat, fish, bakery, and delicatessen stores;
(36) Furniture stores;
(37) Furrier shops;
(38) Gift shops;
(39) Grocery, fruit, vegetable, or meat stores;
(40) Hardware stores;
(41) Hobby stores;
(42) Hotel;
(43) Jewelry stores;
(44) Leather goods and luggage shops;
(45) Library;
(46) Liquor stores or taverns;
(47) Loan office and finance company;
(48) Locksmith shops;
(49) Medical and dental offices;
(50) Mail order stores;
(51) Millinery shops;
(52) Music stores;
(53) Newsstand;
(54) Offices, professional;
(55) Office supply stores;
(56) Optical stores;
(57) Orthopedic and medical appliance stores;
(58) Paint and wallpaper stores;
(59) Parking and garages other than those accessory to a principal use for the parking and storage of private passenger automobiles only;
(60) Personal apparel stores;
(61) Pet shops;
(62) Phonograph, record, and sheet music stores;
(63) Photography studios;
(64) Physical culture and health services, reducing salons, and masseurs;
(65) Picture framing and picture stores;
Pipe and tobacco shops;
Post offices;
Plumbing sales stores;
Public utility service stores;
Radio and television sales and repair stores;
Record shops;
Rental agencies for the rental of clothing, appliances, automobiles, and household fixtures, furnishing and accessories;
Restaurant, excluding drive-ins;
Sewing machine sales and service shops;
Shoe and hat sales and repair shops;
Stationery shops;
Stock and brokerage firms;
Taxi stand;
Telephone booth;
Theater, excluding drive-in;
Ticket agencies;
Tea, spice, and condiment specialty shops;
Toy stores;
Travel bureaus and transportation ticket offices;
Variety, gift, notion, and soft goods stores;
Vending machines which are coin or card operated;
Accessory uses as follows:
(a) Any accessory uses, except signs, customarily incident to the above permitted uses; and
(b) Signs as regulated in § 152.55, “sign regulations”.
Alterations may be made to a residential building containing nonconforming residential units when alterations will improve livability of the unit provided the number of dwelling units in the building are not increased.

(C) Uses by conditional use permit. Buildings or land may be used for the following, if granted a conditional use permit as provided in § 152.07:

(1) Any business activity of the same general character as those listed in division (B) above;
(2) Multiple dwellings, but only if a part of a planned concept in accordance with the Comprehensive Plan;
(3) Schools, music, dance, business, and vocational;
(4) Microbreweries and taprooms; and
(5) Microdistilleries and related activities.
(D) **Height, yard, and lot coverage regulations.**

(1) **Height regulations.** The height regulations of the C-B District shall be those of § 152.27(D)(1).

(2) **Yard regulation and lot coverage regulations.** In the C-B District, there shall be no specific yard requirements or lot coverage requirements except as necessary to provide off-street parking and loading where applicable as regulated in § 152.56.

(E) **Additional regulations.**

(1) Lighting (glare) shall be directed away from the public right-of-way and residential districts.

(2) (a) Any awning, canopy, or marquee suspended from a building may extend over the public right-of-way ten feet, but not to within two feet of the curb line.

(b) Such structures shall be of a height not less than eight feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.

(F) **General regulations.** Additional regulations applicable to the C-B District are set forth in §§ 152.45 through 152.58.

(2006 Code, § 11.06) (Ord. 130, passed 12-24-1971; Ord. 207, 3rd Series, passed 8-8-2016) Penalty, see § 152.99

§ 152.29 **C-1 COMMERCIAL.**

(A) **Purpose.** The C-1 District is intended to provide suitable locations for commercial retail and wholesaling, administrative, servicing, and related activities dealing more in convenience goods and services.

(B) **Permitted uses.** Within any C-1 District, no structure or land shall be used except for one or more of the following uses:

(1) Those uses as first permitted, and as regulated in § 152.28 (C-B District), shall be a permitted use;

(2) Animal hospitals, kennels, and training runs;

(3) Armories, convention halls, or exhibition halls, including fairgrounds exhibition areas;

(4) Automobile display enclosed showrooms and sales areas and automotive repairs;

(5) Bakeries;

(6) Bowling alleys, billiard, or pool halls;

(7) Brew pubs, microbreweries, microdistilleries and related taprooms;

(8) Building materials sales and storage establishments;

(9) Bus stations with service and/or garage facilities;

(10) Cabinet, carpenter, upholstering, or furniture repair shops;

(11) Dry cleaning, dyeing, and laundry establishments;

(12) Electrical contractors and equipment repair and services;

(13) Farm implement dealer’s sales and display;

(14) Frozen food lockers for family or commercial storage purposes;

(15) Engraving, printing, publishing, cartographic, and bookbinding establishments;
(16) Grocery, fruit, vegetable, and meat retail establishments;
(17) Greenhouses, nurseries, and garden supply stores;
(18) Laboratories, medical, dental, and optical;
(19) Lumber sales and yards;
(20) Marine and boat sales display and servicing establishments;
(21) Medical and dental clinics;
(22) Miniature golf courses, par-three golf courses or archery or golf driving ranges operated for commercial purposes;
(23) Monuments, processing, and sales;
(24) Mortuaries, vault, and casket establishments;
(25) Motels, hotels, and auto courts;
(26) Municipal and government buildings and structures;
(27) Newspaper printing and distribution agencies;
(28) Public utility structures;
(29) Plumbing, heating and air conditioning shops, service, and showrooms;
(30) Radio and television service and repair shops;
(31) General retail and wholesale sales establishments;
(32) Restaurants (excluding drive-in type);
(33) Office and home furniture manufacture and warehousing;
(34) Theaters (enclosed structures only);
(35) Accessory uses, except signs, customarily incident to the uses permitted in this division (B) and division (C) below;
(36) Signs as regulated in § 152.55, “sign regulations”;
(37) Off-street parking and loading as regulated by § 152.56;
(38) Alterations may be made to a residential building containing nonconforming residential units when alterations will improve livability of the unit provided the number of dwelling units in the building are not increased; and
(39) A residential dwelling currently existing on a lot or parcel of land in the C-1 District may be replaced by a newly constructed residential dwelling provided the number of dwelling units in the building are not increased.

(C) Uses by conditional use permit. Within a C-1 Commercial District, buildings or land may be used for one or more of the following uses if granted a conditional use permit as provided in § 152.07:

(1) Any business activity of the same general character as those listed in division (B) above;
(2) Multiple-dwelling units and complexes if part of a planned concept in accord with the approved Comprehensive Plan;
(3) New or used automobile sales or storage lots, new or used implement sales or storage lots, automobile laundries or car washes, automobile service stations, or repair shops provided:
(a) The parking lot shall be surfaced with a dust-free material and plans for the arrangement of entrances, exits, screening of exterior storage lots, and parking stalls shall accompany the request for a special use permit;

(b) Artificial lighting and glare shall be directed away from any public right-of-way and any residential district; and

(c) A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.

(4) Drive-in restaurants, drive-in theaters, or similar uses that provide goods and services to patrons in automobiles, provided:

(a) A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district;

(b) The parking area shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, and parking stalls shall accompany the request for a conditional use permit; and

(c) Artificial lighting and glare shall be directed away from any public right-of-way and any residential district.

(5) Mobile home park developments, subject to the regulations as established in § 152.57, “Minimum mobile home park requirements”.

(D) Height, yard, and lot coverage regulations.

(1) Height regulations. No structure shall exceed four stories or 45 feet, whichever is less in height, except that cooling towers, elevator penthouses, domes which do not contain usable space, water towers, and smokestacks or other similar structures not intended for human occupancy may be of any height which does not conflict with airport requirements.

(2) Yard regulation and lot coverage regulations. In the C-1 District, there shall be no specific yard requirements or lot coverage requirements except as necessary to provide off-street parking and loading where applicable as regulated in § 152.56.

(E) Performance standards.

(1) In order to ensure compliance with the performance standards set forth below, the Council may require the owner or operator of any permitted use to have made such investigations or tests as may be required to show adherence to the performance standards. Such investigation or tests as are required shall be carried out by an independent testing organization selected by the city.

(2) Such investigations or testing shall be shared equally by the owner or operator and the city, unless the investigation or tests disclose noncompliance with the performance standards, in which situation the entire cost shall be paid by the owner or operator.

(a) Noise. At any property line the sound pressure level of noise radiated from an industrial operation shall not exceed the values given in Table 1 herein. The sound pressure level shall be measured with a “sound level meter” and an associated “octave band analyzer”, both of which are manufactured to specifications published by the American Standard Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24, 10-1953. American Standards Association, Inc., New York, New York. Measurements shall be made using the flat network of the sound level meter.

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<tr>
<th>Frequency Band Cycles Per Second</th>
<th>Maximum Permitted Sound Level (Decibels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-75</td>
<td>72</td>
</tr>
</tbody>
</table>


(b) **Odors.** No objectionable odors shall be detectable beyond the limits of the property.

(c) **Exterior lighting.** Any lights used for exterior illumination shall direct light away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.

(d) **Vibration.** No vibration shall be discernible at any property line to the human sense of feeling for an accumulated total of three or more minutes during any hour.

(e) **Smoke.** The Ringelman Smoke Chart, published by the U.S. Bureau of Mines, shall be used for measuring smoke at the point of emission. Smoke not darker or more opaque than No. 4 on said Chart may be emitted, except that smoke darker or more opaque than No. 2 on said Chart may not be emitted for periods longer than four minutes in any 30 minutes. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but an equivalent apparent opacity.

(f) **Dust.** Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths grains per cubic foot of the conveying gas or air. For measurements of the amount of particles in gases resulting from combustions, standard corrections shall be applied to a stack temperature of 500°F and 50% excess air.

(g) **Fumes or gases.** Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Exposure to Substances Causing Pain in the Eyes), and Table I (Exposure to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, Physiological Effects, that contains such tables, in Air Pollution Abatement Manual, by the Manufacturing Chemists’ Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a land use and zoning permit.

(h) **Sewer and water.** The design and construction of water supply facilities and treatment of all industrial sewage and waste shall comply with city and state health standards and requirements.

(F) **Screening, landscaping, lighting, storage, and outdoor displays.**

(I) **Screening.**

(a) All principal and accessory uses, except business signs, which are situated within 50 feet of a residential district, shall be screened from such district by a wall or fence of not less than 90% opacity and not less than five nor more than seven feet in height above the level of the residential district property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Council if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that a screening of the type required by this chapter would interfere with the provision of adequate amounts of light and air to same said properties.

(b) Loading docks in the C-1, I-1, and I-2 Districts shall be screened so as not to be visible from any public street right-of-way within a residential district. All required screening devices shall be designed so that
they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

(2) **Landscaping.** All exposed ground areas surrounding or within a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaped materials. All landscaped areas shall be kept neat, clean, and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies, or merchandise.

(3) **Lighting.** All sources of artificial light situated in a C-1, I-1, and I-2 District site shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than one-tenth footcandle in or within 25 feet of a dwelling nor more than one-half footcandle on any other part of the property. Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible from beyond the limits of the immediate site from which it originates.

(4) **Storage - displays.** All materials, supplies, merchandise, or other similar matter not on display for a direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the C-1, I-1, and I-2 Districts, or within the confines of a 100% opaque wall or fence not less than five feet high. Merchandise which is offered for sale as described above may be displayed beyond the confines of a building in the C-1, I-1, and I-2 Districts, but the area occupied by such outdoor display shall not constitute a greater number of square feet than 10% of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the street.

(G) **Requirements for vehicular and pedestrian circulation.**

(1) **Traffic and circulation.**

(a) All commercial buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust-free material, and property drained. Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic.

(b) The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the City Engineer who may require such additional measures for traffic control and he or she may deem necessary, including, but not limited to, the following: directional signalization, channelization, standby turn lanes, illumination, and storage area and distribution facilities within the commercial site to prevent back-up of vehicles on public streets.

(2) **Ingress and egress.** No area used by motor vehicles other than driveways serving as ingress and egress to the commercial site shall be located within the public street right-of-way.

(3) **Driveway restrictions.** All driveways to or from public streets shall be subject to the following restrictions.

(a) **Driveway widths: (measurement between roadway edges).**

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Feet</th>
<th>Minimum Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-way</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td>Two-way</td>
<td>30</td>
<td>24</td>
</tr>
</tbody>
</table>

(b) **Minimum driveway angle to street:** Thirty degrees when street is one-way or divided, otherwise 60 degrees;
(c) Minimum distance between driveways: Twenty feet, between roadway edges measured along street curb line; and

(d) Minimum distance of driveway from street intersections: (Measured along street curb line between nearest driveway edge and intersecting street curb line).

<table>
<thead>
<tr>
<th>If the Driveway Enters a Street Classified as a</th>
<th>And the Intersecting Street Is Classified as a</th>
<th>And the Driveway Enters Land Approaching or Leaving Intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector Street</td>
<td>Collector street or minor arterial</td>
<td>15 feet</td>
</tr>
<tr>
<td></td>
<td>Major arterial</td>
<td>15 feet</td>
</tr>
<tr>
<td></td>
<td>Minor street</td>
<td>20 feet</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>Collector street or minor arterial</td>
<td>25 feet</td>
</tr>
<tr>
<td></td>
<td>Expressway ramp</td>
<td>200 feet</td>
</tr>
<tr>
<td></td>
<td>Major arterial</td>
<td>40 feet</td>
</tr>
<tr>
<td></td>
<td>Minor street</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minor Street</td>
<td>Major arterial</td>
<td>15 feet</td>
</tr>
<tr>
<td></td>
<td>Minor street, collector street or minor arterial</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

*Note:*
*Minimum distance to be the same as that specified for approaching lane if left turns are permitted into or out of driveway

(H) General regulations. Additional regulations applicable to the C-1 District are set forth in §§ 152.45 through 152.58.

(2006 Code, § 11.07) (Ord. 130, passed 12-24-1971; Ord. 171, passed 5-17-1978; Ord. 73, 3rd Series, passed 11-20-1987; Ord. 207, 3rd Series, passed 8-8-2016) Penalty, see § 152.99

§ 152.30 I-1 LIGHT INDUSTRIAL DISTRICT.

(A) Purpose. The I-1 District is intended for conducting a process, fabrication, wholesale operation, manufacturing, providing a service, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the use is located and that all development uses are conducted wholly within a building.

(B) Permitted uses. Within the I-1 District, unless otherwise provided by this chapter, no building or land shall be used except for the following:

(1) Those uses as first permitted, and as regulated in § 152.29 (C-1 District), shall be a permitted use;

(2) Appliance assembly and warehousing;

(3) Machine shops;

(4) Electrical and electronic manufacturing establishments;

(5) Light assembly and manufacturing operations;
(6) Airports;
(7) Bottling establishments;
(8) Building materials sales and storage establishments;
(9) Camera and photographic manufacturing establishments;
(10) Cartage and express facilities;
(11) Heliports;
(12) Jewelry manufacturers;
(13) Medical, dental, and optical laboratories;
(14) Public utility structures and municipal and government buildings;
(15) Railroad rights-of-way;
(16) Storage and warehousing facilities;
(17) Wholesale business and office establishments;
(18) Blacksmith shops;
(19) Manufacturing, processing, storage, servicing, and testing establishments;
(20) Accessory uses, as follows:
   (a) Accessory uses, except signs, customarily incident to the above permitted uses;
   (b) Signs as regulated in § 152.55; and
   (c) Off-street parking and loading as regulated by § 152.56, which shall be provided on the premises.
(21) Alterations may be made to a residential building containing nonconforming residential units when alterations will improve livability of the unit provided the number of dwelling units in the building are not increased; and
(22) A residential dwelling currently existing on a lot or parcel of land in the I-1 District may be replaced by a newly constructed residential dwelling provided the number of dwelling units in the building are not increased.

(C) Uses by conditional use permit. Within an I-1 District, buildings or land may be used for one or more of the following uses if granted a conditional use permit as provided in § 152.07.

(1) Manufacturing, production, and the like. Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to those listed in division (B) above, which comply with the performance standards of this District.

(2) Sand, gravel, and the like. Extraction, processing, or storage of sand, gravel, stone, or other raw material subject also to the following special provisions and limitations.

(3) Removal of soil, sand or other material.
   (a) Temporary excavation district. The use of land for the removal of topsoil, sand, or gravel, and other material from the land is not permitted in any zone except by the granting of a temporary excavation permit by the Council. Permits shall be issued for a maximum period of one year and shall be subject to review and rehearing at that time.
   (b) Future use of the land. The persons applying for a temporary excavation permit must submit a plan of intent as to the future use of the property being excavated as well as development plans showing proposed
elevations, drainage, access routes to be used in hauling to and/or from the site, and daily hours intended for the
operation as well as projected period of excavation.

(c) Safety precautions. If during the excavation work, it becomes necessary for the person excavating to
create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to
correct, immediately, the dangerous situation created, as well as fence such area from the general public during the
period of danger.

(d) Bonding. It shall be necessary for the person securing a temporary excavation permit to present
adequate proof of bonding to the city in the form of a performance bond, sufficient in value to cover the expense
of the completion of the development plan or to bring such portion of the completed project to a safe grade and
elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage of the
site.

(4) Retail and service establishments. Retail and service establishments, of an essential or convenience
nature consistent with the operation of an industrial district.

(D) Height, yard, and lot coverage regulations.

(1) Height regulations. No structure shall exceed four stories or 45 feet in height whichever is less.

(2) Yard regulations.

(a) No building shall be located within 50 feet of any residential district.

(b) Except for railroad loading areas, no parking or loading space shall be located within 25 feet of any
residential district.

(c) Any open storage of materials or open loading areas shall be located or screened so as not to be visible
from any residential district.

(E) Performance standards. The performance standards of the I-1 District shall be those of § 152.29(E),
except that measurement or determination of noise, odor, and vibration shall be made at the boundary of the I-1
District, rather than at the property line of the use concerned.

(F) Screening, landscaping, lighting, storage and outdoor displays. The regulations shall be those of § 152.29
(F) as regulated therein.

(G) General regulations. Additional regulations applicable to the I-1 District are set forth in §§ 152.45
through 152.58.

(2006 Code, § 11.08) (Ord. 130, passed 12-24-1971; Ord. 171, passed 5-17-1978; Ord. 73, 3rd Series, passed
12-20-1987) Penalty, see § 152.99

§ 152.31 I-2 HEAVY INDUSTRIAL DISTRICT.

(A) Purpose. The I-2 District is intended to provide a district which will allow all manufacture,
compounding, processing, packaging, treatment, or assembly of products and materials which due to their size
and nature, would not conform in the I-1 District.

(B) Permitted uses. Within an I-2 District, unless otherwise provided by this chapter, no building or land shall
be used except for the following:

(1) Those uses as first permitted, and as regulated in § 152.30 (I-1 District), shall be a permitted use;

(2) Canning factories, and creameries, food processing plants, including smoking and curing operations;

(3) Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing,
ventilating, air conditioning, masonry, electrical, and refrigeration industries;
(4) Cooperatives;
(5) Freight terminals and classification yards;
(6) Fuel and ice sales and storage facilities, including bulk fuel storage;
(7) Garages for storage, repair, and servicing of motor vehicles and farm implements;
(8) Gasoline and oil bulk stations and distributing plants;
(9) Hatcheries;
(10) Grain elevators, milling, and processing activities;
(11) Highway maintenance shops and yards;
(12) Monument works, cutting, grinding and polishing operations (excavation excluded);
(13) Poultry and animal rendering plants, processing, and treatment yards;
(14) Accessory uses, as follows:
   (a) Accessory uses, except signs, customarily incident to the above permitted uses;
   (b) Signs as regulated in § 152.55; and
   (c) Off-street parking and loading as regulated by § 152.56, which shall be provided on the premises.
(15) A residential dwelling currently existing on a lot or parcel of land in the I-2 District may be replaced by a newly constructed residential dwelling provided the number of dwelling units in the building are not increased.

(C) Uses by conditional use permit. Within an I-2 District, buildings or land may be used for one or more of the following uses if granted a conditional use permit as provided in § 152.07.

(1) Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to those listed in division (B) above, which comply with the performance standards of this District.

(2) Storage, utilization, or manufacture of materials or products which could decompose on detonation.

(3) Automobile wrecking and/or junk yards, provided, such use is conducted within a building or the premises on which such business is conducted is entirely enclosed within a solid substantial fence, except for gates, not less than eight feet in height. The term SOLID as used herein shall mean a fence having an opacity of 100%.

(4) Mobile home park development, subject to the regulations as established in § 152.57, "minimum mobile home park requirements".

(5) Retail and service establishments, of an essential or convenience nature consistent with the operation of an industrial district.

(D) Height, yard, and lot coverage regulations.

(1) Height regulations. No structure shall exceed four stories or 45 feet in height, whichever is less.

(2) Yard regulations.
   (a) No building shall be located within 50 feet of any residential district.
   (b) Except for railroad loading areas, no parking or loading space shall be located within 25 feet of any residential district.
(c) Any open storage of materials or open loading areas shall be located or screened so as not to be visible from any residential district.

(E) Performance standards. The performance standards of the I-2 District shall be those of § 152.29(E) except that measurement or determination of noise, odor, and vibration shall be made at the boundary of the I-2 District, rather than at the property line of the use concerned.

(F) Screening, landscaping, lighting, storage, and outdoor displays. The regulations shall be those of § 152.29(F), as regulated therein.

(G) General regulations. Additional regulations applicable to the I-2 District are set forth §§ 152.45 through 152.58.

(2006 Code, § 11.09) (Ord. 130, passed 12-24-1971; Ord. 73, 3rd Series, passed 12-20-1987) Penalty, see § 152.99

§ 152.32 FLOODPLAIN DISTRICT.

(A) Statutory authorization, findings of fact and purpose.

(1) Statutory authorization. The State Legislature has, in M.S. § 103F.101 and M.S. §§ 394.21 through 394.37, as they may be amended from time to time, delegated the authority to local governmental units to adopt regulations designed to minimize flood losses, state statutes. M.S. § 103F.101, as it may be amended from time to time, further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program.

(2) Statement of purpose. The purpose of this section is to maintain the city's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce, and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(3) Warning of disclaimer of liability. This section does not imply that areas outside of the floodplain district or land uses permitted within such districts will be free from flooding and flood damages. This section shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decisions lawfully made thereunder.

(B) General provisions.

(1) Adoption of flood insurance rate map. The flood insurance rate map for the city, dated July 17, 1986, developed by the Federal Emergency Management Agency, is hereby adopted by reference as the official floodplain zoning district map and made a part of this section.

(2) Land to which floodplain district applies. This section shall apply to all lands designated as floodplain within the jurisdiction of the city.

(3) Interpretation.

(a) The boundaries of the floodplain district shall be determined by scaling distances on the official floodplain zoning district map. Where interpretation is needed as to the exact location of the boundaries of the floodplain district, the Planning and Zoning Director shall make the necessary interpretation based on elevations on the regional 100-year flood profile, if available.

(b) If 100-year flood elevations are not available, the city shall:

1. Require a floodplain evaluation consistent with the requirements of this section to determine a 100-year flood elevation for the site; or
2. Base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the floodplain.

(4) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE** or **STRUCTURE.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**FLOOD FRINGE.** The portion of the floodplain outside of the floodway.

**FLOODPLAIN.** The channel or beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood. **FLOODPLAIN** areas within the city shall encompass all areas designated as Zone A on the flood insurance rate map.

**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory floodplain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.

**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 magnitude of the 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term **BASE FLOOD** used in the flood insurance rate map.

**REGULATORY FLOOD PROTECTION ELEVATION.** An elevation no lower than one foot above the elevation caused by encroachments on the floodplain that result from designation of a floodway.

**STRUCTURE.** Anything constructed or erected on the ground or attached to the ground, or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in division (L)(1) below, and other similar items.

(C) **Conflict with pre-existing zoning regulations and general compliance.**

(1) **The Floodplain District as overlay zoning district.** The floodplain zoning district shall be considered an overlay zoning district to all existing land use regulations of the city. The uses permitted in divisions (D) and (E) below shall be permitted only if not prohibited by any established, underlying zoning district.

(2) **Compliance.**

(a) No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this section and other applicable regulations which apply to uses within the jurisdiction of this section. Within the floodway and flood fringe, all uses not listed as permitted uses in division (D) below shall be prohibited.

(b) In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this section and specifically in divisions (D) and (L) below;

2. Modifications, additions, structural alterations, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this section and specifically in division (l) below; and
3. As-built elevations for elevated structures must be certified by ground surveys as stated in division (G) below.

(D) Permitted uses. Standards, and floodplain evaluation criteria.

(1) Permitted uses in the floodplain. The following uses of land are permitted uses in the floodplain district:

(a) Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure, or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment;

(b) Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions, such as fill or storage of materials or equipment, provided, these activities are located in the flood fringe portion of the floodplain. These uses shall be subject to the development standards in division (D)(2) below and the floodplain evaluation criteria in division (D)(3) below for determining floodway and flood fringe boundaries; and

(c) Travel trailers and travel vehicles are requested by division (L) below.

(2) Standards for floodplain permitted uses.

(a) Fill. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover, or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA’s requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(b) Storage of materials and equipment.

1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the regulatory flood protection elevation.

3. No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

4. All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than one foot below the regulatory flood protection elevation and shall extend at such elevation at least 15 feet beyond the limits of the structure constructed thereon.

5. Uses that do not have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation to lands outside of the floodplain shall not be permitted unless granted a variance by the Planning Commission. In granting a variance, the Commission shall specify limitations on the period of use or occupancy of the use and only after determining the adequate flood warning time and local emergency response and recovery procedures exist.

6. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation; however, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

7. Where public utilities are not provided:
a. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

b. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state’s current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this division (D).

8. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(3) Floodplain evaluation.

(a) Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the floodplain district, the Planning and Zoning Director shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the regulatory flood protection elevation for the site. Procedures consistent with Minn. Rules pts. 6120.5600 (Technical Standards and Requirements for Floodplain Evaluation) and Minn. Rules pt. 6120.5700 (State Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.

(b) The Planning and Zoning Director shall submit one copy of all information required by division (D) (3)(a) above to the respective Department of Natural Resources’ Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the city. The Planning and Zoning Director shall notify the respective Department of Natural Resources Area Hydrologist within ten days after a permit or manufactured home park development/subdivision approval is granted.

(E) Utilities, railroads, roads, and bridges in the floodplain district. All utilities and transportation facilities, including railroad tracks, roads, and bridges, shall be constructed in accordance with state floodplain management standards contained in Minn. Rules 1983 pts. 6120.5000 through 6120.6200.

(F) Subdivisions.

1. No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the Planning Commission for reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. The Planning Commission shall review the subdivision/development proposal to ensure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems, and related activities.

2. In the Floodplain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in division (D)(3)(a) above. The Planning and Zoning Director shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in divisions (D)(2), (D)(3), and (E) above.

3. For all subdivisions in the floodplain, the floodway and flood fringe boundaries, the regulatory flood protection elevation, and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

4. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated to fill above the 100-year flood elevation. FEMA’s requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation or a change of special flood hazard area designation will be requested.
(5) This division (F) is not intended as a substitute for a comprehensive city or county subdivision ordinance. It can, however, be used as an interim control until the comprehensive subdivision ordinance can be amended to include necessary floodplain management provisions.

(G) Administration.

(1) Permit required. A permit issued by the Planning and Zoning Director shall be secured prior to the construction, addition, or alteration of any building or structure; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to the excavation or the placement of an obstruction within the floodplain.

(2) State and federal permits. Prior to granting a permit or processing an application for a variance, the Planning and Zoning Director shall determine that the applicant has obtained all necessary state and federal permits.

(3) Certification of first floor elevations. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this section. The Planning and Zoning Director shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the floodplain district.

(H) Variances.

(1) A variance means a modification of a specific permitted development standard required in an official control including this section to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty, or unique circumstances as defined and elaborated upon in a city’s respective planning and zoning enabling legislation.

(2) The Planning Commission may authorize upon appeal in specific cases such relief or variance from the terms of this section as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties, or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Planning Commission shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.

(3) Variances from the provisions of this section may be authorized where the Planning Commission has determined the variance will not be contrary to the public interest and the spirit and intent of this section. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the regulatory flood protection elevation. Variances may be used to modify permissible methods of flood protection.

(4) The Planning and Zoning Department shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least ten days’ notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the Commissioner of Natural Resources within ten days of such action.

(5) Appeals from any decision of the Planning Commission may be made and as specified in the city’s Official Controls and also in state statutes.

(6) (a) The Planning and Zoning Director shall notify the applicant for a variance that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

2. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
(b) The city shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the national flood insurance.

(1) *Nonconformities.* A structure or the use of a structure or premises which was lawful before the effective date of this section, but which is not in conformity with the provisions of this section may be continued subject to the following conditions:

(1) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity;

(2) An alteration within the inside dimensions of a nonconforming use or structure is permissible, provided, it will not result in increasing the flood damage potential of that use or structure;

(3) The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this division (I)(3) are satisfied. The cost of all structural alterations and additions constructed since the adoption of the city’s initial floodplain controls must be calculated into today’s current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of division (D) above for new structures; or

(4) If any nonconforming use of a structure or land or nonconforming structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this section. The Planning and Zoning Director may issue a permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated or fill in conformity with the provisions of this section.

(J) *Unlawful acts.* Violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) is unlawful.

(1) In responding to a suspected violation of this code of ordinances, the Planning and Zoning Director and the Council may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures, or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The city must act in good faith to enforce these official controls and to correct violations of this code of ordinances to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(2) When a violation of this code of ordinances is either discovered by or brought to the attention of the Planning and Zoning Director, the Planning and Zoning Director shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources’ and Federal Emergency Management Agency Regional Office along with the city’s plan of action to correct the violation to the degree possible.

(3) (a) The Planning and Zoning Director shall notify the suspected party of the requirements of this section and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Planning and Zoning Director may order the construction or development immediately halted until a proper permit or approval is granted by the city.

(b) If the construction or development is already completed, then the Planning and Zoning Administrator may either:

1. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or
2. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

(4) If the responsible party does not appropriately respond to the Planning and Zoning Director within the specified period of time, each additional day that lapses shall constitute an additional violation of this section and shall be prosecuted accordingly. The Planning and Zoning Director shall also, upon the lapse of the specified response, period notify the landowner to restore the land to the condition which existed prior to the violation of this section.

(K) Amendments. All amendments to this section, including revisions to the official floodplain zoning district map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The floodplain designation on the official floodplain zoning district map shall not be removed unless the area is filled to an elevation at or above the regulatory flood protection elevation and is contiguous to lands outside of the floodplain. Changes in the official zoning map must meet the Federal Emergency Management Agency’s (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days’ written notice of all hearings to consider an amendment to this section and said notice shall include a draft of the ordinance amendment or technical study under consideration.

(L) Travel trailers and travel vehicles. Travel trailers and travel vehicles that do not meet the exemption criteria specified in division (L)(1) below, shall be subject to the provisions of this section and as specifically spelled out in divisions (L)(3) and (L)(4) below.

(1) Exemptions. Travel trailers and travel vehicles are exempt from the provisions of this section if they are placed in any of the areas listed in division (L)(2) below, and further they meet the following criteria:

(a) Have current licenses required for highway use;

(b) Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it; or

(c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

(2) Areas exempted for placement of travel/recreational vehicles. Areas exempted for placement of travel/recreational vehicles are as follows:

(a) Individual lots or parcels of record;

(b) Existing commercial recreational vehicle parks or campgrounds; and

(c) Existing condominium type associations.

(3) Loss of exemption. Travel trailers and travel vehicles exempted in division (L)(1) above, lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in division (D) above.

(4) Floodplain conditions. Travel trailers/travel vehicles (including replacements and new commercial type uses and residential type subdivisions) are not permissible in the floodplain.

(5) New commercial travel trailer, travel vehicle parks, and the like. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following.

(a) Any new or replacement travel trailer or travel vehicle will be allowed in the floodway or flood fringe districts, provided, said trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation determined in accordance with the provisions of division (D)(3) above and proper elevated road access
to the site exists in accordance with division (D) above. No fill placed in the floodway to meet the requirements of this division (L)(5) shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of division (L)(5)(a) above, may, as an alternative, be allowed if in accordance with the following provisions. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with division (D) above.


§ 152.33 PID PLANNED INDUSTRIAL DISTRICT.

(A) Purpose. The PID is intended to provide for certain industrial uses that, because of location, transportation, access, and other land use factors, must necessarily be located and adjacent to lesser land use intensities, and with proper control, these areas should become compatible with and maintain the value of properties and uses adjacent to them.

(B) Permitted uses. Within a PID, no building or land shall be used, and no building shall be erected, structurally altered, converted, or enlarged except for one or more of the following uses:

1. Bottling establishments;
2. Building material sales and storage establishments;
3. Broadcasting antennas, television, and radio;
4. Cartage and express facilities;
5. Cartography and bookbinding establishments;
6. Manufacturing, compounding, processing, packaging, treatment, and assembly of products and materials;
7. Offices;
8. Scientific research, investigation, testing, or experimentation;
9. Warehousing of products;
10. Electrical and electronic products manufacturers;
11. Engraving, printing, and publishing establishments;
12. Medical, dental, and optical laboratories;
13. Public utility structures and municipal and governmental buildings;
14. Railroad rights-of-way;
15. Storage or warehousing facilities; or

(C) Uses by conditional use permit. Within a PID, no building or land shall be used for one or more of the following uses except by conditional use permit:
(1) Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to those listed in division (B) above which conform with the performance standards set forth in § 152.29; and

(2) Retail and service establishments of an essential or convenience nature consistent with the operation of a Planned Industrial District.

(D) Height, yard frontage, area, and lot coverage regulations.

(1) Height regulations. No building shall hereafter be erected to exceed a height of three stories, except that buildings permitted in this District may be erected to greater heights if the building is set back from each required yard line at least one more foot for each foot of additional height above 35 feet.

(2) Front yard regulations. There shall be a front yard having a depth of not less than 50 feet between building and the street right-of-way line, except where the district abuts or adjoins residence districts across the street, there shall be a front yard having a depth of not less than 75 feet.

(3) Side yard regulations. There shall be two side yards, one on each side of a building. Each side yard shall be not less than 20 feet in width, except where the district abuts or adjoins residence districts, the side yard abutting said residence district shall be not less than 75 feet in width.

(4) Rear yard regulations. There shall be a rear yard not less than 50 feet in depth, except where lots abut railroad siding and where the districts abut or adjoin residence districts, there shall be a rear yard of not less than 100 feet in depth.

(5) Lot area regulations. Every individual lot, site or tract shall have an area of not less than two acres.

(6) Minimum district area regulations. No PID shall be established on any tract, which is less than 80 acres. This requirement may be waived if the tract is in single ownership or under unified control where tract abuts or adjoins at least 25% of the perimeter of a PID.

(7) Frontage regulations. Every lot or tract shall have a width of not less than 200 feet abutting a public right-of-way.

(8) Lot coverage regulations. Not more than 35% of the total area of a lot shall be covered by buildings.

(E) Procedures.

(1) All petitions for rezoning to establish or expand must also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required, must be filed with the Planning Commission.

(2) All public rights-of-way within a PID shall be considered streets or thoroughfares as defined in the Thoroughfare Plan.

(3) Every application for the establishment of a PID shall be accompanied by the following documents, which, in their entirety, shall constitute an overall development plan for the property described in the application:

(a) A boundary survey and legal description of the entire tract covered by the application, prepared by a registered land surveyor;

(b) A land use plan prepared by a person trained or experienced in land use planning. The Plan shall be to scale and shall show the following:

1. The relationship of the application area to surrounding properties, section lines, and other existing features such as streets and highways, buildings, railroads, and utilities;

2. The alignment and functional classification of all proposed streets;

3. The alignment and characteristics of all proposed railroad facilities; and
4. The dimensions and areas of all lots and blocks.

(c) The arrangement and extent of all land use classifications, and zoning districts preliminary layout of all proposed water mains, sanitary sewers, and storm drainage facilities, together with profiles and typical design cross-sections for all street, roadways, and a general overall site grading plan, including arrows indicating direction and destination of surface drainage. Such layouts, profiles, design cross-sections, and plans shall be prepared by a registered land surveyor or civil engineer;

(d) Copies of all proposed protective covenants, and any provisions for associations of individual owners;

(e) The names and addresses of all persons holding fee title to the entire land area included in the overall development plan as well as the names and addresses of all persons engaged in developing and managing said plan;

(f) The owners or developers contemplated development schedule;

(g) The owners and developers contemplated cost of all street, sanitary sewer, storm sewer, and water main improvements;

(h) Upon a finding by the Planning Commission and Council that the proposed PID and preliminary plat will be consistent with long-range comprehensive plans for the city and meet the requirements of the PID, the Council may establish a PID on the property included in the preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall become a part of the ordinance establishing the zoning change. Any change in the plan will require resubmission to the Planning Commission and final approval by the Council; and

(i) The final platting of the land zoned PID shall be subject to such requirements for approval, recording, and the installation of improvements as required by other provisions of this code of ordinances.

(F) Performance standards.

(1) Intent. It is the intent of this division (F) to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties.

(2) Performance standards. The performance standards of the PID shall be those of § 152.29(E), except that measurement or determination of noise, odor, and vibration shall be made at the boundary of the PID rather than at the property line of the use concerned.

(3) Regulations on screening, landscaping, lighting, storage, and outdoor displays. The regulations shall be those of § 152.29(F) as regulated therein.

(G) Building design and construction.

(1) (a) In addition to other restrictions of this chapter and any other provision of this code of ordinances, any building or structure within the Planned Industrial District shall meet the following standards:

(b) All exterior walls finished on any building shall be any single one or combination of the following:

1. Face brick;

2. Concrete block;

3. Natural stone;

4. Special designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture;

5. Factory fabricated and finished metal framed panel construction, if the panel materials are any of those named above, glass, pre-finished metal (other than unpainted galvanized iron), or plastic; and

6. Other material as may be approved by the Council.
(2) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be designed in a manner conforming and harmonizing with the original architectural design and general appearance.

(3) Any other exterior wall finishes, or any changes in architectural design must be approved by the Council.

(H) General regulations.

(1) Signs as regulated in § 152.55; and

(2) Off-street parking and loading as regulated in § 152.56(B) and (C).

(2006 Code, § 11.11) (Ord. 6, 3rd Series, passed 1-17-1980) Penalty, see § 152.99

GENERAL REGULATIONS

§ 152.45 SCOPE OF REGULATIONS.

(A) Except as may otherwise be provided in § 152.06, nonconforming structures and uses, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

(B) No application for a land use and zoning permit or other permit or license, or for a certificate of zoning compliance shall be approved by the Zoning Enforcement Officer and no permit or license shall be issued by any other city department which would authorize the use or change in use of any land or building contrary to the provisions of this chapter, or the erection, moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this chapter.

(C) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner, except in conformity with the area regulations as hereinafter provided, nor shall the area of any lot be reduced below the minimum requirement herein established.

(2006 Code, § 11.20)

§ 152.46 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot; provided, that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

(2006 Code, § 11.20)

§ 152.47 ACCESSORY BUILDINGS.

In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.

(A) An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building.
(B) A detached accessory building shall not be located in any required front yard.

(C) A detached accessory building not over one story and not exceeding 12 feet in height (measured from ground to eaves) shall occupy not more than 30% of the area of any side or rear yard; provided further, that no detached accessory building shall be placed nearer than two and one-half feet from any side or rear lot line, except that a two-stall garage may be used jointly and solely by the families living on two adjacent lots and may be built so as to place one stall on each side or rear lot line; provided, that the two stalls are separated by a fire wall.

(2006 Code, § 11.20)

§ 152.48 HEIGHT REGULATIONS.

(A) Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

(B) Height limitations set forth elsewhere in this chapter may be increased by 100% when applied to the following: chimneys; cooling towers; elevator bulkheads; fire towers; monuments; penthouses; water towers; stacks; stage towers; or scenery lofts; tanks; ornamental towers and spires; wireless towers; or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(2006 Code, § 11.20)

§ 152.49 YARD REGULATIONS.

(A) The following requirements qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

(B) Measurements shall be taken from subject to the following requirements.

(1) Every part of a required yard or court shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of window wells above the bottom of such yard or court and except for the projections of sills, belt courses, cornices, and ornamental features not to exceed 18 inches.

(2) Open or lattice enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers projecting into a yard not more than two feet or into a court not more than three and one-half feet shall be permitted, where the same are to be so placed as not to obstruct light and ventilation.

(3) A yard, court, or other open space provided about any building for the purpose of complying with the provisions of this chapter shall not again be used as a yard, court, or other open space for another building.

(4) The setback requirements shall be observed on each street side of a corner lot; provided, however, that the buildable width of a lot shall not be reduced to less than 30 feet.

(5) Where a lot is to be occupied for permitted uses without buildings or structures thereon, the side yards and front yards required herein for the zone within which such lot is located, shall be provided and maintained between such use and the respective lot lines; provided, that side and rear yards shall not be required on lots without buildings or structures, used for garden purposes or public playgrounds.

(6) The following shall not be considered to be obstructions when located in the required yards specified:

(a) In front yards. One story bay windows projecting three feet or less into the yard; and overhanging eaves and gutters projecting two and one-half feet or less into the yard.
1. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three feet may be placed around such place.

2. The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth which may cause danger to traffic on a street or public road by obscuring the view.

3. On double-frontage lots, the required front yard shall be provided on both streets.

(b) **In side yards.** Overhanging eaves and gutters projecting into the yard for a distance of two inches per foot of required side yard; and

(c) **In rear yards.**

1. Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory structures, tool rooms, and similar buildings or structures for domestic storage; balconies; breeze-ways and open porches; one story bay windows projecting two and one-half feet or less into the yard; and overhanging eaves and gutters projecting two and one-half feet or less into the yard.

2. In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard.

(2006 Code, § 11.20) (Ord. 130, passed 12-24-1971) Penalty, see § 152.99

§ 152.50 FENCES.

(A) **Fences.**

(1) **Definition.** For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FENCE.** Any row of stakes, posts, poles, or other vertical supports connected by wire, wood, plastic, or metal is considered a **FENCE**. Posts not connected but located less than six feet apart so as to form a barrier or define an area are also considered a **FENCE**.

(2) **Location.** All boundary fences shall be installed directly adjacent to and on the owner’s side of the property line. It is the property owner’s responsibility to determine the property line. If adjoining property owners cannot agree on the location of the property line, a survey shall be obtained to determine the property line at the cost of the person installing the fence. Determination of the property line location is not the responsibility of the city. No individual may install a fence in any public right of way. No fence shall be located nearer than two and one-half feet to a platted alley.

(3) **Construction.** Fences shall be installed so that the “face side” or non-structural side is facing the outside, adjoining property or right of way. The structural side that contains the posts, cross members, and the structural pieces shall face toward the fence owner’s side of the property line. All fences shall be constructed of rot resistant materials, preserved, or treated to resist deterioration from the elements. All rear and side yard fences over 48 inches high shall have a minimum of 10% opening for air and light. Any fence that is more than 90% solid or does not let 10% air or light pass through the fence shall be considered a wall and shall be constructed using building setbacks. No fence may support a roof. If a fence supports a roof, it will be considered a structure and will be subject to normal building setbacks.

(4) **Access.** Access must be available for public utilities personnel to access their equipment and read related meters.

(5) **Maintenance.** All fences must be installed in a proper workmanlike manner. The fence must be maintained in both structure and finish to be neat in appearance.

(6) **Swimming pools.** All permanent swimming pools must be fenced and properly gated in accordance with the BOCA National Building Codes.
(7) **Height; residential fence heights; maximum.**

(a) **Rear yard.** Six feet. Privacy screening fences up to six feet in height are allowed within the setback areas of a rear or side yard;

(b) **Side yard.** Six feet except within the setback area, three feet maximum height;

(c) **Front yard.** Three feet within the 25-foot setback area;

(d) **Corner lots.** Must allow for the traffic visibility triangle of creating a diagonal line 30 feet back from the corner of two intersecting curbs or curb lines. Nothing in this area may be more than two and one-half feet high; and

(e) A fence more than three feet high that is adjacent to a driveway in a rear or side yard, must be reduced to three feet maximum height within 15 feet of the driveway or set back 15 feet from the property line.

(8) **Easement.** An owner may install a fence on a utility easement at their own risk. Such fences may be removed or damaged if access is needed on the easement. The replacement or repair of the fence is the responsibility of the property owner.

(9) **Prohibited fences.** In residential areas:

(a) Barbed wire;

(b) Electric fences, except for underground pet fences;

(c) Fences with spiked tops;

(d) Woven chicken wire except when used for gardening;

(e) Woven wire not specifically made as a landscape fence;

(f) Chain link fence without a top rail;

(g) Any fence where climbing or traveling over the fence will obviously result in injury; or

(h) Snow fences made of wood or plastic other than temporary fence between November 1 and April 10 of each year. Snow fences may not cause snow to accumulate on the roadway or property of others.

(10) **Compliance.** Any fence that is currently noncompliant may not be rebuilt or repaired without a permit and must follow current regulations.

(11) **Permit.** A permit must be obtained prior to the installation of any permanent fence. Any person that fails to obtain a permit to install a fence is subject to a misdemeanor. The payment of a misdemeanor fine does not allow a person to install a fence not in compliance with the regulations and a permit must still be obtained.

(12) **Temporary fences.** Temporary fences may be constructed for construction sites, securing vacant buildings, snow fencing or gardening. Temporary fences may be installed for a maximum of 150 days.

(B) **Vision clearance; fences, walls in front yard.**

(1) In any residence zone or any corner lot, no fence or accessory structure or planting shall rise over two and one-half feet in height above the level of the public sidewalk within 20 feet of any corner, so as to interfere with traffic visibility across the corner.

(2) No fence or wall or shrub planting of more than two and one-half feet in height above the level of the public sidewalk shall be erected on any interior lot within ten feet of the front property line where it will interfere with traffic visibility from a driveway.

(C) **Swimming pools.** Swimming pools of a permanent nature must be enclosed by a fence of at least five feet in height.

(D) **Public right-of-way.** No fence shall be permitted on a public right-of-way or boulevard area.
(E) Residential district. No barbed wire shall be allowed in a residential district except barbed wire fences presently used in farming operations.

(F) Screening wall. For patio/decks screening walls that do not extend more than 20 feet in length, may exceed the six-foot height limitation if the wall does not encroach upon side yard and rear yard lot setback requirements.

(G) Commercial/industrial district. No barbed wire shall be used for fencing except that it may be used on security fences which are at least six feet high exclusive of the barbed wire.

(H) Height limitation. Fences in a commercial or industrial district shall be limited to six feet in height.

(I) Fence maintenance.

(1) Both sides of fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistance varieties, shall be protected against decay by use of paint or other preservative.

(2) If 25% or more of the painted surface of a fence is determined by the enforcement officer to be paint blistered, the surface shall be properly scraped and repainted. Maintenance is a responsibility of owner.

Penalty, see § 152.99

§ 152.51 STREETS CLOSURES.

Whenever any street, alley, or other public way is vacated by official action of the city, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(2006 Code, § 11.20)

§ 152.52 AREAS UNDER WATER.

(A) All areas within the corporate limits of the city which are under water and not shown as included within any zone shall be subject to all of the regulations of the zone which immediately adjoins the water area.

(B) If the water area adjoins two or more zones, the boundaries of each zone shall be construed to extend into the water area in a straight line until they meet the other district at a halfway point.

(2006 Code, § 11.20)

§ 152.53 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the city in any district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this chapter.

(2006 Code, § 11.20)

§ 152.54 STRUCTURES TO HAVE ACCESS.
Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(2006 Code, § 11.20)

§ 152.55 SIGN REGULATIONS.

All signs hereafter erected or maintained, except official, public traffic, and street signs, shall conform with the provisions of this section and other provisions of this code of ordinances or regulation of the city.

(A) General provisions for all districts. The following regulations shall apply to all signs hereafter permitted in all districts.

1. Signs shall not be permitted within the public right-of-way or easements, except a name plate sign erected under a store front canopy near the entrance identifying a place of business, provided, such sign does not exceed 18 inches by 48 inches and such sign shall be limited to one for a lot of 50-foot frontage or less. Such sign may be illuminated.

   (b) Any sign which is suspended from or forming part of a canopy, awning, mansard roof, which sign does not extend more than 24 inches into the right-of-way, and sign is erected parallel with the building, sign, and structure shall be of a height not less than eight feet from the sidewalk or ground grade line.

2. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.

3. No sign shall be placed that resembles any official marker erected by a governmental agency or displaying such words as stop or danger.

4. No sign shall be permitted to obstruct any door, fire escape, stairway, or opening intended to provide access to any building or structure.

5. Upon notification by the Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

6. The owner, lessee, or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

7. Noncommercial campaign signs of any size may be posted in any number from August 1 in a state general election year until ten days following the state general election. The subject matter of a campaign sign must relate to an election in which a candidate is running or issue to be decided.

8. Rotating signs or flashing signs shall not be permitted.

(B) Signs in R-1 and R-2 Residential Districts. No sign shall be erected in any R-1 or R-2 District except:

1. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided, such sign does not exceed six square feet in surface area and five feet in height. Such signs may be illuminated;

2. A sign pertaining to the lease or sale of the building or property, provided, such sign does not exceed four square feet in surface area. Such signs shall not be illuminated;

3. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided, such sign does not exceed four square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated; or

4. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.
(C) **Signs in C-B and C-1 Districts.** Signs may be erected in commercial districts subject to the following provisions.

1. The total surface area of all business signs on a lot shall not exceed two square feet per lineal foot of lot frontage or 10% of the building frontage area, or 75 square feet in area, whichever is greater. Signs may be illuminated.

2. For corner lots, the frontage used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.

3. No sign shall project higher than six feet above the height of the building, or 32 feet above average grade at the building line, whichever is greater.

4. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the Council and/or Zoning Administrator, they are not so maintained.

5. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way, and such light shall be directed away from any residential district.

6. Billboard, off-premises signs shall not be a permitted use in C-B and C-1 Zoning Districts.

(D) **Signs in the I-1 and I-2 Districts.**

1. Signs may be erected in industrial districts subject to the following provisions.

2. The total surface area of all business signs, including billboard-off premises signs on a lot shall not exceed two square feet per lineal foot of lot frontage of 20% of the building frontage area or 300 square feet in area, whichever is greater. Such signs may be illuminated.

   a. Billboard-off premises signs may be erected in I-1 and I-2 Zoning Districts.

   b. Billboard off-premises sign structures shall not be erected within 500 feet of any picnic area, rest areas, playground, or park, in any direction.

   c. Billboard off-premises sign structures shall not be erected within 500 feet of any existing Billboard off-premises sign structures on the same side of the highway and 250 feet between signs on the opposite side of the highway.

   d. Billboard off-premises sign structures shall not be erected within 400 feet of the C-B Central Business District.

   e. Billboard off-premises sign structures shall not contain more than one sign surface, and shall not exceed 300 square feet in sign surface area. (Back to back signs will be allowed).

   f. Billboard off-premises sign structures shall not exceed 30 feet in height as measured from the established grade.


§ 152.56 **OFF-STREET PARKING AND LOADING-UNLOADING SPACE REQUIREMENTS.**

(A) **Parking in the Central Business District.** Uses located within the Central Business District are exempt from all off-street parking and loading requirements.

(B) **Parking space requirements.**
(1) The required parking and loading spaces shall be provided on the premises of each use. Each parking space shall contain a minimum area of not less than 300 square feet including access drives and a width of not less than nine feet, and a depth of not less than 20 feet.

(2) The minimum number of required off-street parking spaces for various uses shall be as follows:

(a) *One- to four-family dwelling.* One parking space per unit. No garage shall be converted into living space unless other acceptable on-site parking space is provided;

(b) *Apartments.* One and one-half parking spaces for each apartment, except housing for the elderly projects, which shall provide three-tenths parking space for each dwelling unit;

(c) *Board housing.* One parking space off-street per person owning motor vehicle;

(d) *Mobile home park.* One and one-fourth parking space per mobile home berth;

(e) *Motel or motor hotel.* One parking space for each rental room or suite;

(f) *Churches.* One parking space for each four seats, based on the design capacity of the main seating area;

(g) *Elementary school or junior high school.* Two parking spaces for each classroom;

(h) *Senior high school.* One parking space for each classroom, plus one parking space for each ten students, based on design capacity;

(i) *Public administration buildings, community center, public library, museum, art galleries, post office, and other public service buildings.* One parking space for each 500 square feet of floor area in the principal structure;

(j) *Assembly or exhibition hall, armory, auditorium, theater, or sports arena.* One parking space for each four seats, based on design capacity;

(k) *Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool.* Twenty spaces, plus one space for each 500 square feet of floor area in the principal structure;

(l) *Hospitals.* One parking space for each three beds; convalescent, or nursing home, one parking space for each four beds;

(m) *Automobile service station.* Four parking spaces, plus two parking spaces for each service stall. Such parking spaces shall be in addition to gas pump service area;

(n) *Drive-in restaurant.* Twenty parking spaces or one space for each 20 square feet of floor area, whichever is greater;

(o) *Restaurant, café, night club, tavern, or bar.* One parking space for each 100 square feet of floor area;

(p) *Bowling alley.* Five parking spaces for each bowling lane;

(q) *Miniature golf course, archery range or golf driving range.* Ten parking spaces;

(r) *Professional offices, medical and dental clinics and animal hospital.* One parking space for each 500 square feet of floor area;

(s) *Office building.* One parking space for each 500 square feet of floor area;

(t) *Retail stores and service establishments.* One parking space for each 200 square feet of floor area;

(s) *Research, experimental, or testing stations.* One parking space for each employee on the major shift or one off-street parking space for each 500 square feet of gross floor area within the building, whichever is the greater;
(u) Auto sales, trailer sales, marine, and boat sales, implement sales, garden supply store, buildings materials sales, auto repair. One parking space for each 500 square feet of floor area;

(v) Shopping center. Where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than three square feet of gross parking area for each one square foot of gross floor area; separate on-site space shall be provided for loading and unloading;

(w) Storage, wholesale, or warehouse establishments. One parking space for each two employees on the major shift or one space for each 2,000 square feet of floor area, whichever is greater, plus one space for each company motor vehicle when customarily kept on the premises; and

(x) Manufacturing or processing plant. One off-street parking space for each two employees on the major shift or one off-street parking space for each 1,000 square feet of gross floor area within the building, whichever is greater, plus one space for all company motor vehicles when customarily kept on the premises.

(C) Off-street loading design and maintenance.

(1) Location. All required loading or unloading into or out of trucks in excess of three-fourths-ton capacity, or railroad cars, shall be conducted at facilities specifically designed or designated for that purpose. These facilities shall be located upon the zoning lot of the principal use requiring them. All berths beyond one shall be separate from areas used for off-street parking.

(2) Access. Each required off-street loading berth shall be so designed as to avoid undue interference with other vehicular or rail access or use of public streets, alleys, or other public transport system.

(3) Surfacing. All off-street loading facilities, including loading berths and maneuvering areas, shall be surfaced with a hard, all-weather, dust-free durable surfacing material, and shall be well drained and landscaped and shall be maintained in a sightly and well-kept condition.

(4) Landscaping and screening. All berths shall be screened from view from the property street frontage and/or from the zoning district boundary when the adjacent property or property across the street frontage or side street frontage is zoned or used for residential purposes. Said screening shall be accomplished by a solid wall not less than eight feet in height and shall be so designed as to be architecturally harmonious with the principal structure. Screen plantings may be substituted for the prescribed wall, however, such plantings must not be less than two and one-half inches in diameter and of such type as to permit a minimum of 90% opacity during all months of the year.

(5) Design. Fifty percent of the required number of truck berths shall be 50 feet in length, 12 feet in width and 15 feet in height. All loading areas shall consist of a maneuvering area in addition to the berth and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into a berth, without blocking the use of other berths or drive or maneuvering areas.

(6) Required loading areas.

(a) Space for loading and unloading of goods, supplies, and services shall be provided in addition to required off-street parking spaces and shall be sufficient to meet the requirements of each use.

(b) The following uses shall observe required loading and unloading spaces as indicated.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditorium, stadium, gymnasium, community centers, and religious institutions and schools (private and public)</td>
<td>1 for every structure over 100,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>1 space for each structure over 20,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Furniture, automobile and boat sales, and appliance sales</td>
<td>1 space, plus one additional space for each 25,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Hospitals, rest homes, nursing homes, and the like</td>
<td>1 space, plus one additional space for each 100,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Light and heavy commercial uses, except where otherwise specified</td>
<td>1 space for the first 10,000 square feet of gross floor area and one space for each additional 50,000 feet of gross floor area</td>
</tr>
<tr>
<td>Manufacturing and research, experimental, or testing stations</td>
<td>1 space for each 50,000 square feet of gross floor area.</td>
</tr>
<tr>
<td>Motels, hotels, lodging and rooming houses, private clubs, and lodges</td>
<td>1 for each structure over 20,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Office building and professional offices (other than doctor and dentist), banks</td>
<td>1 space for buildings between 30,000 and 100,000 square feet of gross floor area and one additional space for each additional 100,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Restaurants and other food dispensing establishments except drive-in restaurants</td>
<td>1 for each structure with over 10,000 square feet of gross floor area</td>
</tr>
</tbody>
</table>

(2006 Code, § 11.20) (Ord. 130, passed 12-24-1971; Ord. 5, 3rd Series, passed 1-17-1980) Penalty, see § 152.99

§ 152.57 MINIMUM MOBILE HOME PARK REQUIREMENTS.

(A) Minimum density and area requirements. Lot areas and density as hereby established shall be considered the minimum requirements within a mobile home park.

(1) Minimum area requirements for a mobile home park shall be five acres and shall not be less than 150 feet in width; and

(2) A minimum of 500 square feet per mobile home shall be provided for definable play areas and open space within the mobile home park. Such areas of open space and/or play area shall not be areas included within any setback nor shall they include any areas of less than 20 feet in length or width.

(B) Lot coverage and setback requirements.

(1) Maximum lot coverage for mobile home parks shall be 25%.

(2) Minimum distance between units shall be not less than 20 feet, or the sum of the heights of the two units, whichever is greater; the point of measurement being a straight line between the closest point of the units being measured.

(3) (a) When a mobile home park abuts a single-family residential use area, there shall be a minimum setback on that side of 50 feet between the street right-of-way line and any mobile home park use; which setback area shall act as a buffer zone and shall be landscaped according to a landscape plan, to be submitted at the time of application.

(b) Such plan shall show the type of planting material, size, and planting schedule.

(C) General internal park development requirements.

(1) There shall be a minimum front yard setback from the mobile home unit to the street line of 15 feet.

(2) The mobile home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the mobile home with a car, tow truck, or other customary moving equipment is practical. The mobile home stand shall have a longitudinal grade of less than 4% and transverse crown or grade
to provide adequate surface drainage. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.

(3) The entire mobile home park shall be landscaped (excluding hard surfaced areas) and there shall be planted, or otherwise located, one shade tree placed and maintained near each unit pad.

(D) Parking and street requirements.

(1) Parking.

(a) Off-street parking areas shall be surfaced in accordance with the street surface standards below.

(b) All required off-street parking space shall be located not further than 200 feet from the unit or units for which they are designed.

(c) A minimum of one and one-fourth spaces of parking must be provided for each mobile home unit space provided within the park. The one-unit space for occupant use must be within the distance from the unit established above. The remaining spaces equivalent to one-fourth spaces must be in the group compounds at an appropriate location within the park.

(2) Streets.

(a) Streets shall be of sufficient width so as to permit ease of access to the mobile home parking stands and the placement and removal of mobile homes without causing damage to or otherwise jeopardizing the safety of any occupants or mobile homes in the park.

(b) Streets shall have a minimum width so as to permit two moving lanes of traffic. Minimum lane width shall be 15 feet.

(c) Public access to a mobile home park shall be so designed as to permit a minimum number of ingress and egress points to control traffic movement, and to keep undesirable traffic out of the park.

(d) Streets shall be graded to their full width to provide proper grades for pavement and sidewalks to have adequate surface drainage to the storm sewer system. The improvements shall extend continuously from existing improved streets to provide access to each lot and to provide connections to existing or future streets at the boundaries of the mobile home park.

(e) Streets and parking areas shall be surfaced for all weather travel with not less than four inches of crushed stone, gravel, or other suitable base material topped with not less than one and one-half inches of bituminous concrete, or four inches Portland cement concrete. The surface shall be limited at the edge by a Portland cement curb not less than four inches high.

(E) Storage. Enclosed storage lockers when provided, shall be located either adjacent to the mobile home in a mobile home park or at such other place in the park as to be convenient to the unit for which it is provided. Storage of large items such as boats, boat trailers, and the like, shall not be accomplished at the site of the mobile home unit, but rather shall be provided in a separate screened area of the park.

(F) Registration.

(1) (a) It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile home owners and occupants located within the park.

(b) The register shall contain the following information:

1. The name and address of each mobile home occupant;
2. The name and address of the owner of each mobile home;
3. The make, model, year, and license and number of each mobile home;
4. The state, territory, or county issuing such license;
5. The date of arrival and departure of each mobile home; and

6. The number and type of motor vehicles of residents in the park.

(2) The park shall keep the register available for inspection at all times by city and county law enforcement officers, public health officials, and other public offices whose duty necessitates acquisition of the information contained in the register. The register record for each occupant and/or mobile home registered shall not be destroyed until after a period of three years following the date of departure of the registrant from the park.

(G) **Maintenance.** The operator of any mobile home park, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with said operator, for the violation of any provisions of these regulations to which said operator is subject.

(H) **Relocated structures.**

(1) Before any house or other structure is moved onto a vacant lot, a special use permit must be secured. The Planning Department shall submit a report concerning type of building and improvements that should be made if the building is relocated. The applicant shall submit photographs taken from two or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with adjacent lots and structures.

(2) Notice shall be given by mail at least ten days prior to the meeting, to the property owners within 150 feet of the subject property. The Planning Commission shall report to the Council whether the structure will be compatible with other development in the area.

(3) If the Council concurs with the decision of the Planning Commission that a structure would depreciate the area into which it is to be moved, the Council may withhold issuance of a permit for such relocation. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for 12 months or less.

(2006 Code, § 11.20) (Ord. 130, passed 12-24-1971; Ord. 8, 3rd Series, passed 4-17-1980) Penalty, see § 152.99

§ 152.58 RESIDENTIAL STRUCTURES.

Unless located in a mobile home park or a travel trailer park, all residential dwelling structures for living purposes shall be at least 24 feet wide and at least 30 feet long and placed on a permanent foundation.


§ 152.59 TEMPORARY STRUCTURES.

(A) **Purpose.** The purpose of this section is to provide for the regulation of the erection of temporary structures, and structures needed for emergency purposes or for temporary use during the construction of a permanent structure, and to protect and provide for the public's health, safety, and welfare and to protect adjacent property values from being negatively impacted.

(B) **Temporary structure defined.** A **TEMPORARY STRUCTURE** shall be defined as any structure not permanently affixed to a foundation which is designed to be transported or dismantled after its function has been fulfilled. These structures may include but are not limited to portable shelters, party tents, facilities in conjunction with construction or emergency activities, and storage pods.

(C) **Removal of temporary structure.** Temporary structures shall be removed when the designated time period, event, or use for which the temporary structure has been created as established in the land use and zoning permit has ceased.
(D) Procedure. Temporary structures governed by this section shall be allowed by a land use and zoning permit, as may be issued by the Zoning Administrator, in all zoning districts.

(E) Site plan required. A site plan is required in conjunction with the application for a land use and zoning permit in conjunction with the establishment of new or remodeled temporary structures.

(F) Special requirements for temporary structures.

(1) A time limit shall be established for temporary structures to remain on a site as a part of the land use and zoning permit. Temporary structures allowed by shall be limited to a total of 120 days in duration within a 12-month period. Applicants shall acknowledge and certify the temporary structure shall be in place for 120 days or less. The Planning Commission may extend the 120-day time limit if a practical difficulty exists for a one time additional term not to exceed 120 additional days. The applicant bears the burden of proving a practical difficulty exists.

(2) Temporary structures shall follow the required building setbacks of the applicable zoning district. Any temporary structure is to be located within the interior side yard or rear yard of the site.

(3) No temporary structure shall be allowed to be serviced by water, sewer, electric, gas or any other type of utility.

(4) There shall be no more than one temporary structure per parcel.

(5) A temporary structure must be sufficiently anchored to withstand overturning, uplifting, or sliding from an 80 mile-an-hour wind.

(6) A temporary structure must be of sufficient design to withstand a snow load of 20 pounds per square foot if the structure will be in place at any time during the months of November through April.

(7) No temporary structure shall be placed on a right-of-way or utility easement without receiving prior approval from the Planning and Zoning Department.

(8) Party tents or tents for promotional sales shall be allowed up to ten calendar days per year without having to obtain a land use and zoning permit.

(9) Temporary structures shall not be used for habitation purposes.

(G) Right of appeal. Decisions of the Zoning Administrator may be appealed pursuant to the provisions of § 30.09 of this code.

(Ord. 195, 3rd Series, passed - -) Penalty, see § 152.99

SOLAR ENERGY CONVERSION SYSTEM REGULATION

§ 152.70 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is directly incorporated into the building by replacing typical building materials.

GROUND-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system that is installed onto the ground directly or by means of brackets or poles.

ROOF-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system mounted to a house or other building.
SOLAR ENERGY SYSTEM. A set of devices whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

SOLAR THERMAL SYSTEM. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

(Ord. 204, 3rd Series, passed 4-19-2016)

§ 152.71 PURPOSE.

This subchapter permits, as an accessory use, solar energy systems, while protecting the health, safety and welfare of city residents and the property interests of adjacent and surrounding land uses through appropriate zoning and land use controls.

(Ord. 204, 3rd Series, passed 4-19-2016)

§ 152.72 SOLAR ENERGY SYSTEMS.

Solar energy systems are allowable as an accessory use in all zoning districts, subject to the following requirements:

(A) Standards.

(1) Height. Roof-mounted solar energy systems shall not project beyond the peak of the roof and shall not be more than two feet above the roof surface to which they are attached. Ground-mounted solar energy systems shall not exceed 15 feet in height.

(2) Location. Ground-mounted solar energy systems must be located in the rear yard only in residential areas.

(3) Setbacks. Ground mounted solar systems shall follow all current setback requirements and coverage area restrictions applicable for a detached structure as set forth by zoning ordinance, and shall be located a minimum of five feet from all utility easements. Roof-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(4) Coverage. Roof-mounted solar energy systems shall be flush mounted on pitched roofs. Solar energy systems must have three feet of clearance around all edges to facilitate emergency responder access.

(5) Feeder lines. All power exterior electrical or other service lines must be buried below the surface of the ground and within the interior of each parcel.

(6) Exemption. Building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

(7) Easements. Solar energy systems shall not encroach on public drainage, utility, roadway or trail easements.

(8) Screening. Solar energy systems shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences or landscaping. Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be necessary to address glare.

(B) Safety.

(1) Compliance with building codes. All solar energy systems shall comply with the Minnesota Building Code.
(2) Compliance with electric code. All solar energy systems shall comply with the National Electrical Code.

(3) Compliance with plumbing code. All solar thermal systems shall comply with the Minnesota State Plumbing Code.

(4) Certifications. Solar energy system components shall be certified by Underwriters Laboratories Inc. (UL) and the Solar Rating and Certification Corporation. The city reserves the right to deny zoning permit for proposed solar energy systems deemed to have inadequate certification.

(C) Approval.

(1) Permits. The erection, alteration, improvement, reconstruction, and movement of a solar energy system with an output capacity in excess of one kW requires a zoning permit from the city.

(2) Utility notification. The owner of a solar energy system that will physically connect to a house or other building's electrical system and/or the electric utility grid must enter into a signed interconnection agreement with the utility prior to the issuance of a zoning permit.

(3) Required approvals and inspections. Applicable state inspection and approvals are required.

(D) Abandonment. If the solar energy system remains nonfunctional or inoperative for more than 12 consecutive months, the system shall constitute a public nuisance. The owner shall obtain a demolition permit and remove the abandoned system at their expense. Removal includes the entire structure, including collector, mount, and transmission equipment.

(E) Easements. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (per M.S. § 500.30, as it may be amended from time to time).

(F) Installation. Solar energy systems shall be installed only by licensed contractors.

(Ord. 204, 3rd Series, passed 4-19-2016)

§ 152.99 PENALTY.

(A) General. Every person violates a section, division, paragraph, or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

(2006 Code, § 11.99)

(B) Violation of §§ 152.70 through 152.72. A violation of any provision of §§ 152.70 to 152.72 is a misdemeanor.

(Ord. 130, passed 12-24-1971; Ord. 204, 3rd Series, passed 4-19-2016)