

CHAPTER V

ZONING AND SUBDIVISION REGULATIONS

SECTION 500 - PURPOSE, AUTHORITY AND JURISDICTION.

500.01. Purpose. The purpose of this section 500 is to ensure the public health, safety and general welfare of the city in accordance with community's development goals, plans and policies as stated in the comprehensive plan.

500.03. Title. Section 500 to 520.29 is the zoning ordinance of the city, and may be referred to as "the zoning code" or "this code."

500.05. Use Districts. This code divides the city into use districts and establishes regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within the city.

500.07. Authority. This code is enacted pursuant to Minnesota Statutes Section 462.357 and such other laws as may apply.

500.09. Geographic Jurisdiction. The geographic jurisdiction of this code is the entire area within the corporate limits of the city.

SECTION 505 – RULES AND DEFINITIONS

505.01. General. The language set forth in the text of this code is to be interpreted in accordance with the following rules and definitions, except when the context clearly indicates otherwise.

- a) Where a word or term defined in subsection 505.03 appears in the text of this code, its meaning is to be construed as set forth in its definition.
- b) Terms not defined in subsection 505.03 have the meanings given them elsewhere in the city code or by law.
- c) Measured distances expressed in feet are to the nearest tenth of a foot.
- d) In the event of conflicting provisions, the more restrictive provisions apply.
- e) The word “lot” includes the words “plot” or “site” as required by the context.
- f) The words “if pertinent” and “if deemed necessary” pertain to discretionary decisions of the city council.

505.03. Definitions. Subdivision 1. The terms defined in this subsection have the meanings given them.

Subd. 1. “Accessory use” means a use subordinate to the principal use on a lot and exclusively used for purposes incidental to those of the principal use.

Subd. 2. “Accessory structure” means a structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.

Subd. 3. “Agricultural use” means the use of land for the growing or production of field crops, livestock, and livestock products for the production of income, including the following:

- a) Field crops, including but not limited to: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
- b) Livestock, including, but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
- c) Livestock products, including, but not limited to: milk, butter, cheese, eggs, meat, fur and honey.

Subd. 4. "Agricultural building or structure" means a building or structure existing or erected that is used principally for agricultural purposes; the term does not include dwelling units.

Subd. 5. "Alley" means a public right-of-way usually 20 feet in width which normally affords a secondary means of access to abutting property.

Subd. 6. "Apartment" means a room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. The term includes a unit in buildings with three or more dwelling units.

Subd. 7. "Automobile service station" means a building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles.

Subd. 8. "Auto or motor vehicle reduction yard" means a lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

Subd. 9. "Barn" means a structure used for shelter of farm equipment, horticultural products, and animals. A barn may not shelter more than 20 animal units.

Subd. 10. "Basement" means a portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Subd. 11. "Bed and breakfast establishment" means a residential structure, other than a hotel or motel where, room(s), breakfast and hospitality are provided and all costs are included in the room price. Meals are served to guests only and owner/innkeeper resides on the same or adjoining property.

Subd. 12. "Building" means a structure built for the support, shelter or enclosure of persons, animals or personal property of any kind, and which is permanently affixed to the land.

Subd. 13. "Building height" means the vertical distance to be measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of a building with a flat roof; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs for a building with a pitched roof, or to the deck line of a building with a mansard roof.

Subd. 14. "Building line" means a line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

Subd. 15. "Building setback" means the minimum horizontal distance between the building and a lot line.

Subd. 16. "Business" means an occupation, employment or enterprise wherein

merchandise is exhibited or sold, or services are offered for compensation.

Subd. 17. "Church" means a building, together with its accessory building and uses, where persons regularly assemble for religious worship and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

Subd. 18. "Clear-Cutting" means the removal of an entire stand of vegetation.

Subd. 19. "Clustering/Cluster housing" means the development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

Subd. 20. "Commerce" means an enterprise that involves the offering of a product, service or entertainment for compensation.

Subd. 21. "Comprehensive plan" means a compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the city and its environs, as defined in the Minnesota Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Subd. 22. "Conditional use" means a use that may be appropriate in a given zoning district, but which requires special planning considerations in each instance, and which will only be allowed in a specific location under conditions specified by this code and by the city council.

Subd. 23. "Condominium" means a form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant.

Subd. 24. "Cooperative" means a multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

Subd. 25. "Curb level" means the grade elevation established by the city council of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this code.

Subd. 26. "Day care center" means a facility in which a child care program is operated that is not otherwise excluded from the regulation of municipal zoning ordinances as provided by law.

Subd. 27. "Drive-in" means an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service, obtain goods, or be entertained while remaining in their motor vehicles, regardless of whether or not services and goods are also provided within a building.

Subd. 28. "Dwelling, detached" means a dwelling that entirely surrounded by open space on the same lot with no common party walls.

Subd. 29. "Dwelling unit" means a residential building or portion thereof not including hotels or motels, intended for occupancy by a single family. There are three principal types of dwelling units:

- a) "Single-family detached" means a residential structure designed for or occupied by one family only.
- b) "Single-family attached" means a residential building containing two or more dwelling units with one common wall.
 - 1) "Duplex" means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each with no openings in any common walls between the residences.
 - 2) "Townhouse" means a one-family dwelling attached to two or more one family dwellings by a common vertical wall with no openings in any common walls between the dwellings.
 - 3) "Quadplex" means a residential building containing four dwelling units with one common wall. Each unit is oriented so as to have all exits open to the outside and with no openings in any common walls between the dwellings.
- c) "Multiple-family" means a type of residential structure where building entrances, stairways, halls and other common elements are shared among several units, with separate housekeeping and cooking facilities for each.

Subd. 30. "Easement" means a grant by a property owner for the use of a tract of land for the purpose of constructing and maintaining walkways, roadways, utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Subd. 31. "Efficiency unit" means a dwelling unit with one primary room that serves as a living room, dining room and bedroom.

Subd. 32. "Essential services" means underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in

conjunction therewith.

Subd. 33. "Exterior storage" or "open storage" means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Subd. 34. "Extraction area" means a non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of more than two feet in depth, or the removal of sod, soil, sand, gravel, stone or other natural matter from the natural surface of the earth. Areas in which land is being prepared for the conventional construction of residential, commercial, and industrial buildings, and public improvement projects are not considered to be extraction areas.

Subd. 35. "Family" means one or more persons related by blood, marriage or adoption or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

Subd. 36. "Farm" means a tract of land that is principally used for agricultural activities such as the production of cash crops, livestock, poultry, or fish farming. A farm may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

Subd. 37. "Feedlot, livestock" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) are considered to be animal feedlots. Pastures, stables and barns are not considered to be animal feedlots.

Subd. 38. "Fence" means a structure constructed of wood, metal, vinyl, wire mesh, masonry or composite materials that is erected to provide an enclosure but not protection from the elements (as distinguished from a building).

Subd. 39. "Floor area, gross" means the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

Subd. 40. "Floor area, habitable" means the area of all floor space measured from the exterior surface of outside walls. Habitable floor area excludes garages, porches and unfinished basements.

Subd. 41. "Garage, private" means an accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles.

Subd. 42. "Garage sale" means the sale of personal property of a kind usually and customarily found in and about residential property at an individual's residence or at a non-profit institution such as a church or school. The term does not include personal property purchased for the purpose of resale.

Subd. 43. "Grade" means the average finished level at the center of the exterior walls of the building.

Subd. 44. "Hardship" means a hardship exists if the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls. Economic conditions alone will not constitute a hardship if reasonable use for the property still exists under the terms of this code.

Subd. 45. "Home extended business" means an occupation operated out of the home in a residential area that may generate traffic or customers visiting the premises, or have other impacts on the neighborhood not associated with home.

Subd. 46. "Home occupation" means an occupation carried on by the occupant of a dwelling in a residential district as a secondary use including, but not limited to, such occupations as dressmaking and alterations, preparation of foodstuffs and confectionaries, handicrafts, professional offices, artist's studios and studios for music or dancing teachers where not more than one student is taught at any one time.

Subd. 47. "Hotel" means a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

Subd. 48. "Interim use" means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it as determined by the city council.

Subd. 49. "Kennel" means any structure or premises on which two or more dogs over six months of age are kept for sale, breeding, profit, or similar commercial reasons.

Subd. 50. "Landscaping" means plantings, including trees, grass, ground cover, shrubs and other natural materials such as rock and wood chips and decorative features including sculptures, patterned walks, and fountains.

Subd. 51. "Loading space" means an off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials, that abuts on a street or other appropriate means of access.

Subd. 52. "Lot" means a parcel or portion of land in a subdivision or plat of land, separate from other parcels or portions by legal description for the purpose of sale, lease or separate use thereof.

Subd. 53. "Lot area" means the area of a horizontal plane bounded by the front, side, and rear lot lines, measured within the lot boundaries.

Subd. 54. "Lot of record" means any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's subdivision or a registered land survey that has been recorded in the office of the county recorder for Rice County, Minnesota prior to the effective date of this code.

Subd. 55. "Lot, corner" means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding on two streets.

Subd. 56. "Lot coverage" means the area of the zoning lot occupied by the principal buildings and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only the above grade portions of an earth sheltered building are to be included in lot coverage calculations.

Subd. 57. "Lot depth" means the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Subd. 58. "Lot, double frontage" means an interior lot having frontage on two streets.

Subd. 59. "Lot, interior" means a lot other than a corner lot.

Subd. 60. "Lot line, front" means that boundary of a lot that abuts an existing or dedicated public street, and in case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line must be designated by the owner and filed with the county recorder.

Subd. 61. "Lot line, rear" means that boundary of a lot which is opposite the front lot line. If the rear line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line is a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Subd. 62. "Lot line, side" means a boundary of a lot that is not a front lot line or a rear lot line.

Subd. 63. "Lot, substandard" means a lot or parcel of land for which a deed has been recorded in the office of the county recorder upon or prior to the effective date of this code, that does not meet the minimum lot area, structure setbacks or other dimensional standards of this code.

Subd. 64. "Lot width" means the maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of the lot depth.

Subd. 65. "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems

continued therein.

Subd. 66. "Manufactured home park" means a site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two or more occupied manufactured homes. The term includes a building, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.

Subd. 67. "Manufactured home stand" means that part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.

Subd. 68. "Material, durable" (as pertaining to ground surfacing) means a hard surfaced material such as concrete or asphalt but not including gravel or crushed rock.

Subd. 69. "Mining" means an artificial excavation of the earth for the commercial exploitation of earthly deposits removed therefrom and creating a depression or depressions exceeding in any one place 200 square feet of surface area. Mining operations must not exceed 50 cubic yards, the bottom or lowest point of which must be two feet or more below or lower than the level of the adjoining unexcavated land.

Subd. 70. "Motel" means a building or group of detached, semi-detached or attached buildings on a lot containing guest rooms or dwellings each of which has a separate outside entrance leading directly from the outside of the building, with garages or parking space conveniently located to each unit and which is designed, used or intended to be used primarily for the accommodation of automobile transients. This term does not include hotels, boarding houses or manufactured home parks.

Subd. 71. "Nursery" means a business growing and selling trees, flowering and decorative plants and shrubs, conducted within or outside a building, for the purpose of landscaping.

Subd. 72. "Nursing home" means a building facility for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. A nursing home must be licensed by the State Board of Health as provided for in Minnesota Statutes Section 144.50.

Subd. 73. "Office building" means a building designed or used primarily for office purposes, no part of which is used for manufacturing, or for habitation other than by a watchperson or janitor.

Subd. 74. "Office, professional" means a room or rooms used for the carrying on of a profession.

Subd. 75. "Open sales lot (exterior storage)" means land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Subd. 76. "Parking space" means a suitably surfaced and permanently maintained area on

property either within or outside of a building of sufficient size to store one standard automobile but in no event less than 170 square feet, exclusive of passageways, driveways, or other means of circulation or access.

Subd. 77. "Pedestrian way" means a public or private right-of-way across or within a block, to be used by pedestrians.

Subd. 78. "Planned unit development" means a form of development characterized by unified site design that includes the clustering of units, mixing of housing types and the development of common elements and open space.

Subd. 79. "Principal structure or use" means a use that determines the predominant use as contrasted to accessory use or structure.

Subd. 80. "Property line" means the legal boundaries of a parcel of property that may also coincide with a right-of-way line of a road, cartway and the like.

Subd. 81. "Protective covenant" means a contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

Subd. 82. "Public land" means land owned or operated by municipal, school district, county, state or other governmental unit or agency.

Subd. 83. "Recreation, commercial" means uses such as bowling alleys, roller skating and ice skating rinks, driving ranges, and movie theaters, but not limited to, those uses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Subd. 84. "Recreation, public" means uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation for the public.

Subd. 85. "Rooming house" means a building designed for or used as a single family or two-family dwelling, all or a portion of which contains rooming units which accommodate three or more persons who are not members of the keeper's family. Rooms or meals, or both, are provided for compensation on a weekly or monthly basis.

Subd. 86. "Salvage/recyclable center" means land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled or handled on a commercial basis including, but not limited to, scrap metal, aluminum, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.

Subd. 87. "Selective cutting" means the removal of single scattered trees.

Subd. 88. "Setback" means the minimal horizontal distance between a building and a street or lot line.

Subd. 89. "Stable" means a structure that is used for the shelter and care of horses and cattle containing not more than 20 animal units.

Subd. 90. "Street" means a public right-of-way which affords primary means of access to abutting property. The term includes avenues, highways, or roadways.

Subd. 91. "Street, arterial" means a street that provides for the movement of heavy traffic on relatively long trips with a secondary function of providing access to abutting land.

Subd. 92. "Street, collector" means a street that collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets and provides access to abutting property.

Subd. 93. "Street, local" means a street of little or no continuity, designed to provide access to abutting property and ideally leading into collector streets.

Subd. 94. "Street line" means the dividing line between the lot and the street.

Subd. 95. "Street pavement" means the wearing or exposed surface of the roadway used by vehicular traffic.

Subd. 96. "Street width" means the width of the right-of-way, measured at right angles to the centerline of the street.

Subd. 97. "Structure" means anything that is erected on real property, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Subd. 98. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above, including below ground portions of earth sheltered buildings.

Subd. 99. "Subdivision" means the division or redivision of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.

Subd. 100. "Tower" means a structure that is intended to send or receive radio, television or telecommunication signals.

Subd. 101. "Use, accessory" means a use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

Subd. 102. "Travel trailer" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or vacation uses.

Subd. 103. "Use" means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Subd. 104. "Use, non-conforming" means a use of land, buildings, or structures legally existing at the time of adoption of this code which does not comply with all the regulations of this code or any amendments hereto governing the zoning district in which such use is located.

Subd. 105. "Use, incompatible" means a use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.

Subd. 106. "Use, permitted" means a public or private use that of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular zoning district.

Subd. 107. "Use, principal" means the main use of land or buildings as distinguished from subordinate or accessory use. A principal use may be either permitted or conditional.

Subd. 108. "Variance" means a modification or variation of the provisions of this code where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the code would cause an undue hardship.

Subd. 109. "Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils.

Subd. 110. "Yard" means an open space on a lot which is unobstructed from the lowest level to the sky, except as hereinafter permitted. A yard extends along a lot line and at right angles to such lot lines to a depth or width specified in the yard regulations for the district in which such lot is located.

Subd. 111. "Yard, front" means a yard extending along the full width of the front lot line between the side lot lines and extending from the abutting street right-of-way line to a depth required in the setback regulations for the zoning district in which such lot is located

Subd. 112. "Yard, rear" means the portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Subd. 113. "Yard, side" means the yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

Subd. 114. "Zoning commissioner" means the chairperson of the Planning Commission who is charged with enforcement of this code.

Subd. 115. "Zoning amendment" means a change authorized by the city either in the allowed use within a zoning district or in the boundaries of a zoning district.

Subd. 116. "Zoning district" means an area or areas within the limits of the city for which the regulations and requirements governing use are uniform as defined by this code.

SECTION 510 – GENERAL PROVISIONS

510.01. Subdivision 1. Application. This code is to be applied and construed according to the provisions set forth in this subsection.

Subd. 2. The provisions of this code are the minimum requirements for the promotion of public health, safety and general welfare.

Subd. 3. Except as otherwise provided in this code, no building or land within the city may be used or occupied and no building or part thereof may be erected, moved or altered unless in conformance with this code.

Subd. 4. No part of the yard or open space required for a given building may be included as a part of the yard or other space required for another building, and no lot may be used for more than one principal building.

Subd. 5. Every part of a required yard must be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features that project no more than 48 inches. In commercial zoning districts, a permanent awning and its accessory columns or struts are permitted but may project no more than five feet into a required front or side yard.

Subd. 6. Open or enclosed fire escapes may project into a required yard not more than five feet provided they are so located as not to obstruct light or ventilation.

Subd. 7. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials, and necessary mechanical appurtenances are excepted from the height regulations of this code and may be erected in accordance with other regulations or ordinances of the city. Such structures may not exceed the height limitation in the zoning district they are located in by more than 50 percent without a conditional use permit.

Subd. 8. In order to determine setbacks, lot area, or other yard requirements, measurements are to be based upon the lot's property lines. A certified survey may be required if property lines cannot be duly established. In the historic district, the setback may be determined by the setbacks of adjacent properties.

Subd. 9. Where the conditions imposed by any provision of this code are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations that are more restrictive or which impose higher standards or requirements shall prevail.

Subd. 10. Garage sales are permitted in all zoning districts, being limited to six per calendar year per residence.

510.03. Non-Conforming Uses and Structures. Subdivision 1. General rule. Any nonconformity, including the lawful occupation of land or premises existing at the time of the adoption of an additional control under this code may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

- a) The nonconformity or occupancy is discontinued for a period of more than one year; or
- b) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. The value of the building is to be established by the county assessor subject to the approval of the council after a hearing at which the owner of the subject property is entitled to present evidence as to such value. In this case, the city may impose reasonable conditions upon the building permit in order to mitigate any newly created impact on adjacent property.

Subd. 2. Extension. A nonconforming use may not be extended to any portion of a building or structure that was not previously subject to the nonconforming use.

Subd. 3. Changes. A nonconforming building, structure or use may not be changed to another nonconforming use, building, or structure.

Subd. 4. Construction Approved Prior to Adoption. Nothing in this code requires any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which has been diligently pursued and where the entire building is completed according to the plans as filed within one year from the effective date of this code.

Subd. 5. Wear and Tear. Nothing in this code prevents the normal maintenance of a nonconforming building, structure, or part thereof, including necessary nonstructural repairs and incidental alterations that do not extend or intensify the nonconforming uses. Nothing in this code prevents the placing of a structure in a safe condition after it has been declared unsafe by the building inspector.

Subd. 6. Displacement. A nonconforming use may not be extended to displace a conforming use.

Subd. 7. Unlawful Use Not Authorized. Nothing in this code is to be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of this code.

Subd. 8. Zoning District Changes. Whenever the boundaries of a zoning district are changed to transfer an area from one zoning district to another zoning district of a different classification, the provisions of this subsection apply to any use that becomes nonconforming thereby.

510.05. Planned Unit Development (PUD). Subdivision 1. Purpose: The purposes of this section are to:

- a) Encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens.
- b) Allow for a mixture of residential units in an integrated and well-planned area.
- c) Ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes and scenic areas.
- d) Allow more flexibility and imaginative design in redevelopment projects.

Subd. 2. Permitted Uses. Permitted uses in a PUD are residential dwelling units in a clustered, semi-detached, attached, or multi-storied structure or combination thereof and commercial-office uses if integrated with the residential uses.

Subd. 3. Density. The maximum density of development of a PUD may not exceed that of the zoning district in which it is located.

Subd. 4. General Requirements. A conditional use permit is required of all PUD's. Unless a variance is otherwise approved, the city may approve the PUD only if it finds that the development satisfies all of the following standards in addition to meeting the requirements of this section:

- a) The planned unit development is consistent with the comprehensive plan of the city;
- b) The planned unit development is an effective and unified treatment of the development possibilities in the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas;
- c) The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site;
- d) The applicant has secured financing for the project that has conditions and which is in an amount which is sufficient to assure completion of the planned unit development;
- e) A minimum of 10 or more dwelling units are proposed;

- f) The parcel under consideration is under the control of a single property owner; and
- g) The parcel is at least five acres in size.

Subd. 5. Coordination with Subdivision Regulations. It is the intent of this code that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned unit development. The plans required under this subsection must be submitted in a form that will satisfy the requirements of the subdivision regulations for the preliminary and final plans required under those regulations.

Subd. 6. Pre-Application Meeting. Prior to the submission of a PUD plan to the city, the applicant must meet with the zoning commissioner, and if necessary, with the planning commission to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to seek the advice and assistance of city staff to facilitate the review of the outline plan and preliminary draft.

Subd. 7. Preliminary Development Plan. An applicant must make an application for a PUD conditional use permit following the procedural steps set forth below. In addition to the criteria and standards set forth below, the following additional findings must be made before the approval of the outline development plan by the city council.

- a) The proposed PUD is in conformance with the comprehensive plan;
- b) The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring properties, and will not be detrimental to potential surrounding uses;
- c) Each phase of the proposed PUD, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated;
- d) The PUD will not create an excessive burden on parks, schools, streets, and other facilities and utilities which are proposed to serve the zoning district; and
- e) The PUD is designed in such a manner as to form a desirable and unified environment within its own boundaries.

Subd. 8. Preliminary Development Plan Documentation. The following exhibits must be submitted to the zoning commissioner by the applicant as part of an application for a PUD conditional use permit:

- a) An explanation of the character and need for the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations;
- b) A statement of the present ownership of all the land to be included within the planned unit development and a list of property owners within 350 feet of the outer boundaries of the property;
- c) A general indication of the expected schedule of development including sequential phasing and time schedules;
- d) A survey of the property showing the legal descriptions of the properties including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, easements, street rights-of-way, utilities, and buildings for the property, and for the area 350 feet beyond;
- e) A natural features map or map of the property and area 350 feet beyond the PUD showing contour lines at no more than two foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil condition;
- f) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses; and
- g) A full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water system, streets and other public utilities.

Subd. 9. Final Development Plan.

- a) Within 60 days of city council approval of the preliminary development plan and the preliminary plat, the applicant must file a final development plan and final plat for all or that portion to be platted with the clerk-treasurer. The final development plan must contain those changes as recommended by the planning commission and approved by the council during the preliminary review process.
- b) The clerk-treasurer must submit the final development plan to the planning commission for review.
- c) The planning commission must review the final development plan and make its recommendation to the city council.
- d) The city council must review the final outline plan and act after receiving the recommendation of the planning commission.
- e) If the final development plan is approved by the city council, the clerk-treasurer will issue a conditional use permit to the applicant.

- f) Once the final development plan has been approved, the clerk-treasurer may issue the building permit for the area complying with the plan and other laws of the city without further hearings or review of the plan by the city council.

Subd. 10. Enforcing Development Schedule. The construction and provision of all common open spaces and public and recreational facilities shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan, the clerk-treasurer must review all of the building permits issued for the planned unit development and examine the construction that has taken place on the site. If the applicant fails to complete the open spaces and recreation areas within 60 days after the completion of the remainder of the project, the city may finish the areas and assess the cost back to the property.

Subd. 11. Conveyance and Maintenance of Common Open Space.

- a) Land shown on the final development plan as common open space must be conveyed under one of the following methods at the option of the city:
 - 1) It may be conveyed to a public agency which must agree to maintain the common open space and any building, structure, or improvements which have been placed on it; or
 - 2) It may be conveyed to a homeowners' association or similar organization which must agree to maintain the common open space and any building, structure, or improvements which have been placed on it. The common open space must be conveyed to the homeowners' association subject to the covenants to be approved by the council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
- b) If the common open space is conveyed to a homeowners' association, and it is not maintained properly to standards established by the city, the city may maintain the it and assess the costs back to the homeowners' association.

Subd. 12. Standards for Common or Public Open Space. Open space may not be accepted as common open space under the provisions of this subsection unless it meets the following standards:

- a) The location, size and character of the common open space must be suitable for the planned unit development;
- b) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the character of the planned unit development, considering the size, density, expected population,

topography, and the number and type of dwellings to be provided; and

- c) Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvement which are permitted in the common open space must be appropriate to the uses which are authorized and must converse and enhance the amenities of the common open space having regard to its topography and unimproved condition.

Subd. 13. PUD Review and Amendments.

- a) Annual Review. The clerk-treasurer and planning commission must review all PUD's under construction within the city at least once each year and make a report to the city council on the status of the development of each PUD under construction.
- b) Revisions to the PUD.
 - 1) Minor changes in the location, placement, and heights of buildings or structures may be authorized by the clerk-treasurer if required for engineering purposes or other circumstances not foreseen at the time the final plan was approved.
 - 2) Changes such as rearrangement of lots, blocks and building tracts are considered to be amendments to the PUD. These changes must be consistent with the purpose and intent of the approved final development plan. An amendment to a PUD requires the same procedure as the application of a conditional use permit.

510.07. Zoning Coordination. A zoning district change on land adjacent to or across a public right-of-way from an adjoining political subdivision must be referred to the planning commission and the adjacent political subdivision or county, as appropriate, for review and comment prior to action by the city council granting or denying the zoning district classification change. A period of at least 10 days must be provided for receipt of comments and such comments will be considered as advisory only.

510.09. Zoning and Comprehensive Plan. A change in zoning granted by the city council automatically amends the comprehensive plan in accordance with the zoning change.

510.11. Private Roadways. Subdivision 1. Dedication of all roadways to the public is the clear and definite preference of the city council. If, however, the construction of a private roadway would better preserve and protect sensitive environmental features, the city council may require or allow private roadways in any zoning district.

Subd. 2. The city council may allow or require private roadways in the agricultural zoning district, if the city council finds that:

- a) The property is being developed to the maximum density allowed by the zoning regulations of the city and the comprehensive plan;
- b) There is no existing or potential need for through streets to provide for adequate traffic development patterns;
- c) The proposed subdivision will not result in the landlocking of proposed lots or the continued landlocking of existing lots which lie adjacent to the proposed subdivision; and
- d) The proposed private roadway will be adequately maintained by private means in such a manner as to assure continued safe and quality access for pedestrians, bicyclists, utilities and vehicles, including emergency service and maintenance vehicles.

Subd. 3. Private roadways must meet the following conditions:

- a) The subdivider must identify the private roadway on the final plat as a separate outlot at least 50 feet in width;
- b) The subdivider must provide for a permanent homeowner's association with a road maintenance agreement in order to ensure ownership and maintenance of the roadway outlot;
- c) The ownership of the roadway outlot must be perpetually vested in the homeowners' association;
- d) The subdivider must construct the private roadway in accordance with city standards and specifications;
- e) The subdivider must file the necessary documents, in a form acceptable to the city, in the title of all proposed lots which will be served by the private roadway, specifically stating that the city has no obligation, now or in the future, to provide services to that roadway.

SECTION 515 – ZONING DISTRICTS

515.01. Subdivision 1. General rule. It is unlawful to use or permit the use of a building or premises within the city for any purpose other than as described in this section.

Subd. 2. Districts. In order to carry out the purpose of this code, the city is divided into the following use districts:

- a) Agricultural District.
 - 1) A1 - Agriculture.
- b) Residential Districts.
 - 1) R1 – Urban Residential.
 - 2) R2 - Residential.
- c) Commercial Districts.
 - 1) C1 – Commercial.

Subd. 3. Map. The location and boundaries of the zoning districts are set forth on the zoning use district map which is incorporated as a part of this code.

Subd. 4. Boundaries. District boundary lines as indicated on the zoning use district map follow lot lines, right-of-way lines of streets or alleys, railroad right-of-way lines, the corporate limit lines, all as they exist upon the effective date of this code. If the boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the zoning use district map.

Subd. 5. Annexed territory. Land that is annexed to the city is to be placed in the A1 - Agriculture District until the city council assigns such land to another zoning district.

515.03. Zoning districts. General rule. It is unlawful to use or permit the use of building or premises within a zoning district in the city for a purpose other than as listed in this section.

515.05. A1 - Agriculture. Subdivision 1. The purpose of this district is to allow existing agricultural operations and low density residential development in the outlying parts of the city that do not have municipal sewer services. If a use is not listed as permitted, accessory or conditional, it is not permitted in this district.

Subd. 2. Permitted Uses.

- a) Farmsteads and farming operations, except animal feedlots.
- b) One single family dwelling provided it is located on soils that are suitable for the use of an individual sewage treatment system.

- c) Public parks and other recreational uses of a non-commercial nature.
- d) Roadside stands for the sale of agricultural products.
- e) Farm drainage and irrigation systems.
- f) Essential services.
- g) Customary accessory uses incidental to the foregoing principal uses, such as private garages, screen porches, gardens, accessory buildings and play equipment.
- h) Home extended businesses.
- i) Home occupations.

Subd. 3. Conditional Uses.

- a) Nurseries and greenhouses.
- b) Golf courses and attendant country club facilities.
- c) Churches and schools (public and private).

Subd. 4. Interim Uses^[16].

Subd. 5. Lot Standards.

- a) Height Regulations:
 - 1) The maximum height of all buildings is 30 feet.
- b) Yard regulations:
 - 1) Minimum front yard setback: 30 feet.
 - i) Where a lot is located at the intersection of two or more roads or highways, there must be a front yard setback from each road or highway.
 - 2) Minimum side yard setback: 30 feet.
 - 3) Minimum rear yard setback: 50 feet.
 - 4) Minimum yard width: 250 feet.

5) Minimum lot area: 2.5 acres.

Subd. 6. General requirements. Additional requirements for parking, signs, individual sewage treatment systems, and other regulations as set forth in this code.

515.07. R1 – Urban Residential. Subdivision 1. The purpose of this district is to allow higher density single family and two-family dwelling units in the urban areas of the city where municipal sewer and water is available. If a use is not listed as permitted, accessory or conditional, it is not permitted in this district.

Subd. 2. Permitted uses.

- a) One and two-family dwellings with accessory buildings.
- b) Schools.
- c) Churches.
- d) Parks and playgrounds.
- e) Small retail stores.
- f) Business and professional offices.
- g) Mortuaries.
- h) Home occupations.

Subd. 4. Interim uses.^[18]

Subd. 5. Lot standards.

a) Height regulations:

- 1) The maximum height of all buildings is 30 feet.

b) Yard regulations:

- 1) Front yard setback: 25 feet.

- i) Where a lot is located at the intersection of two or more roads or highways, there must be a front yard setback from each roadway.
- ii) Where adjacent structures have established front yard setbacks

different from those required, the minimum front yard setback is the average of the two structures, but in no case shall the front yard setback be less than 25 feet.

- iii) Where two or more structures placed or constructed in one platted block prior to January 1, 1966 have established a front lot line, the average setback of their foundations shall determine the front line setback requirement for that side of the block, not to exceed 25 feet.
- 2) Minimum side yard setback: 10 feet.
 - i) Detached garages must have a minimum setback of 10 feet.
 - ii) Storage sheds and other accessory uses must have a minimum setback of five feet.
- 3) Minimum rear yard setback: 15 feet.
 - i) If the property is located on an alley, the minimum rear setback is 10 feet from the outer edge of the alley.
- 4) Minimum yard width:
 - i) 75 feet for one family dwellings.
 - ii) 90 feet for two family dwellings and townhomes.
- 5) Minimum lot area:
 - 13,000 square feet for one family dwellings.
 - 15,000 square feet for each two family dwelling unit.
 - 3,600 square feet for each townhome unit.

Subd 6. General requirements. Additional requirements for parking, signs, individual sewage treatment systems, and other regulations as set forth in this code.

515.09. R2 – Residential. Subdivision 1. The purpose of this district is to allow low-density single family and two-family dwelling units. If a use is not listed as permitted, accessory or conditional, it is not permitted in this district.

Subd. 2. Permitted Uses.

- a) All RI permitted uses.
- b) Municipal, educational and institutional buildings, including hospitals, dormitories, and convalescent or geriatric homes.

- c) Motels and tourist cabins.
- d) Recreational vehicle or trailer-coach camps and campgrounds.
- e) Cemeteries.
- f) Commercial recreation.
- g) Public recreation.
- h) Truck gardening, greenhouses and nurseries.
- i) Stables for one or two work or riding animals, provided there is no storage of malodorous or otherwise offensive substance within 100 feet of any dwelling or within 100 feet of any lot line.
- j) If the lot is five acres or more, agricultural uses with the exception of mink farms and dog kennels are permitted, provided that no agricultural structure is within 100 feet of any lot line and provided there is no storage of malodorous or otherwise offensive substances within 100 feet of any dwellings.

Subd. 3. Conditional Uses.

Subd. 4. Interim Uses⁽¹⁰⁾.

Subd. 5. Lot standards.

a) Height regulations:

- 1) The maximum height of all buildings is 30 feet.

b) Yard regulations:

- 1) Front yard setback: 35 feet.

- i) Where adjacent structures have established front yard setbacks different from those required, the minimum front yard setback is the average of the two structures, but in no case shall the front yard setback be less than 25 feet.

- ii) Where two or more structures placed or constructed in one platted block prior to January 1, 1966 have established a front lot line, the average setback of their foundations shall determine the front line setback requirement for that side of the block, not to exceed 25 feet.

- 2) Minimum side yard setback: 20 feet.

- 3) Minimum rear yard setback: 15 feet.
 - i) If the property is located on an alley, the minimum rear setback is 10 feet from the outer edge of the alley.
 - i) If an alley exists, the minimum rear setback is 10 feet from the alley line.
- 4) Minimum yard width:
 - i) 75 feet for one family dwellings.
 - ii) 90 feet for two family dwellings and townhomes.
- 5) Minimum lot area: 13,000 square feet for one family dwellings.
15,000 square feet for each two family dwelling unit.

Subd. 6. General Requirements. Additional requirements for parking, signs, individual sewage treatment systems, and other regulations as set forth in this code.

515.17. C1 – Commercial. Subdivision 1. The purpose of this district is to encourage the continuation of a viable downtown area by allowing retail, service, office, and entertainment facilities as well as public and semi-public uses. In addition, residential dwelling units may be permitted as a conditional use. If a use is not listed as permitted, accessory or conditional, it is not permitted in this district.

Subd. 2. Permitted uses.

- a) Commercial establishments offering merchandise or services to the general public in return for compensation. Such establishments may include but are not limited to the following:
 - i) Retail establishments such as grocery, hardware, drug, clothing and furniture stores.
 - ii) Restaurants, coffee shops and bars.
 - iii) Personal services establishments such as laundromats, barbershops, shoe repair shops and photography studios.
 - iv) Banks and financial institutions, insurance, and real estate services.
 - v) Offices such as attorneys, dentists, insurance agents and real estate agents.
 - vi) Small appliance and jewelry repair services.
 - vii) Commercial recreation.
 - viii) Lodging services such as hotels and motels.
- b) Public and semi-public buildings such as post offices and fire stations.

- c) Automobile parking lots.
- d) Accessory uses incidental to the foregoing principal uses such as off-street parking and unloading areas, loading docks, signs and enclosed storage.

Subd. 2. Conditional uses.

- a) Auto and farm equipment dealers.
- b) Gasoline service stations.
- c) Residential dwelling units.
- d) Liquor stores.
- e) Day care centers.
- f) Light manufacturing and industry.

Subd. 3. Interim Uses⁽¹²⁾.

Subd. 4. Lot standards.

- a) Height regulations:
 - 1) The maximum height of all buildings is 45 feet.
- b) Yard regulations:
 - 1) Front yard setback: None.
 - 2) Minimum side yard setback: None.
 - i) No building shall be located within five feet of any side lot line abutting a lot in any residential or agricultural zoning district.
 - 3) Minimum rear yard setback: 10 feet.
 - 4) Minimum yard width: 20 feet.
 - 5) Minimum lot area: 2,000 square feet.
- c) Screening and fencing:
 - 1) Screening or fencing of commercial uses on side and rear yards is required

for lots that abut residential or agricultural zoning districts.

- 2) All exterior storage must be screened. The exceptions are:
 - i) Merchandise being displayed for sale;
 - ii) Materials and equipment currently being used for construction on the premises; and
 - iii) Merchandise located on service station pump islands.
- 3) The required screening must consist of earth mounds, berms or ground forms; fences or walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

Subd. 5. General requirements. Additional requirements for parking, signs, and other regulations as set forth in this code.

SECTION 520 – PERFORMANCE STANDARDS

520.01. Purpose. Subdivision 1. The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to environment. All future development in all districts must meet these standards and the standards shall also apply to existing development where so stated.

Subd. 2. These standards apply to all zoning districts, unless otherwise stated. Before any zoning permit is approved, the clerk-treasurer must determine whether the proposed use will conform to the performance standards. The developer or property owner must supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.

520.03. General Standards. Subdivision 1. The owner of any premises shall comply with the following requirements:

Subd. 2. Sanitation. All exterior areas on the property must be maintained free from any accumulation of garbage, animal feces or refuse.

Subd. 3. Grading and draining. The property must be graded and maintained so as to minimize the accumulation of water on the property.

Subd. 4. Insect and rodent infestation. The property owner must exterminate any infestation of insects, rodents, vermin or other pests, in exterior areas and accessory structures on the property.

Subd. 5. Glare. Lighting used to illuminate an off-street parking area, sign, or other structure, must be arranged so as to deflect light away from any adjoining residential zone or from any public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjacent property. The source of lights must be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs may not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street may not exceed one foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property may not exceed 0.4 candles (meter reading) as measured from said property.

520.05. Exterior Storage. Subdivision 1. It is unlawful to accumulate and store building materials, lumber, boxes, cartons, or other containers, machinery, scrap metal, junk, raw materials, fabricated goods and other items in such manner as to constitute a nuisance or rodent harborage.

Subd. 2. In residential districts, materials and equipment must be stored within a building or be fully screened so as not be visible from adjoining properties, except for the following in good order: laundry drying, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises, off-street parking of passenger automobiles and pickup trucks and firewood.

Subd. 3. In all districts, the city may require a conditional use permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views or constitutes a nuisance.

Subd. 4. Storage of recreational vehicles and trailers and fish houses.

- a) For purposes of this subdivision, recreational vehicles include but are not limited to boats, trailers, pickup campers and coaches, motorized dwellings, tent trailers, all-terrain vehicles, snowmobiles and similar vehicles.
- b) Recreational vehicles and fish houses must not be used as a dwelling unit for a period exceeding 14 days.
- c) Recreational vehicles, trailers and equipment parked or stored outside must be maintained in a safe, operable condition and exhibit current license or registration plates or tags if the vehicle or trailer is one for which a license or registration plate is required by law for its operation.
- d) Recreational vehicles and trailers and fish houses must not be parked or stored over or upon a sidewalk, trail or other public right-of-way.
- f) The storage of fish houses must meet all zoning district setback requirements for accessory buildings.

Subd. 5. Parking and storage of vehicles. Off-street parking on land within a residential zoning district shall be utilized only for the parking of currently licensed and operable passenger vehicles having a lawful capacity of nine passengers or less, for the parking of one commercial usage vehicle per dwelling unit provided that it is parking in the driveway and is used by the occupant of the residence; for the parking of one utility vehicle registered to a company that provides emergency repair services and is used by the occupant of the residence; for the parking of currently licensed recreational vehicles, trailers and equipment. A commercially licensed trailer may not be parked or stored in a residential district or on a public street except when loading, unloading, or rendering a service.

Subd. 6. Refuse. In all districts, all waste material (with the exception of crop residue), debris, refuse, or garbage must be stored in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. All refuse containers must be fenced in or placed within an

enclosed building.

Subd. 7. Exterior Storage Tanks. All exterior storage tanks used to store oil, gasoline, liquid fertilizer, chemicals, and similar liquids require a conditional use permit in order to ensure that fire, explosion, or water or soil contamination does not occur. The city council may require the development of diking around said tanks. Diking must be suitably sealed and must hold a leakage capacity equal to 115 percent of the tank's capacity.

520.07. Accessory Buildings and Structures. Subdivision 1. Generally. Garages and accessory structures, must be of a similar quality and appearance as the principal structure. The height of the accessory structure may not exceed that of the principal structure and should match the general character of the neighborhood. Accessory structures must be maintained in a structurally sound condition and in good repair. Exterior wood surfaces, other than decay-resistant woods must be protected from the elements and decay by paint that is not lead-based or by applying other protective coverings or treatments.

Subd. 2. Residential districts.

- a) Accessory buildings or structures may not be located in the front yard setback area.
- b) An accessory building or structure that is attached to the principal structure and is separated from the principal structure by a wall may be permitted upon approval of a building permit.
- c) A garage may be located in front of the principal structure if attached to the principal structure and separated from the principal structure by a wall, upon approval of a building permit.
- d) Accessory buildings and structures may locate on that part of a front yard on a corner lot that is not the same from the front of the house, provided that it is within the front yard setback area.
- e) The total ground coverage of all accessory buildings or structures on a lot may not exceed the ground coverage of the principal building.

Subd. 3. Commercial districts.

- a) An accessory building may not exceed the height of the principal building except by conditional use permit.
- b) Accessory buildings may be located any place to the rear of the principal building, subject to the building and fire code regulations and except where prohibited by other sections of this code.

520.09. Fences. Subdivision 1. Permit not required. Building permits are required to construct

fences six feet or more in height in all zoning districts.

Subd. 2. Location. Fences must be located entirely upon the private property of the person constructing the fence.

Subd. 3. Construction and maintenance. Fences must be constructed in a workmanlike manner and of substantial material reasonably suited for their intended purpose. Fences must be constructed such that the most attractive side of the fence is visible to the public. A fence must be maintained on both sides in a condition of good repair and not allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Electrical fences are not permitted except for agricultural purposes. Barbed wire fences are permitted on farms or for special security requirements by conditional use permit.

Subd. 4. Residential fencing and screening.

- a) Except as provided herein, fences outside the buildable area of a lot may not exceed six feet in height.
- b) Except as provided herein, fences within the buildable area of a lot may not exceed eight feet in height.
- c) Fences extending across front yards shall not exceed 3.5 feet in height and must be at least 50 percent open for the passage of air and light.

Subd. 5. Business and industrial fencing.

- a) Business and industrial fences may be erected up to eight feet in height. Fences in excess of eight feet require a conditional use permit.
- b) Business and industrial fences with barbed wire security arms a minimum of six feet in height (measured without the security arm) may be allowed by conditional use permit. The security arm must be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public.

520.11. Permitted encroachments. Subdivision 1. Permitted Encroachments. The following are permitted encroachments on the setback and height requirements except as otherwise provided in this code: posts, off-street open parking spaces, flucs, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, open canopies, steps, chimneys, brick patios, flag poles, ornamental features, open fire escapes, sidewalks and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended. A one-story entranceway not set upon a foundation may extend beyond the required minimum setback a distance of five feet. Such encroachments must set back a minimum of three feet from the property line.

520.13. Parking. Subdivision 1. Surfacing and drainage. Off-street parking areas, must be graded and appropriately maintained.

Subd. 2. Location. Accessory off-street parking facilities must be located as follows:

- a) Parking facilities accessory to one and two-family dwellings must be located on the same lot as the principal use served.
- b) Parking facilities accessory to multiple family dwellings must be located on the same lot as the principal use served or within 400 feet of the main entrance to the principal building served.
- c) There may be no off-street parking facilities located within any part of a public right-of-way.
- d) An off-street open parking facility containing more than four parking spaces may not be located closer than six feet from an adjacent lot zoned or used for residential purposes.

Subd. 3. General provisions.

- a) A parking space may not be less than nine feet wide and 20 feet in length. Each parking space must have at least 300 square feet of vehicle maneuvering area.
- b) When required, accessory off-street parking facilities are located elsewhere other than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property with the principal use. The property owner must file a recordable document with the city requiring the owner and the owner's successors and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.
- c) Required off-street parking facilities in any district may not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.
- e) Off-street handicap parking spaces must adhere to the requirements of the American with Disabilities Act (ADA).

Subd. 4. Design and maintenance of off-street parking facilities.

- a) Parking facilities must be designed so as to provide adequate means of access to a public alley or street. The means of access must not exceed 30 feet in width and shall be so located so as to cause the least interference with traffic movement.
- b) Open off-street parking facilities designed to have head-in parking along a property line must provide a bumper curb not less than five feet from the property line or a guard of normal bumper height not less than three feet from the property

line.

- c) The operator or owner of the principal use, uses or building must maintain in a neat and adequate manner the parking facility, the access ways, any landscaping and fences.

Subd. 5. Off-street parking spaces required.

- | | | |
|----|--|---|
| a) | Single-family detached dwelling units and duplexes | Two spaces per dwelling unit |
| b) | Apartments and condominiums | Two spaces per dwelling unit |
| c) | Senior housing and nursing homes | One space per unit |
| d) | Business and professional offices | One space per 200 square feet of gross floor space |
| e) | Medical and dental clinics | Five spaces per doctor or dentist plus one space for each employee |
| f) | Hotels or motels | One space per room plus one space per full-time employee |
| g) | Elementary schools | Three spaces for each classroom |
| h) | High schools | One parking space for each group of four students, plus one additional space for each classroom |
| i) | Bowling Alleys | Six spaces for each lane, plus additional spaces as may be required herein for related uses such as a restaurant or bar |
| j) | Automobile Service Stations | At least two off-street parking spaces plus four off-street parking spaces for each service stall |
| k) | Retail stores | One off-street parking space for each 250 square feet of gross floor area |
| l) | Restaurants, Cafes and Bars | At least one space for each three seats. Properties within the Historic District are exempt from this requirement. |
| m) | Theaters, auditoriums, | Spaces equal in number to one-third of the |

	mortuaries, stadiums, arenas, dance halls, and other places of assembly	capacity in persons
n)	Churches	Spaces equal in number to one-third of the capacity in persons of the main sanctuary or auditorium plus provisions for supplementary parking space needs for other portions of the church facilities as determined by final site and building plans as determined by the city council following review by the planning commission
o)	Uses not specifically noted	As determined by the city council following review by the planning commission

520.15. Traffic Control. The traffic generated by any use must 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. Internal traffic on a property shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of commercial properties must, to the extent possible, be forward moving and not require vehicles to back into the street. Nothing shall be placed or allowed to grow on a corner lot, with the exception of seasonal crops in such a manner as materially to impede vision between a height of 2.5 and 10 feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision of the intersecting street is not possible.

520.17. Vacated Streets. If a street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the vacated area shall not be affected by such proceeding.

520.19. Access Drives. Subdivision 1. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock and other non-finished surfacing may be no closer than five feet to any side or rear lot line. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow

Subd. 2. Access drives onto county roads require a review by the county engineer. The county engineer will determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

Subd. 3. Access drives to principal structures which traverse wooded, steep, or open field areas must be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The planning commission must review all access drives (driveways) for compliance with accepted community access drive standards and make a recommendation to the city council. Driveways must have a minimum width of 10 feet with a road strength capable of supporting emergency and fire vehicles.

Subd. 4. Lots or parcels must have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or a private roadway that is approved by the city council.

530.21. Agricultural Operations. Subdivision 1. Animals in the A-1 and R-2 districts. The keeping of animals is permitted according to the following regulations:

- a) Dogs, cats, and other domestic animals customarily kept as pets are not subject to these regulations.
- b) On lots less than two acres, only dogs, cats, and other domestic animals customarily kept as pets are permitted.
- c) On lots of two acres and over, the following types of animals shall be permitted at the following densities.

<u>Animal Type</u>	<u>Animals Per Acre</u>
Equine (horses, mules, etc.)	1.0
Cattle	1.0
Pigs, swine	2.0
Sheep, goats, or similar	5.0
Large poultry (turkeys, ducks, etc.)	25.0
small poultry (chickens, rabbits, etc.)	50.0

Subd. 2. Animal feedlots. Animal feedlots are prohibited in all zoning districts.

520.23. Apartments, Townhouses and Other Multi-Family Use Performance Standards. Subdivision 1. Standards for multi-family buildings. Requests for a building permit must be accompanied by a series of site plans and data showing:

- a) Building locations, dimensions and elevations, sign structures, entry areas, storage sites, and other structural site improvements;
- b) Circulation plans for both pedestrian and vehicular;
- c) Fences and screening devices, if required;
- d) Solid waste disposal provisions and facilities;
- e) Storm drainage plans;
- f) Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes;

- g) Data pertaining to numbers of dwelling units, sizes, and lot areas;
- h) Exterior wall materials and design information;
- i) A two-foot contour topographical map of the existing site;
- j) A grading plan illustrating the proposed grade changes, from the original topographical map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water and ground water in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff;
- k) A recreation plan illustrating in detail all recreational facilities and structures;
- l) A landscape plan. The site, when fully developed, must be landscaped according to a plan approved by the city council. The landscaping plan must specify the size, type and location of all trees and shrubbery and the location of all seeded and sodded areas; and

Subd. 2. Landscaping Requirements.

- a) The design must make use of all land contained in the site. All of the site must be related to circulation, recreation, screening, building, storage, and landscaping.
- b) A minimum of 20 percent of the site must be landscaped.

Subd. 3. Screening.

- a) Screening to a height of at least five feet is required where: (i) any off-street parking area contains more than six parking spaces and is within 30 feet of an adjoining residential zone, and (ii) where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential zone.
- b) Exterior storage must be screened. The exterior storage screening required consists of a solid fence or wall not less than five feet high, but not extending within 15 feet of any street. The screening must be compatible in look and design with the principal structure.

520.25. Commercial Uses Performance Standards. Subdivision 1. Intent: It is the intent of this section to promote high standards of design and construction for the commercial uses in the city.

Subd. 2. Landscaping.

- a) Applicability. The provisions of this subdivision shall apply to any property in a C-1 district within the city.

- b) General requirements. All areas of land other than that occupied by buildings or hardscape (parking areas, sidewalks and driveways) must be landscaped with sod or planting beds containing mulch or rock. There must be a minimum of one tree per 800 square feet of open green area.

All trees used must be indigenous to the appropriate hardiness zone and physical characteristics of the site.

All areas not otherwise improved in accordance with trees or other landscaping must be sodded or seeded. Exceptions are:

- i) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material; and
- c) Slopes and berms. Final manmade slope grades steeper than the ratio of 3:1 will not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover. Berming used to provide screening of parking lots shall be three feet in height and shall have a maximum slope ratio of 3:1.
- d) Parking lot landscaping requirements. Parking lots of 30 or more spaces must landscape five percent of the parking lot surface area. The landscaped areas may be in the form of landscaped islands or as setback areas that are incorporated into the parking lot. The landscaped areas must adhere to the size and material requirements of this section.
- e) Plant size requirements. Plant size requirements for all landscaped areas are as follows:
 - i) Deciduous trees must be at least 2.5 inches in diameter.
 - ii) Ornamental trees must be a minimum of 1.5 inches in diameter.
 - iii) Evergreen trees must have a minimum height of three feet.
 - iv) Potted shrubs must be in a five gallon pot or larger.
 - v) Evergreen shrubs used for screening purposes must be at least one foot in height at planting. Such shrubs must have a minimum spread of 24 inches.

Subd. 3. Exterior building materials. The exterior surface of all buildings in the commercial zoning district shall be one of, or a combination of, the following materials:

- a) Permitted materials:
 - i) Face brick, stone, glass or similar material;