
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

March 13, 2017



AGENDA
PLANNING COMMISSION
Conference Room, City Hall
March 13, 2017, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schulte, Ray
		Esse, Robert			(Vacant Seat)
		Gosiak, Frank			Oleson, Ben (Zoning Administrator)
		Hanfler, Jeremy			Kimman, Greg (City Engineer)
		Schilling, Kara			

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: March 13, 2017

APPROVAL OF MINUTES: February 13, 2017

PUBLIC HEARINGS:

- 1) None

OLD BUSINESS:

NEW BUSINESS:

- 1) Discussion – Ordinance Amendments (Chapter 11)

NEXT REGULAR MEETING: Monday, April 10, 2017

ADJOURNMENT:

STAFF REPORT

Agenda Item: Discussion – Ordinance Amendments, Chapter 11 (Zoning)

Applicant: City of Little Falls Planning Commission

Background Information: At the December and January meetings, we began discussing changes to Section 11.05 (Zoning Districts and Map). The attached represents amendments drafted to-date to sections 11.03-11.07.

A summary of the amendments included in the attached includes:

1. Section 11.02 (Definitions)
 - a. Elimination of the term “Special Use Permit” which is essentially the same as a “Conditional Use Permit”.
 - b. Additional changes to Section 11.02 will be forthcoming at a future meeting.
2. Section 11.03 (General Provisions) (NOTE: most of these amendments have been previously discussed and recommended for approval to the City Council)
 - a. (p. 18) Elimination of an “amortization” period where nonconforming structures are required to be eliminated within 3 years. MN State Statutes were amended some time ago to prohibit this practice except in very limited circumstances.
 - b. (p. 18-19) Amendments to how alterations or additions to nonconforming structures are handled so as to conform to recently amended state law.
 - c. (p. 20) Amendments to how the size of detached accessory buildings are regulated in residential districts – changing to a sliding scale based on lot size.
 - d. (p. 20) An amendment to require boxed eaves on accessory buildings only when they are over 200 sq ft in size (instead of for all accessory buildings).
 - e. (p. 21) Addition of more structures/improvements that are allowed to be within normal structure setbacks (flagpoles, sidewalks, etc.)
 - f. (p. 21) Allowance for accessory structures 48 sq ft or less to be 2.5 feet from a side property line instead of 5 feet.
 - g. (p. 21) Changes to the “site triangle” obstructions allowed at intersections.
 - h. (p. 21-22) Changes to impervious coverage limits on residential lots to implement a sliding scale based on lot size.
 - i. (p. 24-25) Elimination of sections relating to Planned Unit Developments (to be rewritten and consolidated into one new section at a later date)

- j. (p. 25) Elimination of separate setback requirements for townhouses (setbacks would be the same as for other structures) and allowance for them in all residential districts instead of just R-3.
 - k. (p. 25-26) Changes to how fence height and location is regulated.
 - l. (p. 27-28) Elimination of language requiring existing bulk storage tanks to be permitted or obtain a special use permit (certain new tanks would require a conditional use permit).
 - m. (p. 28) Elimination of a requirement regarding Apartment buildings that appears to be irrelevant or outdated.
 - n. (p. 28) Amended language regarding minimum dimensions for residential dwellings and multi-family units.
 - o. Other miscellaneous amendments/clarification of language.
3. Section 11.04 (Administration and Enforcement)
- a. Replacing the term “special use permit” with “conditional use permit” throughout.
 - b. (p. 30-31) Addition of criteria for the review and approval of conditional use permits.
 - c. (p. 31) Addition of language allowing certain future expansions of structures/improvements/uses previously allowed by conditional use to be expanded without need for a new public hearing.
 - d. (p. 34) Addition of language indicating that all structures over 30 inches in height need to meet required setbacks.
 - e. Other miscellaneous amendments/clarification of language.
4. Section 11.05 (Zoning Districts and Map)
- a. (p. 36-39) Amendments addressing permitted and conditional uses within the R-1 zoning district (note specifically that commercial daycares would now be allowed by conditional use).
 - b. Reconfiguration of how minimum lot sizes and setback requirements are shown. Also adding setback requirements for accessory buildings (rather than only identifying those in Section 11.03). These changes were made in each zoning district’s section.
 - c. Elimination of sections detailing minimum dwelling dimensions (already discussed generally in Section 11.03).
 - d. (p. 43) Amendments addressing permitted and conditional uses within the R-3 zoning district (note specifically that commercial daycares would now be allowed by conditional use).
 - e. (p. 44) Elimination of a 30 ft side yard setback requirement for corner lots (conflicted with other sections that only required 15 ft setback).

- f. (p. 44-45) Changes to minimum lot size requirements and some setbacks in the R-3 district for multi-family units as well as specific requirements for floor space requirements when parking inside a dwelling structure is provided (attempt to simplify how these are regulated).
 - g. (p. 47-51) Elimination of the B-1 zoning district (and consolidation with the B-2 zoning district into a new B-1 (Central Business) district).
 - h. (p. 51-53) Modifications to the list of permitted uses and other regulations in the B-3 district (to be renamed B-2 Noncentral Business district).
 - i. (p. 53-56) Elimination of the I-1 zoning district (and consolidation with the I-2 district into a new I-1 Industrial district).
 - j. (p. 56-59) Elimination of sections relating to Planned Unit Developments (to be rewritten completely at a later date).
 - k. Other miscellaneous amendments/clarification of language.
5. Section 11.06 (Performance Standards)
- a. (p. 70) Elimination of screening requirements for off-street parking in residential districts where more than 4 or 6 spaces are present.
 - b. Elimination of language throughout already addressed by City property maintenance, sign and noise ordinances.
6. Section 11.07 (Special Provisions)
- a. (p. 72-83) Various changes to parking requirements. Note in particular p. 74 a new requirement that parking spaces be provided on the same tax parcel as the primary business unless otherwise approved by conditional use and p. 75 relating to shared parking lots.
 - b. (p. 84-85) Clarification and elimination of language regarding motor fuel stations that is confusing or outdated. Elimination of specific setbacks for motor fuel stations (same setbacks as any other building would apply).
 - c. (p. 86-87, 89) Elimination of language regarding Planned Unit Developments (to be consolidated into a new section to be written at a future date).
 - d. Other miscellaneous amendments/clarification of language.

Planning Commission Action: In advance of the March 13 meeting date, please review the enclosed draft amendments along with the sidebar comments and identify/list any areas where you feel changes would be appropriate.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered on the premises on which the sign is located.

SIGN, FLASHING: An illuminated sign on which the artificial light is not maintained constant in intensity and color all times in which such sign is in use.

SIGN, GROSS AREA OF: The area within the frame shall be used to calculate the gross area, except that the width of the frame in excess of twelve inches (12") shall be added thereto. When letters or graphics are mounted without a frame, the gross area shall be the area bounded by straight lines six inches (6") beyond the periphery of said letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign. However, only one side of double faced signs shall be measured in computing the gross area thereof.

SIGN, ILLUMINATED: Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes.

SIGN, NAMEPLATE: Any sign which states the name or address, or both, of the business or occupation of the lot where the sign is placed, or may be a directory listing the names, address and business of occupants.

SIGNIFICANT CULTURAL SITE: Any archaeological or historic site, standing structure or any other property that: a) is listed on the National Register of Historic Places; b) is listed in the State Register of Historic Sites; c) is determined to meet the qualifications for listing on the National Register of Historic Places or the state Register of Historic Sites after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society; or d) is determined by the city council to be a significant local heritage preservation landmark.

~~SPECIAL USE PERMIT: A permit issued by the city of Little Falls with such limitations or conditions as are appropriate to achieve the purposes of this chapter, as adopted by the city council by resolution, or after a public hearing is held.~~

SPECIFIED ANATOMICAL AREAS: A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the text of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

C. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or

D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or

F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STAIRWAYS: Any structure providing access up and down a slope.

STEEP SLOPE: Land where agricultural activity or development is not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports. Where specific information is not available, "steep slopes" are lands having average slopes over twelve percent (12%) or more, and that are not bluffs.

STORMWATER MANAGEMENT PLAN: The plan that a designer formulates to manage urban stormwater runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the site development grading plan; peak rates of runoff, flow duration, runoff volumes for various return frequencies; locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations, and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It is usually submitted to regulatory officials for their review for adoption.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

STREET: A public right of way not less than fifty feet (50') in width which affords a primary means of access of abutting property, and shall also include avenue, highway or road, excepting existing public rights of way of lesser width.

STREET SIDE GROUND FLOOR DWELLING UNITS: A dwelling unit contained within a larger building structure which is designed or used for purposes of permanent or temporary residency and located within the general business district B-2 whereby any part of the exterior wall of the dwelling unit is adjacent to any street, avenue or alley.

STRUCTURE: Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground. This shall include signs.

TRUCK STOP: A motor fuel station devoted principally to the needs of tractor trailer units and trucks, and which shall include eating and/or sleeping facilities.

USE: The purpose of activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity or defined by the performance standards of this chapter.

VEGETATIVE BUFFER: A strip of well rooted, natural, chemically untreated vegetation, the width of which is set forth in this chapter, consisting of a mixture of grasses, shrubs and trees, immediately adjacent to the ordinary high water level.

VETERINARY: Those uses concerned with the diagnosis, treatment and care of animals, including animal or pet hospitals.

WAREHOUSING: The storage of materials or equipment within an enclosed building as a principal use.

WETLANDS: Lands in transition between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow water. "Wetlands" are characterized by hydric soils, saturated or inundated with surface water, have a frequency or duration of hydrophytic vegetation, or support a prevalence of such vegetation under normal circumstances. Wetlands may be counted toward green space in a planned unit development.

WHOLESALE: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

YARD: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

ZONING DISTRICT: An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use are uniform. (Ord. 801, eff. 6-3-1974; amd. Ord. 34, 2nd Series, eff. 3-15-1979; Ord. 132, 2nd Series, eff. 10-29-1984; Ord. 48, 3rd Series, eff. 4-18-1988; Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 61, 3rd Series, eff. 12-5-1988; Ord. 52, 4th Series, eff. 2-13-1995; Ord. 125, 4th Series, eff. 9-14-1998; Ord. 126, 4th Series, eff. 5-17-1999; Ord. 141, 4th Series, eff. 7-12-1999; Ord. 22, 5th Series, eff. 11-6-2000; Ord. 38, 5th Series, eff. 12-3-2001; Ord. 123, 5th Series, eff. 7-10-2006; Ord. 22, 6th Series, eff. 4-5-2010; Ord. 49, 6th Series, eff. 9-16-2013; Ord. 56, 6th Series, eff. 5-5-2014; Ord. 69, 6th Series, eff. 1-5-2015)

11.03: GENERAL PROVISIONS:  

A. Application: In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of

any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall prevail. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose, nor in any manner, which is not in conformity with the provisions of this chapter.

B. Nonconforming Uses And Structures:

1. Any structure or use lawfully existing upon the effective date hereof may be continued at the size and in a manner of operation existing upon such date, except as hereinafter specified.
2. Nothing in this chapter shall prevent the placing of a structure in safe condition when such structure is declared unsafe by the building inspector. (Ord. 801, eff. 6-3-1974)
3. When any unlawful nonconforming structure, or use of any structure or land, in any district, is discontinued for a period of more than one year, or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this chapter.
4. When any nonconforming structure is destroyed by fire or other peril, such as collapse, explosion, public enemy, act of war or act of God to the extent of greater than fifty percent (50%) of its market value, is in need of replacement or substantial remodeling, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, in this case, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. (Ord. 124, 5th Series, eff. 7-17-2006)

~~5. Any lawful nonconforming use of land not involving a structure and any lawful nonconforming use involving a structure with an assessor's market valuation upon the effective date hereof of one thousand dollars (\$1,000.00), or less, may be continued for a period of thirty six (36) months after the effective date hereof, whereupon such nonconforming use shall cease. All nonconforming signs that are in existence upon the effective date hereof may remain as a nonconforming use. After this date, no existing sign shall be relocated, reconstructed or altered, except in accordance with the provisions of this chapter and sign regulations in the construction chapter of this code.~~

~~65.~~ Any structure which will, under this chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date hereof, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date hereof, or amendment thereof, and continues to completion within one year. Such structure shall thereafter be a legally existing nonconforming structure. (Ord. 801, eff. 6-3-1974)

~~76.~~ A lawful nonconforming use of a structure or parcel of land may be changed to a similar nonconforming use or to a less intense nonconforming use. (Ord. 124, 5th Series, eff. 7-17-2006)

~~87.~~ Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. (Ord. 801, eff. 6-3-1974)

~~98.~~ As of the date of adoption hereof, onetimeAny alterations and additions ~~may be~~ made to a nonconforming structure or to a building located on a nonconforming lot that contains lawful residential

units ~~which are not specifically allowed by MN Statutes 462.357, Subd. 1e when it will improve the livability thereof. A conditional use permit may be issued, provided the alterations/additions meet all of the following items, and the property owner applies for and is granted a conditional use permit; shall require a variance.~~

~~a. No other owner has previously used the onetime addition. Nonconforming structures are only allowed one occasion to expand during the lifetime of the structure and not one occasion per owner.~~

~~b. Any alteration or addition must meet the setback requirements of the zoning district that the nonconforming lot is located in.~~

~~c. The nonimpervious surface percentage must be equal to or greater than the abutting property's nonimpervious surface percentage average after the completion of the addition. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.~~

~~d. The size of the addition is less than fifty percent (50%) of the principal structure, as measured in square feet of the outside dimensions of the principal structure.~~

~~e. Any alteration or addition cannot create new nonconformities or increase the parking requirements.~~

~~10. In addition to the onetime addition or alteration of the principal structure, an accessory structure may be added. A conditional use permit may be issued, provided the accessory structure meets the following items and the property owner(s) applies for and is granted a conditional use permit:~~

~~a. Any accessory structure must meet the setback requirements of the zoning district that the nonconforming lot is in.~~

~~b. The nonimpervious surface percentage must be equal to or greater than the abutting properties' nonimpervious surface percentage average, after the completion of the accessory structure. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.~~

~~c. The type of accessory structure must match the style, type and appearance of the principal structure located on the lot.~~

~~d. The enlargement or replacement does not create new nonconformities or increase in parking requirements. (Ord. 151, 5th Series, eff. 12-3-2007)~~

C. Lot Provisions:

1. A lot of record existing upon the effective date hereof in any R residential district, which does not meet the requirements of this chapter as to area or width, may be utilized for single-family detached dwelling purposes, provided the measurements of such area and width are within seventy percent (70%) of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter. (Ord. 801, eff. 6-3-1974)

2. Except in the case of planned unit developments as provided for herein, or in zoning district B-3 noncentral business district by conditional use permit, not more than one principal building shall be located on a zoning lot. (Ord. 117, 5th Series, eff. 2-13-2006)

D. Accessory Buildings:

1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

2. No accessory building shall exceed the height of the principal building. However, in no case shall such accessory building exceed eighteen feet (18') in height in any residential (R) district.

3. In all residential (R) districts ~~no accessory building or buildings shall exceed one thousand four hundred (1,400) square feet~~ the maximum of combined floor area size of detached accessory structures (individually or combined), as measured by the footprint of the structure, shall be no greater than as listed in the following table; except by conditional use permit;

Lot Size:	Maximum combined floor area <u>footprint</u> :
0-12,000 square feet	1,400 sq ft
12,001 – 21,780 square feet (1/2 acre)	1,800 sq ft <u>1,600 sq ft</u>
21,781 – 43,560 square feet (1 acre)	2,400 sq ft <u>1,800 sq ft</u>
Greater than 43,560 square feet (1 acre)	3,000 sq ft <u>2,000 sq ft</u>

4. No detached garages or other accessory buildings shall be located other than within the principal or accessory setback within any residential (R) district.

5. All accessory buildings on through lots located in all residential (R) districts shall require a conditional use permit.

6. No cellar, basement, tent, recreational vehicle, mobile home or accessory building shall at any time be used as an occupied dwelling, except mobile homes located in an approved mobile home park or as otherwise allowed by the City Code.

7. Accessory buildings in the limited business district B-1, general business district B-2, noncentral business district B-3, industrial district I-1 (light) and industrial district I-2 (heavy), may be located any place to the rear of the principal building, subject to the building code and the fire zone regulations. Accessory buildings in the noncentral business district B-3 may be located beside or in front of the principal building by conditional use permit.

8. In all residential (R) districts accessory structures or buildings of a factory painted or vinyl coated corrugated metal siding and/or roofing are permitted, but shall include boxed eaves if they are greater than 200 square feet in total floor area.

E. Required Yards And Open Space:

1. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

2. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirement for any other building.

3. The following shall not be considered to be encroachments on yard requirements required elsewhere in this chapter:

a. Chimneys, flag poles, sidewalks, wheelchair ramps, trees, shrubs, plants, mailboxes, awnings, open canopies, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet (2½'), and off street parking, except as hereinafter regulated.

b. Yard lights and nameplate signs for one- and two-family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right of way or adjacent residential property, may be located to within five feet (5') of the front lot line. (Ord. 56, 6th Series, eff. 5-5-2014)

c. Terraces, steps, uncovered porches, decks, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and maintain a two foot (2') minimum side yard and fifteen foot (15') ten foot (10') street or avenue setback.

d. In side or rear yards only, bays not to exceed a depth of two feet (2') nor contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three feet (3') and open off street parking. (Ord. 67, 6th Series, eff. 11-17-2014)

e. In R rear yard only, balconies, accessory structures, except that no structure shall be closer than ten feet (10') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.

f. In side yards only, accessory structures, except that no accessory structure larger than 48 square feet shall be closer than five feet (5') from any interior side lot line and on a corner lot in all residential (R) districts, shall not be closer than fifteen feet (15') from a side lot line adjacent to a street or avenue. Accessory structures 48 square feet or smaller shall be no closer than two feet (2') from any interior or corner side lot line.

4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to materially impede vision between a height of two and one-half feet (2½') and ten feet (10') above the centerline grades of the intersecting streets. For uncontrolled intersections, the regulated area shall extend to the triangle created by connecting the end points of the lines within twenty five feet (25') of the street intersecting right of way lines and for controlled intersections within ten feet (10') of the street intersecting right of way lines.

5. In no event shall off street parking spaces, driveways, structures of any type, buildings or other impervious features in any residential district where the use of the lot is for between one and four (1-4) residential units cover more than seventy five percent (75%) thirty-three percent (33%) of up to the first 12,000 sq ft of lot area and an additional ten percent (10%) of any square footage above 12,000 sq

Commented [BJO1]: What about at corners in the sight triangle?

Commented [BJO2]: Why not a difference between interior and corner side yards as in the above? If we allow a bay window or fire escape within 12-13 ft of a side yard, why not a terrace, step, uncovered porch, etc...?

~~ft. resulting in less than twenty five percent (25%) landscaped area in residential districts. For all other uses, impervious coverage shall be limited to seventy five percent (75%) provided that all requirements of Section 11.20 of the City Code are met.~~

~~6. In rear yards, recreational and laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms and outdoor eating facilities provided these are not less than two feet (2') from any lot line.~~

7. Height limitations shall not apply to barns, silos and other structures on farms, to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flagpoles, public facilities and public utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennas, and parapet walls extending not more than four feet (4') above the limiting height of the building, except as hereinafter provided. (Ord. 56, 6th Series, eff. 5-5-2014)

F. Annexed Territory: No annexation petition shall be ~~considered approved~~ unless and until a hearing has been petitioned for placing the annexed territory in a zoning district or districts. In the event of an involuntary annexation, the council or the planning commission shall commence proceedings for placing the annexed territory in a zoning district or districts before the annexation becomes final, and call for a hearing thereon. In the event of an orderly annexation agreement, the council may zone the entire designated area subject to the orderly annexation after execution of said agreement and a zoning public hearing is held on the same. No building permits shall be issued in annexed territory until such hearing has been held and the territory assigned in a zoning district or districts. (Ord. 75, 5th Series, eff. 7-21-2003)

G. Farming Operations: All farm ~~operations currently~~ in existence on or before June 3, 1974 will be permitted to continue operation, subject to the following conditions:

1. Agriculture, excepting commercial animal farms, fur farms, kennels and poultry farms, but including truck gardening and other horticultural uses, is a permitted use in the district in which an existing operation is located; provided, that any new private stable or other new building in which farm animals are kept shall be a distance of sixty feet (60') or more from any other lot in an R district.

2. Limited sales of products produced may be conducted on the premises from a roadside stand, but such stand shall not exceed twelve feet (12') in height or five hundred (500) square feet in floor area, and no portion of any such stand shall be located or erected nearer than forty feet (40') from any street line.

3. The council may require any farm operation to secure a conditional use permit to continue said operation in the event the farming operations are so intensive as to constitute a feedlot or an industrial type use consisting of the compounding, processing and packaging of products for wholesale or retail trade; and further, that such operations may tend to become permanent industrial type operations that cannot be terminated as can a normal farming operation.

H. Land Reclamation: Under this chapter, land reclamation is the reclaiming of land by depositing of material so as to elevate the grade. Land reclamation shall be permitted only by conditional use permit in all districts. Any lot or parcel upon which four hundred (400) cubic yards or more of fill is to be deposited shall be land reclamation. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land, and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of materials disbursed by wind or hauling of materials to or from the site.

I. Mining: The extraction of sand, gravel or other material from the land in the amount of four hundred (400) cubic yards or more and removal thereof from the site without processing shall be mining. In all districts, the conduct of mining shall be permitted only upon issuance of a conditional use permit. Such permit shall include as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted and the route of trucks moving to and from the sites.

J. Soil Processing: The processing of sand, gravel or other material mined from the land shall be permitted only by conditional use permit. Such conditional permit shall include a site plan where the processing is to be done, showing the route of trucks moving to and from the site in removing processed material from the site, the condition in which the site shall be left upon completion, and such permit shall not be granted for a period of longer than twelve (12) months.

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

L. Dwelling Units Prohibited: No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building, shall at any time be used as a dwelling unit, except trailers located in an approved mobile home park. The basement portion of a finished home or apartment building may be used for normal eating and sleeping purposes, provided it is properly dampproofed, has suitable fire protection and exits, and is otherwise approved by the building inspector.

A recreational vehicle shall not be considered a dwelling unit if it is located on a property that contains a primary dwelling (or where a dwelling is under active construction) for fourteen (14) days or less and is road ready and currently licensed. This time frame may be extended up to 180 days between April 1 and October 31 upon approval by the Zoning Administrator after a written request by the property owner has been made.

M. Relocated Structures: Before any house or other structure is moved onto a vacant lot, the zoning administrator shall report to the council whether the structure will be compatible with other

development in the area. If the council concurs with the decision of the zoning administrator that a structure would depreciate the area into which it is to be moved, it may withhold issuance of a permit for such relocation. The applicant shall submit photographs taken from two (2) 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. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for eighteen (18) months or less. (Ord. 801, eff. 6-3-1974)

~~N. Planned Unit Developments: Planned developments shall include all developments having two (2) or more principal uses or structures on a single parcel of land and may include townhouses, apartment projects involving more than one building, residential subdivision submitted under "density zoning" provisions, multi-use structures such as an apartment building with retail at ground floor level, all development located within the planned unit development district (PUD district) and similar projects. Such developments may be excluded from certain requirements of this chapter, provided the development meets the requirements of subsection 11.07D of this chapter.~~

Commented [BJO3]: This section should be incorporated into a new PUD section.

~~1. A complete detailed plan is submitted to the zoning administrator showing the location of all proposed structures, driveways, landscaping, parking, screening, sidewalks, access drives, land uses and such other information as may be requested. It is the intent of this subsection to provide a means to allow design flexibility by substantial variances from the provisions of this chapter, including uses, setbacks, height and similar regulations, but not including parking requirements, off street loading, necessary screening and the like. Variances may be granted for planned unit developments (PUDs) provided:~~

~~a. Certain regulations contained in this chapter do not realistically apply to the proposed development due to the unique nature of the proposed development.~~

~~b. The variances, if granted, would be fully consistent with the general intent and purpose of this chapter.~~

~~c. The planned unit development (PUD) would produce urban development and an urban environment of equal or superior quality to that which would result from strict adherence to the provisions of this chapter.~~

~~d. The variances will not constitute a threat to the property values, safety, health or general welfare of the owners or occupants of adjacent or nearby land nor be detrimental to the health, safety, morals or general welfare of the people. The proposed development is of such a unique nature as to require consideration under conditions of a planned unit development (PUD). It shall be determined that the variances are required for reasonable and practicable physical development according to a plan and are not required solely on the basis of financial consideration.~~

~~2. The council, upon review and recommendations of the planning commission, shall find that the proposed development is fully consistent with the purposes of this chapter and in conformity to the comprehensive plan.~~

~~3. A special use permit is granted. (Ord. 116, 3rd Series, eff. 3-23-1992)~~

O. Townhouses: Townhouses are attached dwelling units each with a separate entrance to front and rear yards. Townhouses may be permitted in any ~~R-3 residential~~ district; provided, that each dwelling unit has at least three thousand six hundred (3,600) square feet of lot area; and provided, that the following minimum specifications are met:

1. ~~Front yard setback of thirty feet (30')~~;
2. ~~Rear yard setback of thirty feet (30')~~;
3. ~~Interior side yard setback of zero feet (0')~~;
4. ~~Corner side yard setback of fifteen feet (15')~~;
5. ~~Exterior side yard setback of five feet (5')~~; All setbacks are met consistent with the zoning district in which the property lies;
6. ~~2.~~ Floor area per unit of eight hundred sixteen (816) square feet; and
7. ~~3.~~ Lot width of twenty four feet (24'). (Ord. 72, 2nd Series, eff. 1-24-1983)

Commented [BJO4]: Why wouldn't these be allowed in R-1 or R-2?

~~P. Single Family Homes: Single family homes may be excluded from lot area and setback requirements, provided a special use permit is issued under terms of the "planned development" provisions of this chapter. Density zoning shall be interpreted to mean the permission of lower density (lot area) standards under conditions whereby the number of dwelling units permitted is not greater than permitted by the application of the regular provision of the district, but with all land excluded from the lot area requirements added onto public open space (park, playground, school site, walkway or other approved open green space). (Ord. 801, eff. 6-3-1974)~~

Commented [BJO5]: This section should be incorporated into a new PUD section.

Q. Fences: Fences shall be permitted in all yards, subject to the following:

1. Fences in residential districts must comply with the height and setback requirements as listed below:

FENCE HEIGHT IN RESIDENTIAL DISTRICTS

Location	Maximum Height (As Measured From 6" Above The Adjacent Ground Level)	Distance From Lot Line <u>(does not apply to a lot line which is also a public right-of-way)</u>
Front yard	6' <u>4' (perpendicular to street)</u> 4' (parallel to street)	2', unless fence can be maintained entirely from 1 side, then 0'

Interior or street side yard	6'	2', unless fence can be maintained entirely from 1 side, then 0'
Rear yard (nonshoreland)	6', unless the rear yard is common with the front yard of an abutting lot, then 4'	2', unless fence can be maintained entirely from 1 side, then 0'. If the property abuts an alley, then 8'
Shoreland	6' (perpendicular to shore) 4' (parallel to shore) Not allowed (in floodplain)	No setback required to riverbank, except that fences shall not all be allowed within a floodplain, unless they are farm fences which do not obstruct debris or water
Buildable area	8'	Not applicable
Any property line adjoining a business or industrial zoned property	6', unless otherwise allowed by conditional use permit	2', unless fence can be maintained entirely from 1 side, then 0'

2. Fences in business and industrial districts must comply with the height and setback requirements as listed below:

FENCE HEIGHT IN BUSINESS AND INDUSTRIAL DISTRICTS

Location	Maximum Height (As Measured From 6" Above The Adjacent Ground Level)	Distance From Lot Line
Any lot line	6', unless otherwise allowed by conditional use	2', unless fence can be maintained entirely from 1 side, then 0'

3. Fences over thirty (30) inches in height shall require a permit approved by the zoning administrator regardless of where on a property they are located, except that temporary fencing not exceeding six feet (6') in height may be installed to secure the perimeter of a construction site, provided that any such fencing is removed upon completion of the construction project. Such fencing shall not be limited to the approved fencing materials noted below.

4. Approved fencing materials include stone, brick, finished wood, rigid plastic, chainlink, split rail fences or other materials commonly used for fencing. Other materials may only be approved by conditional use permit, except that the following types of fences are prohibited unless specifically allowed otherwise:

barbed wire, electrical fencing, razor wire, creosote lumber, chicken wire (unless used for the enclosure of gardens), concrete block or poured concrete, plastic webbing, plywood or pressed wood. Notwithstanding the above prohibitions, commercially available snow fencing may be allowed between November 1 and March 15 of each calendar year.

5. No fence may be erected on either street side of a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic, subject to the provisions of subsection E4 of this section.

6. No fence shall be erected where it will impede, in the opinion of the city engineer or their designee, the flow of water across or through a drainageway, drainage easement, wetland or a required stormwater management facility (i.e., water quality/detention pond, rain garden, etc.).

7. Notwithstanding height limitations elsewhere in this subsection Q, fences enclosing or adjacent to sport courts or fields, in any zoning district, may be up to twelve feet (12') in height with a minimum ten foot (10') setback from any property line. Such fences shall not exceed twenty five percent (25%) opacity.

8. Prior to issuance of a fence permit, a certificate of survey may be required by the zoning administrator for all fences, except for hedges and plantings, or walls to be constructed on a property line or when the fence is not clearly entirely on the subject property. This requirement for a certificate of survey may be waived if: a) stakes from a previously completed survey are in place and marked and the property line can be reasonably determined from those stakes; or b) if a signed, written statement from the neighboring property owner is submitted indicating that they do not dispute the location of the fence.

9. That side of the fence considered to be the face, the side not attached to the primary structural supports, shall face the abutting property or street right of way.

10. Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

11. No barbed wire shall be used for fencing, except that it may be used on security fences on business or industrial zoned properties which are at least six feet (6') high, exclusive of the barbed wire or in the maintenance of existing barbed wire fences presently used in farming operations. All other barbed wire fences shall be removed before April 1, 1982.

12. Fence height shall be determined by the body of the fence, starting no greater than six inches (6") above the natural grade. Fence posts may extend a maximum of twelve inches (12") above the body of the fence. (Ord. 67, 6th Series, eff. 11-17-2014)

R. Bulk Storage (Liquid): All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a ~~special-conditional~~ use permit in order that the council may have assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. ~~All existing aboveground liquid storage tanks having a capacity in excess of two hundred (200) gallons shall secure a special use permit within twelve (12) months following enactment of this chapter.~~ The governing body may require the

Commented [BJO6]: Don't think this would be legal to require?

development of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred fifteen percent (115%) of the tank capacity. ~~Any existing storage tank that, in the opinion of the council, constitutes a hazard to the public safety, shall discontinue operations within five (5) years following enactment of this chapter.~~

Commented [BJ07]: Is this legal anymore? No amortization of uses allowed by statute.

S. Zoning And Comprehensive Plan: Any change in zoning granted by the council shall automatically amend the comprehensive plan in accordance with said zoning change.

~~T. Apartments: In recommending the granting of special use permits for structures containing three (3) or more dwelling units, the council shall find that the proposed development plan is in substantial compliance with the apartment policy statements on file with the planning commission as approved. (Ord. 801, eff. 6-3-1974)~~

U. (Rep. by Ord. 47B, 2nd Series, eff. 4-7-1980)

V. Residential Structures: Unless located in a mobile home park, all habitable dwellings shall have a minimum width and length of twenty four feet (24') and a permanent foundation meeting the latest edition of the Minnesota state building code. ~~All habitable apartment or other multi-family housing units may have lesser width or length than 24 feet, but shall have a minimum floor space of 576 square feet.~~ all residential dwelling structures used for living purposes shall be at least twenty four feet (24') in width and at least thirty feet (30') long, and placed on a permanent foundation. (Ord. 132, 2nd Series, eff. 10-29-1984)

Commented [BJ08]: This would be new.

Commented [BJ09]: Conflicts with other sections only requiring 24 ft length (various parts of Section 11.05). Changed to match language in other sections.

W. Building Numbers: One principal building on each property shall display numbers on the street or avenue side of the building according to their address and shall be readable from the street or avenue by emergency vehicles. Numbers shall be a minimum of four inches (4") in height. (Ord. 22, 5th Series, eff. 11-6-2000)

Commented [BJ010]: Do we ever enforce this?

11.04: ADMINISTRATION AND ENFORCEMENT:  

A. Administrator: Zoning provisions of this chapter shall be administered and enforced by the zoning administrator, who shall be appointed by the council, and may have other municipal duties. His duties, among others, shall be to:

1. Determine that all building permits comply with the terms of this chapter.
2. Conduct inspections of buildings and use of land to determine compliance with the terms of this chapter.

3. Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments and special-conditional uses, variances, appeals and applications therefor.
4. Receive, file and forward all applications for appeals, variances, special-conditional uses or other matters to the designated official bodies.
5. Serve as an ex officio nonvoting member of the planning commission.

B. Appeals:

1. The planning commission is constituted the board of zoning appeals and shall determine, in harmony with the general purpose of this chapter and the comprehensive guide plan, by resolution, all appeals from any order, requirement, permit or decision made by the zoning administrator under this chapter, and from any interpretation of the text of this chapter, or any determination by the zoning administrator as to the location of the boundary of a zoning district as shown on the zoning map.
2. At any time within ninety (90) days after the decision of the zoning administrator under the provisions of this chapter, except in connection with prosecutions for violations thereof, the applicant or other person or officers of the city affected thereby may appeal to the planning commission by filing a written notice stating the grounds appealed from and stating the specific grounds upon which the appeal is made.
3. The planning commission, as the board of appeals, may conduct such hearings as it may deem advisable and shall prescribe what notice, if any, shall be given of such hearing.
4. The council may review and revise any decision of the board of zoning appeals. In reviewing such decisions, the council shall set a date for hearing thereon, not earlier than seven (7) days after nor more than thirty (30) days after the decision is made by the board of zoning appeals.
5. Notice of the hearing before the council shall be mailed to all appellants. In all cases involving determination of district boundary lines, or interpretation of district boundary lines, or interpretation of the text of this chapter, ten (10) days' published notice of hearing in the official newspaper shall be given. (Ord. 801, eff. 6-3-1974)

C. Variances:

1. Times Lines For Requests: The time lines for variance requests shall be governed by Minnesota statutes [15.99](#), as amended.
2. Processing: The processing of variances shall be governed by Minnesota statutes [462.357](#), as amended.
3. Erection Or Alteration Of Building: The erection or alteration of a building pursuant to a granted variance shall be completed within six (6) months of the date the variance was granted, unless a building permit has been issued and the construction actually has begun within the six (6) month period, and is thereafter diligently pursued. Failure to comply will leave the variance subject to revocation as set forth herein.

4. Revocation: A variance may be revoked, suspended, or amended by following the requirements and procedures in subsection H of this section.

D. Conditional Uses:

1. Purpose: In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the comprehensive guide plan, in certain districts conditional uses are permitted, subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required.

2. Application, Referral To Planning Commission, Planning Commission Recommendation And Council Action: Except as otherwise noted in this subsection, the application and presentation requirements for conditional permits shall be the same as those for variances as provided in subsection C of this section.

3. Review Criteria: In reviewing an application for a conditional use permit

a. The following must be met:

- 1) The use or development is an appropriate conditional use in the land use zone.
- 2) The use or development, with conditions, conforms to the comprehensive land use plan.
- 3) The use with condition is compatible with the existing neighborhood.
- 4) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

b. The following must be considered:

- 1) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity.
- 2) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- 3) Adequate utilities, access roads, drainage and other necessary facilities are in place or will be provided.
- 4) The conditional use will not incur public cost for public facilities and services that would be detrimental to the economic welfare of the community.
- 5) The conditional use will not create unusual traffic congestion on nearby public thoroughfares.
- 6) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
- 7) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance or danger and to control lights and signs in such a manner that no disturbance to neighboring properties will result.

8) The conditional use will not result in the unnecessary destruction, loss or damage of a natural, scenic or historical feature of major significance.

8) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

4. Additional Conditions: In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to those standards and requirements expressly specified in this chapter, additional conditions which it considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

a. Increasing the required lot size or yard dimension;

b. Limiting the height, size or location of buildings;

c. Controlling the location and number of vehicle access points;

d. Increasing the street width;

e. Increasing the number of required off-street parking spaces;

f. Limiting the number, size, location or lighting of signs;

g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;

h. Designating sites for open space or preservation of natural features;

i. Imposition of operational controls, sureties, or deed restrictions; or

j. Limitations on future expansions to buildings, structures or land uses associated with the conditional use.

35. Future Additions/Expansions: Future additions and/or expansions to buildings, structures, land uses or other improvements to a property may be allowed by the Planning Commission without need for a new public hearing provided that the Planning Commission finds that the additions or expansions would not create the need for additional parking, increase traffic or materially change the existing/permitted use of the property beyond what had been approved by a previous conditional use permit.

6. Revocation: A conditional use permit may be revoked, suspended, or amended by following the requirements and procedures in subsection H of this section.

47. Use Of Permit: If the conditional use authorized by said conditional use permit has not been completed, or the use granted has been discontinued for a continuous one year period after grant of the permit, then the conditional use permit shall be subject to revocation, suspension, or amendment as set forth in subsection H of this section. (Ord. 59, 6th Series, eff. 7-21-2014)

Commented [BJO11]: Or should this be by the Zoning Administrator? I'm thinking safer to have the ZA at least bring it to the PC for review – just not that a new public hearing is required.

E. Amendments:

1. Amended According To City Charter: This chapter may be amended according to the provisions of the city charter.

2. Initiation: Proceedings for amendment of this chapter shall be initiated by: a) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; b) a recommendation of the planning commission; or c) by action of the council.

3. Application: All applications for amendment which are initiated by the petition of the owners of property shall be filed in the office of the zoning administrator and shall be accompanied by six (6) copies of a set of plans and graphics containing the following information and folded, where necessary, to the size of eight and one-half inches by eleven inches (8½" x 11"):

a. A generalized location map showing the location of the proposed site in relation to the city.

b. A scaled plot plan, with north indicated, of the proposed site showing all site dimensions.

c. All types of proposed uses.

d. Location of all buildings and structures on and within three hundred feet (300') of the proposed site.

e. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.

f. Any plans for the modification of standards set by this chapter or any other provisions of this code.

g. Location and size of all required parking spaces.

h. Landscaping plan, including location, size and type of all proposed planting materials.

i. General floor plans of all proposed buildings and structures.

j. Indication of location, size and type of storage facilities for the storage of trash and waste materials.

k. Design layout and size of all proposed signs.

l. Drainage plan of the proposed site and location and size of existing and proposed utilities.

4. Action By Planning Commission: Within sixty (60) days after the date or receipt of the petition by the zoning administrator, the planning commission shall make a written report to the council stating its findings and recommendations, unless the applicant, in writing, requests an extension of time.

5. Action By Council: On receipt of the written report from the planning commission, the council shall hold a hearing within thirty (30) days after the receipt of the report and recommendations from the planning commission. If the planning commission fails to make a report within sixty (60) days after receipt of the application, then the council shall hold a public hearing within thirty (30) days after the expiration of said sixty (60) day period, unless the applicant, in writing, requests an extension of time. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceedings or actions of the council. The council shall give not less than ten (10) days' nor more than thirty (30) days' notice of time and place of such hearing published in the designated legal newspaper, and such notice shall contain a description of the land and the proposed change in zoning. At least ten

(10) days before the hearing, the council shall order the zoning administrator to mail an identical notice to the owner and to each of the property owners within three hundred feet (300') of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings. At the time of hearing, the council may take final action upon the application or it may continue the hearing from time to time for further investigation and hearing. The council may also request further information and report from the planning commission.

6. Referral To Planning Commission: The council shall not rezone any land or area in any zoning district or make any other proposed amendment to this chapter without having first referred it to the planning commission for their consideration and recommendation.

7. Effect Of Denial: Rezoning applications may be denied by motion of the council and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest for the physical development of the city. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission. (Ord. 801, eff. 6-3-1974)

F. Fees: The fees for each application shall be adopted by resolution of the council, which may be amended from time to time. Fees shall be payable at the time applications are filed with the zoning administrator and are not refundable unless application is withdrawn prior to referral to the planning commission. There shall be no fee in the case of application filed in the public interest by the council or by the planning commission. (Ord. 132, 2nd Series, eff. 10-29-1984)

G. Conditional Use Permits And Variances Recorded: A certified copy of every conditional use permit and variance granted shall be recorded with the county recorder.

H. Revocation, Suspension Or Amendment Of Previously Approved Variances And Conditional Use Permits:

1. Jurisdiction: Upon obtaining information that indicates a basis for revocation, suspension or amendment, the zoning administrator or his/her designee may initiate proceedings for revocation, suspension, or amendment if a warning or other corrective action is deemed to be inappropriate or ineffective. If so, the matter shall be heard by the authority that originally granted the applicable variance or permit. A decision on whether to revoke, suspend or amend a permit that was originally issued by the zoning administrator shall be made by the zoning administrator. All other revocations, suspensions or amendments shall be submitted for hearing as indicated herein.

2. Hearing: The issuing authority shall establish a time, date and location for a hearing for revocation, suspension, or amendment, at the request of the zoning administrator or the administrator's designee. The administrator or designee shall serve notice of the date of the hearing to the permit or variance holder no less than ten (10) days prior to the date of the hearing using the same process as is required

for civil actions at law. Other interested parties may be notified by first class mail or other appropriate means. At the hearing, the issuing entity will take such evidence as it deems appropriate. In all cases, the holder shall be entitled to present such evidence as that party deems appropriate either personally or through an attorney. Should the holder fail to appear in person or through counsel, the issuing entity shall still have the authority to take evidence and make a decision upon the request for revocation, suspension or amendment.

3. Findings At Hearing: Should the issuing authority find, by a preponderance of the evidence, that the holder has failed to comply with the conditions set forth on the variance or permit, the issuing party shall make that finding and state the reasons for its determination.

4. Remedies: Upon finding that the holder has failed to comply with the conditions set forth in the variance, conditional use permit or other permit, the issuing entity may then determine appropriate sanctions, if any, to impose. Sanctions may include, but not be limited to, revocation, suspension or amendment to the previously imposed conditions. A variance, conditional use permit or other permit may be suspended until such time as the holder comes into compliance with the terms of their original approval. The criteria for determining the appropriate sanctions shall include, but are not limited to, the length of time of the violation, the severity of the violation, and risk to the health, welfare, and safety of the neighboring residents and/or community as a whole. (Ord. 59, 6th Series, eff. 7-21-2014)

[I. Setbacks Required: Regardless of whether a building permit is required under Chapter 5.02 or any other section of the City Code, and unless specifically stated otherwise, all buildings and other structures over 30 inches in height shall meet any and all setbacks required under Chapter 11.](#)

11.05: ZONING DISTRICTS AND MAP:

A. Districts: For the purpose of this chapter, the city is hereby divided into the following use districts and groups of use districts:

1. Residential Districts:

R-1 One- and two-family residential district

R-1C Country homes, one- and two-family residential district

R-2 One- and two-family residential district

R-3 Multiple-family residential district

R-4 Mobile homes residential district (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Business Districts:

B-1 Limited business district

B-2 General business district

B-3 Noncentral business district (Ord. 801, eff. 6-3-1974; amd. Ord. 57, 3rd Series, eff. 6-12-1989)

3. Industrial Districts:

I-1 Industrial district (light)

I-2 Industrial district (heavy) (Ord. 801, eff. 6-3-1974)

4. PUD District: Planned unit development district (PUD district). (Ord. 116, 3rd Series, eff. 3-23-1992)

5. R-1.M District: Mississippi headwaters corridor; one- and two-family residential district, R-1.M.

6. R-2.M District: Mississippi headwaters corridor; one- and two-family residential district, R-2.M.

7. R-3.M District: Mississippi headwaters corridor; multiple-family residential district, R-3.M.

8. PUD.M District: Mississippi headwaters corridor; planned unit development district, PUD.M. (Ord. 126, 4th Series, eff. 5-17-1999)

9. PUD-CH District: Planned unit development; country homes, PUD-CH. (Ord. 80, 5th Series, eff. 8-18-2003)

B. Map: The boundaries of the zoning districts are hereby established as shown on that certain map entitled "zoning districts of the city of Little Falls", dated May 1989, which map is properly approved and filed, hereinafter referred to as the "zoning map". Said map, and all of the notations, references and other information shown thereon, shall have the same force and effect as if fully set down herein and are hereby incorporated by reference and made a part of this chapter. All amendments to the zoning map are on file in the city office. (Ord. 57, 3rd Series, eff. 6-12-1989)

C. Boundaries: Where any uncertainty exists as to the exact location of a boundary line, as shown on said zoning map, the location of such line shall be determined by the council. District boundary lines as indicated on said map follow lot lines, the centerline of streets or alleys, the centerlines of streets or alleys projected, the center of watercourses or the corporate limit lines, all as they exist upon the effective date hereof. If district boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the zoning map. (Ord. 801, eff. 6-3-1974)

D. R-1 One- And Two-Family Residential District:

1. Permitted Uses Within Any R-1 One- And Two-Family Residential District: No structure or land shall be used, except for one or more of the following uses:

a. One- and two-family dwellings.

b. Rural and urban agriculture, market gardens, nurseries or greenhouses, including the sale of products raised on the premises; provided, that no products are exhibited for sale within fifteen feet (15') of any street right of way line.

c. Public and private parks, playgrounds, athletic fields and other recreational uses of a supporting nature to such parks and playgrounds.

d. Essential services, buildings and structures.

e. ~~The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling. The renting of rooms or the furnishing of table board in a dwelling occupied as a private residence when in compliance with the building code and approved by permit from the zoning administrator.~~

f. ~~Residential and nonresidential programs as regulated by MN Statutes 245A.11 and 245A.14, as amended, except where such programs are considered a multifamily residential use by said statutes. A residential facility serving six (6) or fewer persons and licensed by the state department of human services.~~

g. ~~A daycare facility servicing fourteen (14) or fewer persons and licensed, if necessary, by the state department of human services.~~

h. A home occupation upon issuance of a home occupation permit. All home occupation permits must meet the following criteria:

- (1) The home occupation shall be engaged in only by persons residing within the dwelling or building within which the home occupation is conducted;
- (2) The home occupation shall be conducted within the principal residence, within a designated area, not comprising more than ten percent (10%), or one room, of the total floor area of the residence;
- (3) There shall be no evidence of the home occupation, other than signs permitted within residential or historic districts, visible outside the structures;
- (4) The home occupation shall not include over the counter, retail sales of merchandise produced off the property;
- (5) No more than three (3) parking spaces shall be used by the persons conducting the home occupation and customers at any one time;
- (6) The home occupation shall not generate additional motor vehicle or pedestrian traffic beyond normal residential use;
- (7) No equipment or process shall be used in the home occupation which generates noise, vibration, glare, dust, fumes, odors, or creates visual or electrical interference with radio or television reception outside the home;
- (8) No materials, supplies or stock in trade will be stored outside of the area designated for the home occupation;
- (9) The occupation shall not involve materials or mechanical equipment which are not part of normal residential use;
- (10) The home occupation shall not involve commercial delivery service other than parcel service and U.S. mail;

(11) The home occupation shall not involve the use of explosives or highly combustible materials or the storage of hazardous materials;

(12) Home occupation permits are not transferable;

(13) No home occupation shall be operated from an accessory structure or garage, except by conditional use;

(14) Home occupation permits are subject to review for compliance with this chapter. Should a violation occur, the permit is subject to revocation. (Ord. 801, eff. 6-3-1974; amd. Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 125, 4th Series, eff. 9-14-1998)

2. Conditional Uses In Any R-1 One- And Two-Family Residential District: No structure or land shall be used for the following uses, except by conditional use permit:

a. Public and private schools.

b. Churches, parish houses and other structures located on the same site which are integral parts of the church proper.

c. Commercial daycares.

d. Buildings used exclusively for government purposes, whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted.

e. Home occupations by conditional use permit, including licensed non-residential programs considered a permitted multi-family use by MN Statutes 245A.14;

(1) A home occupation which does not meet the criteria in subsection D1h of this section may be conducted following the issuance of a conditional use permit for a home occupation.

(2) In reviewing an application for a conditional use permit for a home occupation, the city shall consider the impact of the proposed home occupation on the character of the neighborhood, and shall impose such conditions as shall limit or eliminate such impact. In reviewing the impact of the proposed home occupation, the city shall consider such issues as the amount of space devoted to the occupation, the number of individuals participating in the occupation, the noise, glare and/or odor produced by the occupation, the street and/or pedestrian traffic generated by the occupation, and any other factors which impact on the residential character of the neighborhood. In the event that the city determines that the adverse impact cannot be limited or eliminated, the city shall deny the conditional use permit.

(3) Conditional use permits for home occupations are not transferable and are subject to revocation in the event that the permit holder conducts the home occupation contrary to the conditions placed on it in the conditional use permit.

f. Hospitals, nursing homes, homes for the aged (including assisted living, memory care or similar) and medical clinics along with associated accessory uses including heliports; provided, that no building shall be located within fifty feet (50') of any property line.

g. Multiple dwellings; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding

parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home, or a medical clinic.

gh. Professional offices and offices or services of a general nature, including, but not limited to, doctors, dentists, lawyers, architects, engineers, accountants, insurance, real estate, government and nonprofit organizations, but not including operations involving more than ancillary retail sales related to the primary use, wholesale sales or warehousing; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home, or a medical clinic and that the offices or services are housed within the same gross floor area as had existed when the building was last used for the above-mentioned purposes.

hi. Conditional agricultural, rural.

ij. Golf course and country club, including buildings for clubhouses, pro shop, vehicle storage, equipment storage or repair shall be permitted on parcels of forty (40) acres or more. (Ord. 48, 3rd Series, eff. 4-18-1988; amd. Ord. 103, 3rd Series, eff. 3-11-1991; Ord. 125, 4th Series, eff. 9-14-1998)

jk. Bed and breakfasts are allowed by conditional use permit in an R-1 zoning district as regulated in this section, subject to the following conditions:

- (1) Parking must meet the requirements of section [11.07](#) of this chapter.
- (2) All guestrooms must be contained in the principal building.
- (3) Dining facilities are not open to the public but limited to residents, employees and registered guests.
- (4) The facility must be licensed by Morrison County public health and/or the Minnesota department of health.
- (5) Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks).
- (6) The facility must be inspected by the state fire marshal and the city building inspector every three (3) years at the time of license renewal by the Minnesota department of health.
- (7) The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use and is allowed a maximum of eight (8) square feet of signage.
- (8) The conditional use permit shall be transferable with the property pursuant to subsection [11.04D](#) of this chapter.

kl. Bed and breakfasts with additional food service are allowed by conditional use permit in an R-1 zoning district as regulated in this section, subject to the following conditions:

- (1) Parking must meet the requirements of section [11.07](#) of this chapter. In addition must provide off street parking for all dining guests.
- (2) All guestrooms must be contained in the principal building.

- (3) Dining facilities are not open to the public but limited to residents, employees and registered guests or dining guests by appointment only.
- (4) Hours for dining by appointment will be limited to eight o'clock (8:00) A.M. to four o'clock (4:00) P.M.
- (5) Dining will be limited to ten (10) persons or less.
- (6) The facility must be licensed by Morrison County public health and/or the Minnesota department of health.
- (7) Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks).
- (8) The facility must be inspected by the state fire marshal and the city building inspector every three (3) years at the time of license renewal by the Minnesota department of health.
- (9) The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use and is allowed a maximum of eight (8) square feet of signage.
- (10) The conditional use permit shall be transferable with the property pursuant to subsection [11.04D](#) of this chapter. (Ord. 49, 6th Series, eff. 9-16-2013)

m. Multiple dwellings containing not more than four (4) dwelling units; provided, however, that the building to be used was in existence on the effective date hereof, and will provide a gross floor area of at least five hundred (500) square feet per dwelling unit and the City Council finds that by reason of its size and design or lack of demand, it cannot be beneficially used for any of the purposes for which buildings may lawfully be used under the provisions of this subsection and that when altered, in order to adopt it to the new use, the building will conform in character and type to other residences in the immediate neighborhood; and further provided, that the house to be converted is located on a lot with an area of at least nine thousand (9,000) square feet, plus six hundred fifty (650) square feet for each dwelling unit.

n. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the Council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use.

3. Permitted Accessory Uses In Any R-1 One- And Two-Family Residential District: No accessory structure or use of land shall be permitted, except for one or more of the following:

- a. Private garages and parking spaces.
- b. Signs as regulated in [chapter 5](#) of this code.
- c. Private swimming pool, tennis court or other recreational activity intended for the private use of the occupants of the dwellings located on the same site as the recreational use.

- d. Buildings temporarily located for the purpose of construction on the premises for a period not to exceed the time necessary for completion of said construction.
- e. Any other use customarily considered to be accessory to the foregoing permitted uses. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002)

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

a. No structure or building shall exceed three (3) stories or forty feet (40') in height, except as provided for in this chapter.

b. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

<u>Lot size</u>		<u>Lot width</u>	
<u>Interior lot</u>	<u>Corner lot</u>	<u>Interior lot</u>	<u>Corner lot</u>
<u>11,000 sq ft</u>	<u>12,000 sq ft</u>	<u>80 feet</u>	<u>80 feet</u>

	<u>Front yard setback</u>	<u>Rear yard setback</u>	<u>Side yard setback – interior lot</u>	<u>Side yard setback – exterior lot</u>
<u>Principal structure</u>	<u>30 feet</u>	<u>35 feet</u>	<u>10 feet</u>	<u>15 feet</u>
<u>Accessory structure</u>	<u>30 feet</u>	<u>10 feet</u>	<u>5 feet</u>	<u>15 feet</u>

<u>Lot Size–</u>		<u>Lot Width–</u>		<u>Front Yard–</u>	<u>Rear Yard–</u>	<u>Side Yard–</u>	
<u>Interior–</u>	<u>Corner–</u>	<u>Interior–</u>	<u>Corner–</u>			<u>Interior–</u>	<u>Corner–</u>
<u>11,000-square feet–</u>	<u>12,000-square feet–</u>	<u>80 feet–</u>	<u>80 feet–</u>	<u>30 feet–</u>	<u>35 feet–</u>	<u>10 feet–</u>	<u>15 feet–</u>

Minimum gross floor area for single-family dwelling: One thousand (1,000) square feet.

Minimum gross floor area for two-family dwelling: One thousand six hundred (1,600) square feet.

~~c. All habitable dwellings shall have a minimum width and length of twenty-four feet (24') and a permanent foundation meeting latest edition of the Minnesota state building code. (Ord. 78, 2nd Series, eff. 1-24-1983)~~

Commented [BJO12]: Already stated generally in section 11.03.

E. R-1C Country Homes, One- And Two-Family Residential District:

1. Permitted Uses: Any use permitted in the R-1 one- and two-family residential district.

2. Conditional Uses: Any use permitted as a conditional use in the R-1 one- and two-family residential district.

3. Permitted Accessory Uses: Any accessory use permitted in the R-1 one- and two-family residential district.

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

a. No structure or building shall exceed three (3) stories or forty feet (40') in height, except as provided for in this chapter.

b. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

<u>Lot size</u>		<u>Lot width</u>	
<u>Interior lot</u>	<u>Corner lot</u>	<u>Interior lot</u>	<u>Corner lot</u>
<u>16,000 sq ft</u>	<u>16,000 sq ft</u>	<u>100 feet</u>	<u>100 feet</u>

	<u>Front yard setback</u>	<u>Rear yard setback</u>	<u>Side yard setback – interior lot</u>	<u>Side yard setback – exterior lot</u>
<u>Principal structure</u>	<u>20 feet</u>	<u>10 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Accessory structure</u>	<u>20 feet</u>	<u>10 feet</u>	<u>5 feet</u>	<u>15 feet</u>

<u>Lot Size</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard Interior</u>
<u>16,000 square feet</u>	<u>100 feet</u>	<u>20 feet</u>	<u>10 feet</u>	<u>15 feet</u>

c. Minimum floor area for single-family dwelling:

- (1) One-story, single-family dwelling: One thousand (1,000) square feet.
- (2) One-story, two-family dwelling: One thousand six hundred (1,600) square feet.
- (3) Split level or two-story dwellings: Eight hundred sixty four (864) square feet per level.

~~d. All habitable buildings shall have a minimum width and length of twenty four feet (24') and permanent foundations meeting the latest edition of the Minnesota state building code at the time of construction.~~

Commented [BJO13]: Already stated generally in section 11.03.

e. Notwithstanding the foregoing, a lot shall be considered conforming, provided:

- (1) The lot is at least twelve thousand (12,000) square feet in area; and
- (2) The lot was a recorded lot of record in separate ownership on or before September 1, 2003, or with its incorporation into the city; and

(3) The lot was in compliance with applicable zoning ordinances at the time of its creation; and

(4) Any new structures will meet applicable setbacks. (Ord. 80, 5th Series, eff. 8-18-2003)

F. R-2 One- And Two-Family Residential District:

1. Permitted Uses:

a. Any use permitted in the R-1 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

a. Any use permitted as conditional in the R-1 district.

b. Multiple dwellings containing not more than four (4) dwelling units; provided, however, that the building to be used was in existence on the effective date hereof, and will provide a gross floor area of at least five hundred (500) square feet per dwelling unit and the City Council finds that by reason of its size and design or lack of demand, it cannot be beneficially used for any of the purposes for which buildings may lawfully be used under the provisions of this subsection and that when altered, in order to adopt it to the new use, the building will conform in character and type to other residences in the immediate neighborhood; and further provided, that the house to be converted is located on a lot with an area of at least nine thousand (9,000) square feet, plus six hundred fifty (650) square feet for each dwelling unit.

c. Heliports. (Ord. 801, eff. 6-3-1974; amd. Ord. 68, 3rd Series, eff. 7-10-1989; Ord. 80, 5th Series, eff. 8-18-2003)

d. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the R-1 district.

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements: All uses in the R-2 district shall comply with the requirements of the R-1 district of this section, except as hereinafter modified:

<u>Lot size</u>		<u>Lot width</u>	
<u>Interior lot</u>	<u>Corner lot</u>	<u>Interior lot</u>	<u>Corner lot</u>
<u>9,000 sq ft</u>	<u>9,000 sq ft</u>	<u>60 feet</u>	<u>60 feet</u>

<u>Front yard setback</u>	<u>Rear yard setback</u>	<u>Side yard setback – interior lot</u>	<u>Side yard setback – exterior lot</u>

Principal structure	30 feet	30 feet	5 feet	15 feet
Accessory structure	30 feet	10 feet	5 feet	15 feet

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard	
				Interior	Corner
One and two family 9,000 square feet	60 feet	30 feet	30 feet	5 feet	15 feet

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(Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

~~a. Floor area per dwelling unit shall be as follows: for one-story dwellings, at least one thousand (1,000) square feet; for split level dwellings, minimum floor area per floor shall be eight hundred sixty four (864) square feet; for two-story dwellings, at least eight hundred sixty four (864) square feet. For two-family dwellings, the minimum floor area per dwelling unit shall be eight hundred (800) square feet. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

Commented [BJO14]: Is this necessary? Can we just go with the 24 x 24 minimum size for all residential units? Or maybe specify here that they have to be at least 576 sq ft (so that some apartment units wouldn't necessarily have to be 24 ft wide)?
If we keep this, why would it be limited to R-2?

G. R-3 Multiple-Family Residential District:

1. Permitted Uses:

- a. Any use permitted in the R-2.1 district.
- b. Multiple dwellings. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Any use permitted as conditional in the R-2.1 district.
- b. Commercial, retail and service facilities of an ancillary nature, housed within a multiple dwelling complex (including day care facilities), hospital, nursing home, or home for the aged (including assisted living, memory care or similar) .

~~c. Motels.~~

~~d. Residential and nonresidential programs as regulated by MN Statutes 245A.11 and 245A.14, as amended, including programs considered a multifamily residential use by said statutes. A residential facility serving seven (7) through sixteen (16) persons and licensed by the state department of human services.~~

~~e. A daycare facility serving fifteen (15) through twenty five (25) persons and licensed by the state department of human services. (Ord. 801, eff. 6-3-1974; amd. Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 80, 5th Series, eff. 8-18-2003) Commercial daycare facilities.~~

f. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the R-2 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

a. There shall be no height restriction on buildings in the R-3 district, except that any structure exceeding three (3) stories or forty five feet (45') shall be set back from the nearest property line a distance equal to one-half (1/2) the building height.

b. ~~A side yard abutting a street shall not be less than thirty feet (30') in width.~~

Commented [BJO15]: Conflicts with required 15 ft setback elsewhere.

c. The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:

	<u>Lot size</u>		<u>Lot width</u>	
	<u>Interior lot</u>	<u>Corner lot</u>	<u>Interior lot</u>	<u>Corner lot</u>
<u>One- and Two-Family structures</u>	<u>9,000 sq ft</u>	<u>9,000 sq ft</u>	<u>60 feet</u>	<u>60 feet</u>
<u>Three- and Four-Family structures</u>	<u>12,000 sq ft</u>	<u>12,000 sq ft</u>	<u>60 feet</u>	<u>60 feet</u>
<u>Five and higher family structure</u>	<u>15,000 sq ft</u>	<u>15,000 sq ft</u>	<u>60 feet</u>	<u>60 feet</u>

Commented [BJO16]: These lot size minimums (for some of the categories) are different than how current ordinance sets it up. Trying to simplify.

	<u>Front yard setback</u>	<u>Rear yard setback</u>	<u>Side yard setback – interior lot</u>	<u>Side yard setback – exterior lot</u>
	<u>Principal structure – One- and Two-Family Structures</u>	<u>30 feet</u>	<u>30 feet</u>	<u>5 feet</u>
<u>Principal structure – Three- and Four-Family Structures</u>	<u>30 feet</u>	<u>30 feet</u>	<u>10 feet</u>	<u>15 feet</u>
<u>Principal structure – Five and higher family structure</u>	<u>30 feet</u>	<u>30 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Accessory structure</u>	<u>30 feet</u>	<u>10 feet</u>	<u>5 feet</u>	<u>15 feet</u>

Commented [BJO17]: These side yard setbacks are increased based on number of units from current ordinance of 5 feet for all.

-	Minimum Yard-
Lot Area Per Dwelling Unit:-	
One family structure-	9,000 square feet-
Two family structure-	4,600 square feet-
Three family structure-	4,000 square feet-
Four family structure-	3,000 square feet-
Multiple Dwellings With 5 Or More Units:-	
Efficiency units-	1,500 square feet-
1 bedroom units-	2,000 square feet-
2 bedroom units-	2,500 square feet-

For each parking space provided within or under a multiple dwelling structure, subtract three hundred twenty five (325) square feet per unit from the minimum lot area requirements.

Floor Area Per Dwelling Unit:-	
One family structure-	1,000 square feet-
Two family structure-	600 square feet-
Three family or more structures:-	-
Efficiency units-	500 square feet-
1 bedroom units-	600 square feet-
2 bedroom units-	750 square feet-

Commented [BJO18]: I think this is unnecessary if we just regulate parking requirements and have a min. lot size as above. More confusing than I think it needs to be the way its written now.

Lot width at front setback line	60 feet
Front yard setback	30 feet
Side yard setback—interior	5 feet
Side yard setback—corner	15 feet
Rear yard setback	30 feet

~~d. All habitable dwellings shall have a minimum width and length of twenty four feet (24') and a permanent foundation meeting the latest edition of the Minnesota state building code. (Ord. 49, 3rd Series, eff. 5-30-1988; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

Commented [BJO19]: Already stated generally in section 11.03.

H. R-4 Mobile Homes Residential District:

1. Permitted Uses:

- a. Any use permitted in the R-3 district.
- b. "Mobile homes", as defined in section [11.02](#) of this chapter.
- c. Motels. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Recreational vehicles and mobile home sales.
- b. Retail or service outlets intended to serve occupants of the permitted uses.
- c. Any use permitted as conditional in the R-3 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 72, 3rd Series, eff. 9-11-1989; Ord. 80, 5th Series, eff. 8-18-2003)

3. Permitted Accessory Uses:

- a. Administrative offices, recreation buildings and facilities, laundry and other uses of a supporting nature to a mobile home park.
- b. Temporary parking of recreational vehicles for occupancy; provided, that recreational vehicles shall be parked in a designated recreational camping area as defined in Minnesota Statutes Annotated 327.14, subdivision 8.
- c. Signs as regulated in [chapter 5](#) of this code. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

a. No structure or building shall exceed two (2) stories or thirty feet (30') in height, except as provided in this chapter.

b. The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:

(1) Minnesota health department mobile home and recreational camping area law, chapter 327, sections 327.10-327.28.

(2) Minnesota health department regulations no. 152 governing mobile home parks and recreational camping areas.

~~I. B 1 Limited Business District:~~

~~1. Permitted Uses:~~

~~a. Any uses permitted in the R-3 district.~~

~~b. Municipal buildings, essential services, buildings and structures.~~

~~c. Professional offices, including, but not limited to, doctors, dentists, lawyers, architects, engineers and accountants.~~

~~d. Offices of a general nature where the employment within the building does not exceed fifty (50) persons and the operations do not include retail sales or warehousing from the site.~~

~~e. Clinics for human care.~~

~~f. Colleges, universities and professional and vocational institutes, schools, churches.~~

~~g. Research centers.~~

~~h. Antique or gift shop, appliances store, art and school supply store, auto accessory store, bakery goods sales and baking of goods for retail sales on premises, bank, barbershop, beauty shop, bicycle sales and repair, book office supply and stationery store, business office, candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop but not of the drive-in type, camera and photographic supply and processing store, delicatessen and/or dairy store, department store, dry cleaning and laundry pick up station, including incidental pressing and repair, dry goods store, five and ten store, florist, furniture, gift or novelty store, grocery, fruit or vegetable store, hardware store, hobby store including handicraft classes, interior decorating, jewelry sales and repair store, laundromat of the self-service type, library, locksmith, meat market, but not including processing for a locker, music store, newsstand, paint, wallpaper sales, photographic studio, physical culture or dance studio, pipe and tobacco shop, post office, record shop, restaurant, cafe, tearoom, shoe sales and repair, small appliance repair shop, sporting goods store, variety store, wearing apparel shop, radio and television studio, art studio, interior decorating studio, photographic studio, music studio, and other businesses of similar nature or uses.~~

~~2. Conditional Uses:~~

~~a. Any use permitted as conditional in the R-3 district.~~

~~b. Nursing homes, rest homes or retirement homes.~~

~~c. Funeral homes and mortuaries, theaters.~~

~~d. Private clubs and lodges.~~

~~e. Multiple dwellings as permitted and regulated herein.~~

~~f. Tavern or liquor store.~~

~~g. Theaters, but not of the drive-in type. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~h. A residential facility serving seventeen (17) persons or more and licensed by the state department of services.~~

~~i. A daycare facility serving twenty five (25) persons or more and licensed by the state department of human services. (Ord. 58, 3rd Series, eff. 12-12-1988; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~j. Construction offices.~~

~~k. Exterior storage of functional equipment, components or inventory used in the trade or business of any permitted or conditional use. (Ord. 61, 3rd Series, eff. 12-5-1988; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~l. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.~~

~~3. Permitted Accessory Uses:~~

~~a. Private garages, off-street parking and loading spaces as regulated in this chapter.~~

~~b. Signs as regulated in chapter 5 of this code.~~

~~c. Buildings temporarily located for purpose of construction on the premises for a period not to exceed time necessary to complete said construction.~~

~~d. Decorative landscape features.~~

~~e. Any incidental repair or processing necessary to conduct a permitted principal use.~~

~~f. Public telephone booths. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)~~

~~4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:~~

~~a. There shall be no height restrictions on buildings in the B-1 district, except that any structure exceeding three (3) stories or forty five feet (45') shall be set back from the nearest property line a~~

distance equal to one-half ($\frac{1}{2}$) the building height. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

b. Multiple dwellings in the B-1 district shall conform to the requirements set forth in the R-3 district. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)

c. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Side Yard Adjacent To R
10,000 square feet	75 feet	30 feet	30 feet	10 feet	30 feet	25 feet

(Ord. 64, 4th Series, eff. 10-23-1995; amd. Ord. 80, 5th Series, eff. 8-18-2003)

J. ~~B-2-1 General Central~~ Business District:

1. Permitted Uses:

a. Any permitted or conditional use in the ~~B-4R-1, R-1C or R-3~~ district, except as limited in this section.

b. ~~Any business or commercial establishment that is not specifically prohibited and as otherwise limited in this section, including retail establishments, food service establishments, on- and/or off-sale liquor establishments, personal services, professional services, equipment and auto repair services, entertainment and amusement services, lodging services including hotels and motels.~~

~~Automobile and truck sales, auto repair, boats and marine equipment sales, building material and lumberyards, commercial greenhouses, garden supply stores, motels, motor hotels and hotels, newspaper printing and publishing, other printing and publishing, furniture and home furnishing stores, farm equipment sales, wholesale businesses including warehousing, retail shipping centers.~~

c. ~~Public and semi-public buildings, including post office, fire hall and city hall. Electrical service, heating, plumbing, appliance, upholstery, or air condition service shop. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 115, 3rd Series, eff. 11-11-1991; Ord. 80, 5th Series, eff. 8-18-2003)~~

~~d. Private clubs.~~

2. Conditional Uses:

a. ~~Any use that provides more than 50 parking spaces, or is required to provide more than 50 parking spaces. Armories, convention halls, sport arenas and stadiums.~~

b. ~~Any use where outdoor storage will exceed 500 sq ft or where outdoor storage within 50 feet of a residentially-used or -zoned property is not entirely screened from said residential property and public~~

~~streets or alleys within 50 feet of said residential property. Bowling alleys, billiard and pool rooms, drive-in theaters, skating rinks, dance halls, gymnasiums, YMCA, YWCA, nightclubs, liquor stores, fraternal organizations and similar uses.~~

~~c. Bus terminals. Any use where a drive-thru or drive-up window is within 50 feet of a residentially-used or -zoned property~~

~~d. Business or trade school when conducted entirely within a building.~~

~~e. Drive-in business.~~

~~f. Stone and monument sales.~~

~~g. Animal hospital or clinic, kennel.~~

~~h. Accessory structure or uses other than those listed as permitted.~~

~~i. Motor fuel stations.~~

~~j. Open sales or storage lots.~~

~~k. Commercial uses on lots under one-half (1/2) acre in size if parking requirements cannot be met on the lot itself, or if a change in use, if the required number of parking spaces would increase over the previous use by more than four (4) spaces.~~

l. Light assembly or light manufacturing. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 115, 3rd Series, eff. 11-11-1991; Ord. 22, 5th Series, eff. 11-6-2000; Ord. 80, 5th Series, eff. 8-18-2003)

m. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use. er uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the Planning Commission.

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the B-1 district as regulated herein.

4. Lot Area, Height, Lot Width And Yard Requirements: The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:

<u>Lot size</u>		<u>Lot width</u>	
<u>Interior lot</u>	<u>Corner lot</u>	<u>Interior lot</u>	<u>Corner lot</u>
<u>2,000 sq ft</u>	<u>3,000 sq ft</u>	<u>25 feet</u>	<u>25 feet</u>

	<u>Front yard setback</u>	<u>Rear yard setback</u>	<u>Side yard setback – interior lot</u>	<u>Side yard setback – exterior lot</u>
<u>Principal structure</u>	<u>0 feet</u>	<u>10 feet</u>	<u>0 feet</u>	<u>0 feet</u>
<u>Accessory structure</u>	<u>0 feet</u>	<u>10 feet</u>	<u>0 feet</u>	<u>0 feet</u>

~~a. No front or side yard setback or height restrictions shall be required. c. Maximum height – 40 feet, except as allowed by conditional use permit.~~

~~b. All development uses in the B-2 district shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.~~

K. ~~B-3-2~~ Noncentral Business District:

1. Permitted Uses:

a. Any permitted use in the B-~~2-1~~ district, except as limited herein.

b. Light assembly or light manufacturing.

2. Conditional Uses:

~~a. Any conditional use in the B-2 district, except as limited herein.~~

a. Any use where outdoor storage will exceed 10,000 sq ft or where outdoor storage within 50 feet of a residentially-used or -zoned property is not entirely screened from said residential property and public streets or alleys within 50 feet of said residential property.

b. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use. er uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the Planning Commission.

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the B-~~2-1~~ district as regulated herein.

4. Lot Area, Height, Lot Width And Area Requirements:

a. Minimum Requirements: The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter. (Ord. 57, 3rd Series, 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:

Lot size		Lot width	
Interior lot	Corner lot	Interior lot	Corner lot
10,000 sq ft	10,000 sq ft	75 feet	75 feet

	Front yard setback	Rear yard setback	Side yard setback – interior lot	Side yard setback – exterior lot	Side yard setback – adjacent to residential zoned
Principal structure	30 feet	30 feet	10 feet	30 feet	25 feet
Accessory structure	30 feet	10 feet	5 feet	5 feet	5 feet

Commented [BJO20]: Currently ordinance states residential USE – not zoned. Am thinking the zoning is what matters most – the use can change.

b. Requirements Of Uses:

(1) Commercial uses shall be governed by the following setbacks and lot areas, unless a conditional use permit is issued:

Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Side Yard Adjacent To R-District Or Existing Residential Use
1-acre, excluding road right of way	150 feet	50 feet	40 feet	10 feet	50 feet	40 feet

~~(Ord. 64, 4th Series, eff. 10-23-1995; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

(2) Residential uses shall be governed by lot size and setback requirements as provided in R-2 districts. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

(3) Businesses within a B-3-2 district may construct an overhead canopy or structure for weather protection, attached or freestanding, as long as the structure maintains a ten foot (10') setback from the street right of way line and a twenty foot (20') setback from an adjacent property line. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)

c. Height Restrictions: There shall be no height restrictions on buildings in the B-3-2 district, except that for every foot that a building exceeds thirty feet (30'), an additional foot of setback shall be provided from the nearest each property line.

~~d. Architectural Design: All development uses in the B-3 district shall be architecturally designed so as to be compatible as possible with the general architectural intent of the area in which it is located.~~

e. Landscaping For Commercial Uses:

(1) Each site shall have a front yard not less than twenty feet (20') in depth across the entire frontage; this yard shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half ($\frac{1}{2}$) the width of the site.

(2) A minimum of five feet (5') of the side yard setback shall be landscaped and maintained as green space along the total length of the side property lines.

(3) All areas shall be landscaped in accordance with a landscaping plan. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

~~L-1 Industrial District (Light):~~

~~1. Permitted Uses:~~

~~a. Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, including any of the following or similar uses meeting the performance standards applicable to the L-1 district; provided, that all development uses in the L-1 district are conducted wholly within a building. Any uses permitted in the B-3 district.~~

~~b. Machine shops.~~

~~c. Paper products from previously processed paper.~~

~~d. Radio and television studios.~~

~~e. Research laboratories.~~

~~f. Electronics assembly and testing.~~

~~g. Warehousing and wholesaling.~~

~~2. Conditional Uses:~~

~~a. Any use permitted as conditional in the B-3 district.~~

~~b. Trucking and freight terminals.~~

~~c. Motor fuel stations.~~

~~d. Open sales lot, provided that all open storage be screened by a fence or compact evergreen hedge at least fifty percent (50%) opaque and at least six feet (6') high.~~

~~e. Any accessory structures or uses other than those listed as permitted. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~f. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City~~

Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.

3. Permitted Accessory Uses:

- a. Off street parking and loading as regulated in this chapter.
- b. Signs as regulated in chapter 5 of this code.
- c. Residence for night watchman or other security personnel. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)

4. Lot Area, Height, Lot Width, And Yard Requirements:

a. The following minimum requirements shall be observed subject to minimum requirements, exceptions and modifications contained in this chapter:

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Adjacent To R
24,000 square feet	100 feet	40 feet	30 feet	10 percent of lot width	40 feet	40 feet

b. There shall be no height restrictions on buildings in the I-1 district, except that for every foot that a building exceeds thirty feet (30'), an additional foot of setback shall be provided from the nearest property line.

M. I-2-1 Industrial District (Heavy):

1. Permitted Uses:

- a. Any use permitted in the I-1a B district regulated herein.
- b. Warehousing and StorageThe manufacturing, compounding, assembly, packaging, treatment or storage of the following products or materials not likely to meet the performance standards outlined in this chapter.
- c. Manufacturing Brewing, fiberglass, cement, stonecutting, brick, glass, batteries, ceramic products, millworking, metal polishing and plating, paint (pigment manufacturing), boat manufacturing, vinegar works, rubber products, plastics, meatpacking, flour, feed and grain milling, vegetable canning and processing, lime, gypsum and plaster of Paris, and similar uses.

d. Processing

e. Wholesale

f. Research laboratories/facilities

2. Conditional Uses:

- a. Coal, tar, creosote or asphalt processing or distillation.
- b. Acid manufacture.
- c. Storage, utilization or manufacture of material or products which could decompose by detonation, including, but not limited to, dynamite, trinitrotoluene (TNT), nitroglycerin, guncotton, blasting caps and cartridge primers.
- d. Auto wrecking or salvage yard, junkyard, used auto parts and similar uses; provided, that the use is screened by a fence or compact evergreen hedge which is at least fifty percent (50%) opaque and at least six feet (6') high.
- e. Incineration or reduction of waste material other than customarily incidental to a principal use.
- f. Kilns or other heat processes fired by means other than electricity.
- g. Commercial stockyards and slaughtering of animals.
- h. Crude oil, gasoline, liquid fertilizer or other liquid storage tanks containing hazardous, flammable or otherwise potentially dangerous liquids or gases.
- i. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.

3. Permitted Accessory Uses:

- a. Any use permitted as accessory in the I-1 district as regulated herein.

4. Lot Area, Height, Lot Width And Yard Requirements:

a. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

<u>Lot size</u>		<u>Lot width</u>	
<u>Interior lot</u>	<u>Corner lot</u>	<u>Interior lot</u>	<u>Corner lot</u>
<u>24,000 sq ft</u>	<u>24,000 sq ft</u>	<u>100 feet</u>	<u>100 feet</u>

<u>Front yard setback</u>	<u>Rear yard setback</u>	<u>Side yard setback – interior lot</u>	<u>Side yard setback – corner lot</u>	<u>Side yard setback – adjacent to residential zoned</u>

Commented [BJO21]: Currently ordinance states residential USE – not zoned. Am thinking the zoning is what matters most – the use can change.

Principal structure	40 feet	30 feet	30 feet	40 feet	40 feet
Accessory structure	30 feet	10 feet	5 feet	5 feet	20 feet

					Interior-	Corner-	
1 acre-	150 feet-	40 feet-	30 feet-	70 feet-	10 percent of lot width-	40 feet-	70 feet-

b. There shall be no height restriction on buildings in the I-2 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

N. Planned Unit Development District (PUD District):

~~1. Purpose: This mixed use district is created specifically to protect existing landscape features, to preserve open space, to sensitively integrate development with the natural landscape, to appropriately space accesses to public street systems and to require the planning of an entire land ownership as a unit rather than permit piecemeal or scattered development on a lot by lot basis.~~

~~2. Uses Permitted By Planned Unit Development (PUD): Within the planned unit development district (PUD district), no structures or land shall be used except for one or more of the following uses, which uses shall be permitted only by planned unit development (PUD) procedures and subject to all stated conditions:~~

~~a. Golf courses which include the following customary accessory uses, activities and facilities:~~

- ~~(1) Commercial recreation.~~
- ~~(2) Food and drink concessions, etc.~~
- ~~(3) Maintenance, storage and equipment facilities.~~
- ~~(4) Off street parking.~~
- ~~(5) Private clubs.~~
- ~~(6) Signage. (Ord. 116, 3rd Series, eff. 3-23-1992; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~b. Clubs and lodges including fraternal organizations, YMCAs and YWCAs, health and athletic clubs. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~c. Minor commercial recreation, including, but not limited to, the following:~~

- ~~(1) Bowling alleys.~~
- ~~(2) Miniature golf courses.~~
- ~~(3) Roller skating rinks.~~

Commented [BJO22]: This entire section to be rewritten and identified as an overlay district.

~~(4) Ice skating rinks and hockey facilities.~~

~~(5) Campgrounds and recreational vehicle parks. (Ord. 116, 3rd Series, eff. 3-23-1992; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~d. Community park, recreation and open space uses which do not conflict with racetrack operations.~~

~~e. Essential services.~~

~~f. Horse care uses, including boarding, training, showing, grooming and veterinary clinic facilities.~~

~~g. Hotels, motels and conference centers, including such customary accessory uses as internalized retail and entertainment facilities, provided such uses:~~

~~(1) Are an integral part of the principal use;~~

~~(2) Have no entrance except from within the principal building;~~

~~(3) Display all internal signage on the ground floor level of the building; and~~

~~(4) Occupy not more than twenty five percent (25%) of the ground floor area.~~

~~h. Light industrial uses, but specifically limited to office showroom, corporate offices, research and development laboratories, warehousing and light assembly type maintenance.~~

~~i. Offices: business, corporate and professional.~~

~~j. Public buildings.~~

~~k. Public or private utility facilities, including, but not limited to, buildings, structures and equipment.~~

~~l. Restaurants, excluding fast food and drive-in restaurants.~~

~~m. Rural agriculture.~~

~~n. Signage as permitted by section 5.30 of this code. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~o. Fairgrounds, including facilities for temporary amusement parks, exhibitions and contests. (Ord. 116, 3rd Series, eff. 3-23-1992; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~p. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.~~

~~3. Lot Area, Width And Coverage; Building Height, Yard And Access Spacing Requirements:~~

Minimum lot size-	1 acre-
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Minimum lot width-	300 feet-
Minimum yards:-	-
Front-	50 feet-
Side-	25 feet-
Rear-	30 feet (50 feet when abutting a residential zone)-
Maximum hard surface:-	-
Lot coverage-	80 percent-

~~(Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~4. Performance Standards:~~

~~a. Acceptable Building Materials: Exterior building materials should be incorporated into an architectural design which is consistent with the standards developed in the planned unit development district (PUD district). (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 116, 3rd Series, eff. 3-23-1992; Ord. 80, 5th Series, eff. 8-18-2003)~~

~~b. Minimum Landscape Requirements:~~

~~(1) Plantings shall be required in an amount equal to one caliper inch per five hundred (500) square feet of building gross floor area. Credit may be given for existing quality trees using the same formula.~~

~~(2) Landscape plans shall be required and shall be prepared by or under the supervision of a landscape architect. They shall show types, common and botanical names, sizes, number and location of all plant materials.~~

~~c. Screening: The following must be screened: 1) rooftop facilities; 2) parking areas; and 3) loading and service areas. One or any combination of the following elements may be used to meet the screening requirements: site design, building design, grade separation, berming, landscaping, fences, walls or other landscape features.~~

~~(1) Rooftop Facilities:~~

~~(A) All rooftop facilities shall be either:~~

~~(i) Totally screened from the eye level view from adjacent parcels and existing and planned public streets;~~

~~(ii) Painted to match or complement;~~

~~(iii) Incorporated into an architectural design which is aesthetically compatible with the principal structure.~~

~~(B) All materials used to screen rooftop facilities shall be aesthetically compatible with the exterior building materials of the principal structure.~~

~~(2) Parking Areas: All parking which occurs within the required front yard shall be screened to at least the height of the headlights of the parked vehicles or three feet (3').~~

~~(3) Loading And Service Areas: Loading and service areas shall not face directly on a public street. Maneuvering and truck loading areas shall be at least fifty percent (50%) screened, to a height of four feet (4') from the eye level from all roadways. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~d. Existing Landscape Features: No live tree removal for site development of any kind shall be permitted in the planned unit development district (PUD district) until a final development plan has been approved by the city council. Grading shall be permitted only upon issuance of a grading or building permit by the building official. (Ord. 116, 3rd Series, eff. 3-23-1992; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~5. Variances: Variances may be negotiated within this district. Variances from subsection N4 of this section shall not be negotiated. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

O. Planned Unit Development - Country Homes, PUD-CH:

1. Purpose: This mixed use district is a planned unit development district with specific performance standards. It is the intention of this zoning classification to protect existing landscape features, plan for integration of new development into existing neighborhoods and allow the integrated development of undeveloped areas with adjoining developed areas. Administration and development within an area zoned planned unit development - country homes, shall be as a planned unit development, subject to the specific performance standards set out herein. Any proposed development shall meet the general performance standards outlined in subsection N, "Planned Unit Development District (PUD District)", of this section, and such additional performance standards as the city may impose in the development and approval of a master plan for development.

2. Uses Permitted: Within the planned unit development - country homes area, no structures or land shall be used, except for one or more of the following uses, which uses shall be permitted only by planned unit development procedures and subject to all stated procedures: permitted, conditional and accessory uses within country homes, one- and two-family residential, R-1C.

3. Lot Area, Width And Coverage; Building Height, Yard And Access Spacing Requirements:

a. Except as provided by this chapter, or within the planned unit development - country homes' master plan, lot area, width and coverage, building height, yard and access requirements shall be as provided for country homes, one- and two-family residential, R-1C.

b. In order to assure integration into existing development, lot sizes shall be set according to their tier (row of lots) from existing development. The first tier of development is adjacent to existing development, even if separated by a street. The first tier shall be at least ninety percent (90%) of the size of adjoining platted lots, but need not exceed twenty thousand (20,000) square feet. Placement of lots shall be staggered wherever possible with existing homes. Minimum lot size permitted is sixteen thousand (16,000) square feet.

c. Lot sizes in subsequent tiers may be two thousand feet (2,000') smaller than the minimum lot size permitted in the preceding tier until the minimum lot size of sixteen thousand (16,000) square feet is reached.

4. Performance Standards:

a. All construction shall reflect previously existing development and shall be in character with the surrounding neighborhood as provided by the planned unit development - country homes' master plan.

b. Existing drainageways must be located and preserved. All development shall be placed in such a way as to not block or fill existing drainageways. Existing drainageways shall be shown on the master plan. Restrictions or easements to preserve drainageways shall be incorporated into the planned unit development - country homes' master plan.

c. The developer will be responsible for planting trees along the street or adjacent thereto every thirty feet (30'), selected from a list of trees approved by the city, excluding footage for perpendicular sidewalks and driveways.

d. All other performance standards shall be in accordance with country homes, one- and two-family residential district, R-1C.

5. Modification Of Performance Standards: The city council shall review proposals for development in accordance with the procedures for review of planned unit development generally. The council may vary performance standards if it finds that the purposes of this subsection are achieved by the proposed plat. (Ord. 83, 5th Series, eff. 9-22-2003)

P. Mississippi Headwaters Corridor Districts:

1. Purpose; Scope; Applicability:

a. This subsection is intended to control development along the Mississippi River in areas which, prior to their annexation, were subject to the Morrison County Mississippi headwaters ordinance. This subsection is intended to regulate the area of lot, length of lot, width of lot at the water line, setback of structures, sanitary waste treatment systems, structure height, and to protect the quality of the Mississippi River and shorelines, its vegetation, soils, water quality, floodplain areas and geology; and to regulate alterations of the shoreland vegetation and topography; maintain property values and prevent uncontrolled or poorly planned development; maintain property values and sustainable development; prevent pollution and overcrowding; protect and conserve the historic, recreational, archaeological, cultural, fish and wildlife resources of the Mississippi River and adjacent lands. This subsection is also intended to comply with Minnesota statutes section 103F.221, "Municipal Shoreland Management", and

Q. Performance Standards And Special Provisions: All permitted uses, conditional uses and accessory uses in the residential district, the business district and the industrial districts shall also meet all of the requirements of sections [11.06](#) and [11.07](#) of this chapter. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 126, 4th Series, eff. 5-17-1999; Ord. 80, 5th Series, eff. 8-18-2003; Ord. 83, 5th Series, eff. 9-22-2003)

11.06: PERFORMANCE STANDARDS:  

A. Purpose: The guiding of urban development so as to develop a compatible relationship of uses depends upon certain standards being maintained. Uses permitted in the various districts, conditional uses and accessory uses shall conform to the following standards. These standards shall apply in all districts.

B. Glare Or Heat: Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located. Lighting in all instances shall be diffused or directed away from R districts and public streets.

C. Explosives: Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred feet (400') from any R district line; provided, that this subsection shall not apply to the storage or usage of liquified petroleum or natural gas for normal residential or business purposes.

D. Screening:

~~1. Screening shall be required in residential zones where: a) an off street parking area contains more than four (4) parking spaces and is within thirty feet (30') of an adjoining residential lot line; and b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen feet (15') of an adjoining residential lot line.~~

2. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the zoning administrator.

3. The screening required herein shall consist of a solid fence or wall at least fifty percent (50%) opaque not less than five feet (5') nor more than six feet (6') in height, but shall not extend within fifteen feet (15') of any street or driveway opening onto a street. The screening shall be placed along the property lines, or in case of screening along a street, fifteen feet (15') from the street right of way, with landscaping (trees, shrubs, grass and other planting) between the screening and the pavement. A

Commented [BJO23]: Is this something the City or its residents care about that much?

louvered fence shall be considered solid if it blocks direct vision. ~~Planting of a type approved by the planning commission may also be required in addition to or in lieu of fencing.~~

Commented [BJO24]: This could be required by the PC anyways if something is before them. May be unnecessary to say.

~~E. Maintenance: In all districts, all structures, required landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.~~

Commented [BJO25]: This is likely unnecessary due to the City having a property maintenance code now.

F. Exterior Storage: In all R districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used or intended for use on the premises and off street parking, except as otherwise regulated herein. Boats and unoccupied trailers, less than twenty feet (20') in length, are permissible if stored in the rear yard more than ten feet (10') distant from any property line. Existing uses shall comply with this provision within twelve (12) months following the effective date hereof.

G. Waste Material: Waste material shall not be washed into the public storm sewer system, nor the sanitary sewer system, without first having received a permit to do so from the city. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view. In all districts, waste material, debris, refuse, garbage and materials not currently in use for construction or otherwise regulated herein shall be kept in an enclosed building or properly contained in a closed container for such purposes. The owner of vacant land shall be responsible for keeping such vacant land free of waste material and noxious weeds. Existing uses shall comply with this provision within six (6) months following the effective date hereof.

H. Drainage: No land shall be developed and no use shall be permitted that results in water runoff causing flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility.

I. Traffic Control: The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. Traffic into and out of all business and industrial uses or areas shall in all cases be forward moving with no backing onto streets or pedestrianways. No access drive to any lot shall be located within twenty feet (20') of any two (2) intersecting minor or collector street right of way lines, nor within forty feet (40') of any two (2) intersecting major thoroughfare street right of way lines. (Ord. 801, eff. 6-3-1974)

J. Off Street Loading: Off street parking shall be provided for delivery or distribution of materials in connection with construction of any building or structure. Off street parking so provided shall be in

accordance with this chapter. ~~No deliveries or unloading of materials for construction shall occur between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M., if that noise is audible in a residential district.~~ Any variations from this standard shall be by conditional use. (Ord. 01, 5th Series, eff. 2-28-2000)

Commented [BJO26]: Just leave this to the city's noise ordinance.

K. Radiation And Electrical Emissions: No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance adversely affecting the operation, at any point, of any equipment, including, but not limited to, radio and television reception, other than that of the creator of the disturbance.

L. Other Nuisance Characteristics: No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property or violate any state statutes, codes or city ordinances. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety, nor will damage public waste transmission or disposal facilities. (Ord. 801, eff. 6-3-1974)

11.07: SPECIAL PROVISIONS:  

A. Off Street Parking And Loading Spaces:

1. Purpose And Intent: Regulations of off street parking and loading spaces in this section are to alleviate or prevent congestion of the public right of way and to promote the safety and general welfare of the public by establishing minimum requirements for off street parking, loading and unloading from motor vehicles in accordance with the utilization of various parcels of land and structures.

2. Requirements: The location, design and use of off street parking, driveways and loading spaces shall be in compliance with the following requirements:

a. Application Of Off Street Parking Regulations: The regulations and requirements set forth in this section shall apply to the required and nonrequired off street parking facilities in all zoning districts.

(1) Site Plan Drawing Necessary: Applications for a change of use, new construction or expansion in all zoning districts, except one- and two-family residential zoning districts, shall be accompanied by a site plan drawn to scale and dimensioned and indicating the location of off street parking, loading spaces, driveways, and curb cuts in compliance with the requirements set forth in this section.

(2) Exemptions For Parking Requirements: All uses located within the "1980 parking lot district" inside the general business district B-2 zoning district shall be exempt from the following off street parking requirements of this section.

b. General Parking Provisions:

(1) Permits Prior To Effective Date: Structures or uses for which a building permit has been issued prior to the effective date hereof, but for which work has not been completed, shall be exempt from the hereinafter stated parking requirements, if the structure is completed within six (6) months after the effective date hereof.

(2) Reduction Of Existing Off Street Parking Space: Off street parking spaces and loading spaces existing upon the effective date hereof shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use. If further development requires the removal of the minimum number of parking stalls for an existing occupancy, replacement stalls must be provided to comply with the required off street parking provisions of this section. Should a nonconforming structure be damaged or destroyed, it may be reestablished if elsewhere permitted in these zoning regulations, except that in doing so, any off street parking or loading, which existed, shall be retained.

(3) Change Of Use Or Occupancy Of Buildings: Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

(4) Use Of Parking Facilities: Off street parking facilities accessory to residential use shall be utilized solely for parking of passenger automobiles, recreational vehicles, and/or one truck not to exceed twelve thousand (12,000) pounds' gross weight rating for each dwelling. No commercially licensed trailer shall be parked or stored in any residentially zoned district, except when loading, unloading or rendering a service, except that one such vehicle with trailer may be parked off the street or avenue while maintaining all off street parking setbacks at the residence of the owner or operator of said vehicle. Required off street parking in the residential zoned districts shall be on the same lot as the principal building.

(5) Use Of Parking Area: Required off street parking space in all zoning districts shall not be utilized for open storage of goods, shipping containers or for the storage of vehicles, which are inoperable, for lease, rent or sale. Under no circumstances shall open parking facilities accessory to one- and two-family residential structures be used for more than four (4) vehicles, open area storage of commercial vehicles, or for open air parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.

(6) Snow Removal: Within forty eight (48) hours after snow has ceased to fall, the owner, tenants or manager of any off street parking area shall clear said parking area of snow so that said parking area is available for parking the number of vehicles for which said parking area was designed.

(7) Accessible Parking: Accessible parking spaces for the disabled shall be provided as required by the state building code.

c. Calculating Space:

(1) Number Of Spaces: When determining the number of required off street parking spaces results in a fraction, each fraction of one-half ($\frac{1}{2}$) or more shall constitute another space.

Commented [BJO27]: Is this overly burdensome in downtown areas where the buildings and parking spaces available are already what they are. Or is that addressed already by the 1980 parking lot district? Maybe this rule should apply only when additions are being made to existing buildings? A bit difficult to enforce when we don't require permits to change the use of a building.

Commented [BJO28]: Is this worth enforcing? Is it a big problem? Is it a relatively common occurrence for a contractor, etc. to park their trailers, etc. on their property?

Commented [BJO29]: In previous discussions, the Planning Commission did not want to limit the number of vehicles parked on a property. Also, do we want to regulate the parking of a contractors pickup? Or a car that someone uses for business?

(2) Gross Floor Area: The term "gross floor area" for the purposes of calculating the number of off street parking spaces, shall be determined on the basis of the exterior floor dimensions of the building, structure, or use, times the number of floors, minus ten percent (10%).

(3) Benches Or Similar Accommodations In Places Of Public Assembly: In stadiums, bars, restaurants, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty two inches (22") of such seating facility shall be counted as one seat for the purpose of determining required parking.

(4) Buildings With Two Or More Uses: Except as provided for under "joint parking facilities", should a building contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required. Warehouse areas associated with retail uses shall have parking requirements calculated separately from the retail requirements.

d. Location Of Parking Facilities: Unless otherwise allowed subject to this ordinance, all off-street parking spaces shall be located on the same tax parcel as the use which they serve, unless otherwise approved by conditional use permit.

(1) Required off street parking in all zoning districts shall meet the following setback requirements:

(A) Within all residential zoned districts, all vehicles normally owned or kept by the occupants on the premises must have a garage stall or open parking space on the same lot as the principal use served. Garage stalls accessory to residential structures or open parking spaces may be located anywhere on the lot other than in the required yard setback area, except that such garages or open parking spaces may be located to within ten feet (10') of a rear lot line. ~~No accessory structure to a residential structure shall be located within the required yard area abutting a street.~~

~~(B) Within the limited business district B-1 and general business district B-2 zoned districts parking spaces and/or accessory structures shall be located in areas other than in the required yard setback area, except that accessory structures to the principal building or open parking spaces may be located in a rear yard to within ten feet (10') of the rear lot line and in a side yard to within five feet (5') of an interior lot line, except where a side lot line is abutting any residential zoned district, then off street parking shall not be less than ten feet (10') from said lot lines.~~

(C) Within the central business district B-1 and the noncentral business B-3-2 zoned district, off street parking spaces shall not be less than twenty feet (20') from a street right of way line nor less than five feet (5') from any interior side lot line, nor less than ten feet (10') from any rear lot line, except where a side lot line is abutting any residential zoned district, then off street parking shall not be less than ten feet (10') from said lot lines.

(D) Within any industrial (light) I-1 zoned district, parking spaces shall not be less than twenty feet (20') from any street right of way line, nor less than five feet (5') from any interior side lot or rear lot line, except when a side or rear lot line is abutting any residential zoned district, then off street parking shall be not less than ten feet (10') from said lot lines.

(E) Within any industrial (heavy) I-2 zoned district, off street parking spaces shall be not less than ten

Commented [BJO30]: Why is this here? Does it mean to say "No parking space accessory to a residential structure...?"

feet (10') from any street right of way line, nor less than five feet (5') from any interior side or rear yard; except, where a front, side or rear yard is across the street from or abutting any residential zoned district, no parking shall be less than twenty feet (20') from the front lot line or lot line abutting a residential lot.

e. Joint Parking Facilities: The joint use of off street parking areas may be authorized by conditional use permit for the following uses or activities under the following conditions:

(1) The proposed joint parking space shall begin one hundred feet (100') from the principal use or building it serves and not more than four hundred feet (400') from principal use or building served, unless otherwise approved in the conditional use permit.

(2) The applicant shall show that there is no significant conflict-overlap in the principal operating hours of the two (2) or more buildings or uses for which joint use of off street parking facilities is proposed. Where there are more than 2 hours of overlap between the daytime and nighttime uses of the parking facilities, a conditional use permit may be required.

~~(A) The joint use of off street parking for "nighttime" uses, such as theaters, bowling alleys, and bars or restaurants may be supplied by the parking area provided for "daytime" uses, such as banks, offices, retail and personal service establishments.~~

~~(B) Up to fifty percent (50%) of the off street parking for "daytime" uses may be supplied by the parking area provided for "nighttime" uses.~~

~~(C) Up to fifty percent (50%) of the parking for churches or auditoriums may be supplied by the parking area provided for "daytime" uses.~~

(D) When a side or rear lot line is abutting a one- and two-family residential R-1 zoned district, the joint parking facility shall be not less than ten feet (10') from said lot lines and include screening between the parking area and lot lines.

(E) The affected landowners or their duly authorized agents shall sign an agreement guaranteeing that joint parking will be available as long as the joint occupancies or businesses exist. All parties that lease parking spaces must provide evidence of control of required parking in the agreement. The city attorney must approve such agreement. Said agreement shall be filed and recorded in the office of the Morrison County recorder, and evidence of proper filing shall be submitted to the zoning administrator prior to the issuance of any permits or licenses.

f. Use Of Parking Areas For Storage: Use of parking areas or required off street parking spaces, in all zoning districts, shall not be used for open storage of goods or for storage of vehicles that are inoperable, for lease, rent or sale.

g. Design And Maintenance Of Off Street Parking Areas:

(1) Cars Backing Into Street/Avenue: All parking areas except those serving one- and two-family residential R-1 and R-2 zoned districts, on local streets shall be designed so that cars shall not be required to back into the street/avenue. If deemed necessary for traffic safety, the ~~city~~ City Engineer

Commented [BJO31]: If there is no overlap in hours at all, why couldn't this be 100%?

Commented [BJO32]: Engineer? Zoning Administrator? Council?

may require some one- and two-family residential R-1 and R-2 zoned districts to have turnaround areas on the property.

(2) Curb Cut, Driveway Access Location And Curb Cut Maximum: Access and parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Said driveway access shall not exceed thirty feet (30') in width at the public street right of way line for all zoning districts except curb cut width may be increased to a maximum of fifty feet (50') for occupancies in industrial zoned districts. All driveway access locations shall be so limited so as to cause the least interference with the traffic movement. All public parking areas shall have access off driveways and not directly off a public street. All outside parking spaces shall be clearly marked on the pavement.

(3) Location: The distance from a driveway to the intersection of two (2) streets shall not be less than twenty feet (20') measured from the intersection of the property or street right of way lines to the nearest edge of the curb cut; provided however that if, in the opinion of the city administrator or designee, present or future traffic conditions warrant greater or lesser distances, such greater or lesser distances shall be required subject to approval by the city council.

(4) Curb Cut Setback: Curb cut openings for driveways shall be located at a minimum of ten feet (10') from the side yard interior lot lines measured at the property line in all zoning districts, except one- and two-family residential R-2 and multiple-family residential R-3 zoning districts, where curb cut openings shall be a minimum of five feet (5'). The minimum distance between driveways on the same property shall be twenty feet (20') measured along the property or street right of way; provided, however, that if in the opinion of the city administrator or designee, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the city council.

(5) Joint Driveway: There shall be no setback requirements from a shared lot line for dwellings defined as zero foot (0') interior side yard setback for townhouses as described in section [11.03](#) of this chapter. Joint driveways for zero foot (0') interior side yard setback are permitted in all residential zoned districts if the joint driveway does not encroach within drainage and utility easements. Multiple properties in commercial, business, and industrial zoned districts may be allowed to share a driveway and the ten foot (10') setback required in this section may be reduced from each property line to zero, through a conditional use permit, provided:

(A) There is a reduction in the overall amount of allowed driveways for the properties served and the installation of a joint driveways and/or parking aisles will increase traffic safety.

(B) An access site plan for the areas to be served is provided to the city for review as part of the conditional use permit application.

(C) A legal instrument setting forth ownership, maintenance, etc., duly approved as to form by the city attorney, is executed and recorded by the party(ies) concerned and an attested copy filed with the city.

(D) The driveway or parking aisle meets all design standards set forth in this code or other design requirements as determined by the city administrator or designee.

(E) The design or resulting development shall not cause any conflict with safe and orderly traffic flow.

(F) Only one joint driveway or joint parking aisle shall serve any two (2) lots unless approved under a planned unit development.

(G) That for a joint parking aisle, there is no practical space for the parking aisle as determined by the city and the city determines the joint parking aisle is appropriate and was not proposed just to avoid compliance with the ten foot (10') parking setback from the property line.

~~(H) Joint driveways in existence prior to the adoption hereof are classified as preexisting and will not be required to obtain a conditional use permit, provided evidence of a previously recorded agreement detailing the joint driveway is submitted to the city and determined adequate by the city attorney.~~

Commented [BJO33]: Are joint driveways required to obtain a CUP somewhere else in the ordinance?

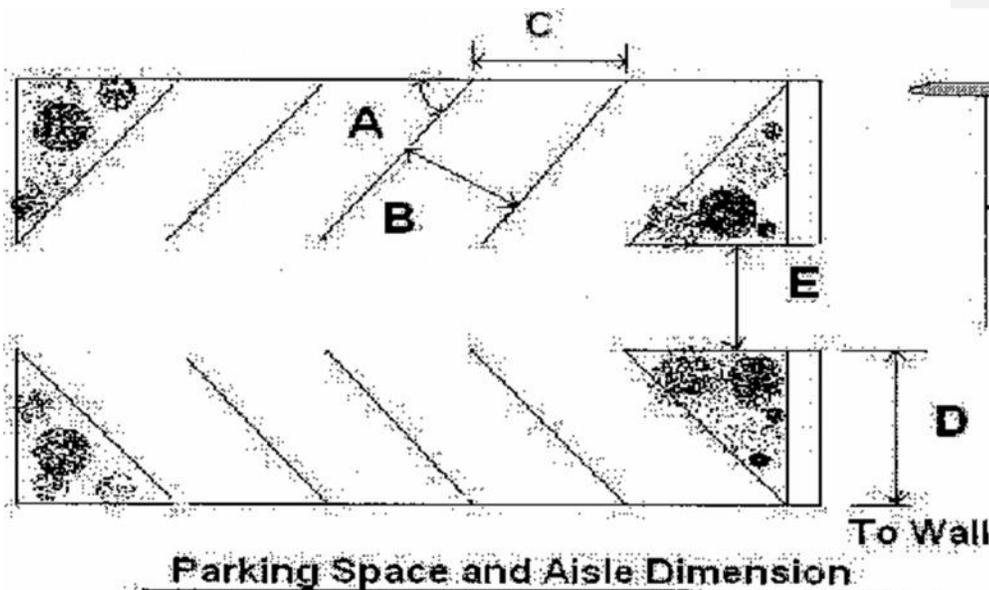
(6) Driveway Angle: The minimum driveway angle to the street shall be forty five degrees (45°), unless otherwise recommended by the city administrator or designee and approved by the city council.

(7) Curbing: All open, off street parking areas designed to have head in parking along any lot line shall provide a tire bumper or curb of adequate height and properly located to ensure that no part of any car will project beyond the required setbacks as established in this chapter. The tire bumper or curb will be designed so as not to damage the vehicle bumpers or tires and still allow pedestrian traffic.

(8) Size: The minimum dimensions for required parking spaces are shown in table 8-1 of this section. Minimum dimensions are exclusive of access drives or aisles, ramps or columns. In no case shall any part of the public right of way contribute toward required stall size. Ninety degree (90°) parking spaces that use a curb overhang over a landscaped area or a minimum seven foot (7') wide sidewalk may be reduced to eighteen feet (18') in depth. Parking stall dimensions are to be reviewed and approved by the city administrator or designee prior to the approval of a building permit.

TABLE 8-1
MINIMUM PARKING SPACE AND AISLE
DIMENSIONS GUIDELINES

Angle (A)	Width (B)	Curb Length (C)	Stall Depth (D)	One-Way Aisle Width (E)	Two-Way Aisle Width (F)
0° parallel	9'	20'	9'	12'	24'
45°	9'	12'8"	17'6"	12'	24'
60°	9'	10'5"	19'	16'	24'
90°	9'	9'	18'6"	26'	26'



(9) Signs: Signs located in any parking area necessary for orderly operation of traffic movement shall be in addition to accessory signs permitted in other sections of this chapter. No sign shall be so located as to restrict the sightlines and orderly operation and movement within any parking lot.

Commented [BJO34]: Addressed in the sign ordinance

(10) Surfacing: All of the area intended to be utilized for parking space and driveways shall be hard surfaced with a material to control dust and drainage, and subject to approval of the city administrator or designee, except parking areas for less than four (4) vehicles. This requirement also applies to open sales lots. Parking areas and driveways shall be kept free of dirt, dust, and debris and the pavement shall be maintained in good condition.

(A) All commercial and industrial off street parking areas, all access drives leading to such parking areas and all other areas upon which motor vehicles may be located shall be surfaced with a dustless all

weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds.

(B) Acceptable surfacing materials shall include asphalt, concrete brick, cement pavers or similar material installed and maintained per industry standards.

(C) Crushed rock shall not be considered an acceptable surfacing material on any public or employee off street parking areas, or access drives leading to such parking areas or garages, except as provided for elsewhere in this section.

(D) Within all industrial zoned districts, internal yard areas and/or loading areas are allowed to have class II (100 percent crushed) aggregate surface. Such internal yard areas shall be located to the side or rear of the principal building. The internal yard area shall be clearly separated from public areas by fencing or other acceptable means. Access drives that serve loading areas shall be hard surfaced with either bituminous or concrete within the required front or corner side building setback. A dust control plan shall be submitted and approved by the city.

(11) Lighting: Exterior lighting shall not be directed upon adjacent lands or the public right of way.

(12) Required Spaces: Parking shall be provided according to the following schedule:

Principal Use Or Structure Served	Required Number Of Parking Spaces (Open Or Enclosed)
Auto sales building, auto repair, bus terminals, taxi terminals, recreational vehicle sales, garden supply stores, building materials sales	1 space for each 300 square feet of gross floor area. 2 spaces per service bay (the service bay is not a parking space). 1 space per each 2,000 square feet of gross outdoor sales area
Banks or savings institutions	1 space per 250 square feet of gross floor area
Barbershop/beauty salon	2 spaces per station plus 2 per 3 employees
Bed and breakfast	At least 1 parking space per rental room, plus 2 for the owner or manager if resident on the premises
Boarding house	1 space per boarder plus 2 for owner or manager if resident on premises
Bowling alleys	5 spaces for each alley plus additional spaces as may be required herein for additional uses plus 1 space per 2 employees

Commented [BJO35]: Are we enforcing this? Do we want to?

Car wash	2 spaces per facility plus adequate stacking
Colleges and universities	1 space per 2 students based on the design capacity plus 1 space for each employee plus 1 space for each classroom; auditorium or event space shall be subject to separate additional calculations
Community center, post office, public and private clubs, pool halls, libraries, private clubs, lodges, museums, art galleries	1 space for each 300 square feet of gross floor area in the principal structure plus additional spaces as may be required for separate types of uses or event spaces in the primary structure
Day nurseries, commercial daycare	1 space per teacher on the largest shift plus 1 space per 10 students based on the maximum capacity of facility
Drive-in establishments	1 space per 2 seats, plus 1 space per 2 employees on largest shift
Dwelling, multi-family	2 spaces per dwelling unit
Dwelling, one- and two-family	2 spaces per dwelling unit
Efficiency units	1 space per unit
Elderly (senior citizen) housing, retirement homes, assisted living facilities	1 space per each bedroom, plus 1 space per 2 employees on largest shift
Food service, bakeries and other takeout food store	1 space per 100 square feet of customer area
Furniture store, household appliances	1 space per 400 square feet of gross sales area
Golf courses, disc golf courses, miniature golf	2 spaces per golf hole, plus additional spaces as may be required herein for related uses such as a restaurant, club rooms, bar or event spaces

Health clubs	1 space per 2 exercise stations plus 1 space per employee on largest shift
Hospitals	1 space per 2 patient beds (excluding bassinets) plus 1 space per 2 employees on largest shift including visiting doctors, plus designated parking for hospital vehicles. Loading and unloading spaces for ambulances or similar vehicles are not included in these parking requirements
Hotel, motels, tourist homes and cabins	1 space for each rental room/suite plus 1 space for each 8 units and 1 space per employee on largest shift
Liquor store, off-sale	1 space per 300 square feet of gross floor area
Manufacturing, fabrication or processing of a product or material	1 space per 12 employees on the largest shift plus 1 truck space per 7,500 square feet of gross floor area in the principal structure
Mobile home park	2 spaces per mobile home unit
Motor fuel stations and convenience stores	At least 4 spaces plus 1 space for each employee on the largest shift plus additional spaces as may be required herein for related uses such as retail sales
Nursing homes, rest home, convalescent home, memory care facility	1 space per 4 residents or patients plus 1 space per 2 employees plus 1 space for emergency vehicles
Office buildings, animal hospitals and clinics, professional offices and medical clinics	1 space per 300 square feet of gross area plus 1 space per employee on largest shift
Open sales lot	3 spaces for each 5,000 square feet of the open sales lot
Places of worship, civic centers, auditoriums, mortuaries, theaters, stadiums, sport arenas or similar uses	At least 1 parking space for each 4 seats based on design capacity of main assembly area, plus 1 space per 2 employees

Restaurants, cafes, bars, taverns and nightclubs	1 space per 3 seats plus 1 space for each 2 seats in bar area plus 1 space per employee on largest shift
Restaurants, fast food	15 spaces per 1,000 square feet of gross floor area
Retail sales	1 space per 300 square feet of gross floor area excluding public plazas, malls, pedestrian walkways for commercial structures 10,000 square feet in size or less. Structures larger than 10,000 square feet shall have 1 space per 250 square feet of floor area excluding public plazas, malls, and pedestrian walkways
Schools	Elementary and junior high, 2 spaces per classroom; high school, 1 space per teacher and staff members on largest shift, plus 1 space per 5 students
Shopping centers	6 spaces per 1,000 square feet of gross leasable floor area (exclusive of common areas)
Skating rinks and dance halls	100 spaces plus 1 per 200 square feet of gross floor area in the principal building
Swimming pool	1 space per 100 square feet of pool area
Warehousing and wholesaling	1 space per employee on largest shift plus 1 truck space per 7,500 square feet of gross principal structure
Special uses not covered above	In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses computed separately in accordance with this section. Parking facilities for 1 use shall not be considered as providing the required parking facilities for any other use except that the city administrator or designee may consider the joint use of a parking area (other than residential) where it is known that because of a time element, the parking facilities will not be needed by more than 1 of the uses thereof at 1 time
Other structures or uses	For any and all uses or structures not specifically provided for in the foregoing, such parking spaces as the city

	administrator or designee shall determine to be necessary, considering all the parking generating factors involved
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h. Purpose Of Off Street Loading And Unloading Regulations: The regulations and requirements set forth in this section are to alleviate or prevent congestion of the public right of way so as to promote the safety and welfare of the public. This section applies to loading and unloading facilities in all districts. If, in the application of the requirements of this section, a fractional number is obtained, one loading space shall be provided for a fraction of one-half (1/2) or more, and no loading space shall be required for a fraction of less than one-half (1/2).

(1) Location: All loading berths shall be located on the same lot as the building or use to be served. A loading berth shall be located twenty five feet (25') or more from the intersection of two (2) street right of way lines and at least twenty five feet (25') from any property line in which the abutting property is a residential use. Loading berths shall not occupy any yard requirement bordering a street.

(2) Size: Unless otherwise specified, a required loading berth shall not be less than twelve feet (12') in width and twenty five feet (25') in length. All loading berths shall maintain a height of fourteen feet (14') or more.

(3) Access: Each loading berth shall be located with ~~approximate~~ adequate means of access to a public street or alleys in a manner, which will least interfere with traffic.

Commented [BJO36]: Is this the right word?

(4) Surfacing: All loading berths and accessways shall be improved with a durable material to control dust and drainage.

(5) Accessory Uses: Any area allocated as a required loading berth or access drive so as to comply with the terms of this chapter shall not be used for the storage of goods, inoperable vehicles nor be included as a part of the area necessary to meet the off street parking area.

i. Number Of Required Loading Berths: The ~~city administrator or his/her designee~~ City Engineer, shall determine the number of loading spaces, if any, required for each business or structure. The following criteria shall be used to make this determination:

(1) The size of both the building and parking areas.

(2) The volume of materials delivered to the building.

(3) The requirement that no delivery trucks shall need to back into or park in a public street or near pedestrian walkway or entrance.

(4) The traffic flow both on site and in respect to adjacent public streets. (Ord. 24, 6th Series, eff. 4-4-2011)

Commented [BJO37]: Fairly open-ended. Either be more specific or eliminate and leave up to each business – just enforce that they can't park on street or block street?

B. Motor Fuel Stations: Motor fuel stations in all districts shall be subject to the following standards:

1. The setback of any overhead canopy or weather protection, freestanding or projecting from the station structure, shall be not less than ten feet (10') from the street right of way line, nor less than twenty feet (20') from an adjacent property line.

2. Open dead storage of motor vehicles, other than motor vehicles for rent, shall not be permitted for a period of more than seven (7) days, unless screened from public view.

3. No sales of motor vehicles or trailers or campers shall be permitted.

~~4. All goods for sale by a motor fuel station convenience store other than those generally required for the operation and maintenance of motor vehicles shall be displayed within the principal motor fuel station structure.~~

5. Each motor fuel station shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.

~~6. For the purpose of architectural appropriateness, each and every side of a motor fuel station shall be considered as a front face.~~

7. The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage, and such surfaces shall be designed to meet the requirements of a minimum four (4) ton axle load.

8. Wherever a motor fuel station abuts an R district, a fence or compact evergreen hedge not less than fifty percent (50%) opaque, nor less than six feet (6') high, shall be erected and maintained along the side and rear property line that abuts the R district. Application of this provision shall not require a fence within fifteen feet (15') of any street right of way line.

9. All trash, waste materials and obsolete automobile parts shall be stored within a separate enclosure near the principal structure of the motor fuel station. Trash or recycling receptacles located between fuel pumps shall be allowed.

10. All interior curbs shall be constructed within the property lines to separate driving and parking areas from landscaped area. Such curbing shall be constructed of concrete and shall be of six inch (6") nonsurmountable design, except where allowed otherwise by the City Engineer.

11. All rental campers, trailers or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street. Said rentals shall not be stored within the front yard setback, nor the side yard adjacent to the street. (Ord. 801, eff. 6-3-1974)

12. All outdoor illumination shall be provided with lenses, reflectors or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light therefrom being directly visible upon any adjacent street, roadway or private property occupied for residential purposes.

~~13. Notwithstanding anything to the contrary in other sections of this chapter, the following requirements shall be observed for signs for motor fuel stations:~~

~~a. Motor fuel stations shall have no more than one pedestal type business identification sign not to exceed twenty six feet (26') in height erected within any yard, except that no part of said sign shall be less than six feet (6') from a property line measured as a horizontal distance. No part of said sign surface~~

Commented [BJO38]: Does this mean gas stations can't have ice freezers outside the building? Or propane tank exchanges? Or firewood?

Commented [BJO39]: Does this make stormwater management harder if you want some to go to landscaped areas?

shall be less than sixteen feet (16') vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than five feet (5') from a driveway at its nearest point. Said sign shall have no more than three (3) faces and shall not exceed more than one hundred (100) square feet per face.

b. A motor fuel station may have two (2) additional signs. Said signs shall be not more than two (2) faces and shall not exceed more than thirty (30) square feet per face. The top of said sign shall not be more than twenty feet (20') in height.

14. Notwithstanding anything to the contrary in other sections of this chapter, the following minimum requirements shall be observed for yards and setbacks for motor fuel stations:

	Lot Width	Front Yard	Side Yard		Rear Yard	Pump Setback
			Adjacent To Another Lot	Adjacent To Street		
Motor fuel station	150 feet	60 feet	30 feet	60 feet	30 feet	25 feet
Truck stop	200 feet	80 feet	60 feet	80 feet	60 feet	30 feet

(Ord. 801, eff. 6-3-1974; amd. Ord. 22, 5th Series, eff. 11-6-2000)

C. Drive-In Establishments: Drive-in establishments in all districts shall be subject to the following performance standards:

1. A screening fence not over six feet (6') in height nor less than four feet (4') which is at least fifty percent (50%) opaque throughout its height shall be constructed along the property line, or a planting strip not less than fifteen feet (15') in width is reserved and planted along the property line, shall be developed according to a submitted planting plan that meets the approval of the planning commission.
2. The outside lighting, if installed, shall be in accord with a plan approved by the council.
3. The entire area shall have a drainage system approved by the city engineer.
4. The entire area other than that occupied by structure or planting shall be surfaced with a material which will control dust and drainage.
5. A box curb at least six inches (6") above grade shall separate the public walk area from the lot, except at approved entrance or exit drives.

Commented [BJO40]: This should be taken out. Only regulate within the sign ordinance.

Commented [BJO41]: Is this outdated? Only meant for drive-in theaters?

6. Should the use be a drive-in theater, a solid fence not less than eight feet (8') in height and extending at least to within two feet (2') of the ground shall be constructed around the property.

7. The lighting shall be accomplished in such a way as to have no direct source of light visible from the public right of way or adjacent land in residential use.

~~D. Planned Unit Development: The purpose of this subsection is to establish provisions for the granting of a conditional use permit to provide for a planned development project wherein there is more than one principal building or land use per lot, and with adequate controls to protect adjacent development and ensure high standards of development in accordance with an integrated design and coordinated physical plan which is appropriately located and in accordance with the following conditions. It is also the intent of this subsection to provide more flexible means to permit construction according to changing trends, techniques and materials in the process of urban development.~~

~~1. A complete site plan of the planned development project shall be submitted, which plan shall show proposed location of all buildings, parking areas, drives, lot lines, landscaped areas and other features, and shall be subject to approval of the council.~~

~~2. The council shall refer such plan to the planning commission for review and recommendations and such additional conditions as the council may direct to protect the general welfare may be imposed. (Ord. 801, 3rd Series, eff. 6-3-1974)~~

~~3. The tract of land for which a project is proposed and a permit requested shall be not less than one acre in area. (Ord. 33, 3rd Series, eff. 9-28-1987)~~

~~4. Uses may include only those uses generally considered associated with the general land use category shown for the area on the official land use plan of the city.~~

~~5. Where proposed private streets are determined by the council to better serve the traffic flow and the general welfare as a public street, the council may require such dedication and construction in conformance with city standards.~~

~~6. All other development regulations not specified in the "planned unit development" subdivision or specified as a condition to the conditional use permit, shall apply as regulated in the zoning district in which structure or use would be placed if the land were to be placed in a zoning district classification to permit said use of structure.~~

~~7. It is the intent of this subsection to provide a means to allow substantial variances from the provisions of this chapter, including uses, setbacks, height and similar regulations, but not including parking requirements, off street loading, necessary screening and the like. Variances may be granted for planned unit developments provided:~~

~~a. Certain regulations contained in this chapter do not realistically apply to the proposed development due to the unique nature of the proposed development.~~

~~b. The variances, if granted, would be fully consistent with the general intent and purpose of this chapter.~~

~~e. The planned unit development would produce urban development and an urban environment of equal or superior quality to that which would result from strict adherence to the provisions of this chapter.~~

~~d. The variances will not constitute a threat to the property values, safety, health or general welfare of the owners or occupants of adjacent or nearby land, nor be detrimental to the health, safety, morals or general welfare of the people of the city.~~

~~e. The proposed development is of such a unique nature as to require consideration under conditions of a planned unit development.~~

~~f. It shall be determined that the variances are required for reasonable and practicable physical development according to a plan and are not required solely on the basis of financial considerations.~~

~~g. Motor fuel stations granted a conditional use permit as part of a planned unit development shall be constructed concurrently with the major portion of such planned unit development. (Ord. 801, eff. 6-3-1974)~~

~~8. The council, upon review and recommendations of the planning commission, shall find that the proposed development is fully consistent with the purposes of this chapter and in conformity to the comprehensive plan, before it grants a special use permit. (Ord. 33, 3rd Series, eff. 9-28-1987)~~

E. **Fallout And Blast Shelters:**

1. The purpose of this subsection is to establish provisions to permit the construction and maintenance of fallout and blast shelters. Fallout or blast shelters are permitted as principal or accessory uses and structures in any district, subject to the yard regulations of the district. Such shelters may contain or be contained in other structures, or may be constructed separately and, in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

2. The council may permit a fallout or blast shelter to be used also for other purposes which are permitted, conditional or accessory uses in the district in which the shelter is located, if the council finds that all of the general requirements of this chapter concerning such uses are satisfied, and in addition establishes:

- a. The use other than as a shelter is compatible with the shelter proposed.
- b. The function as a shelter would not be materially impaired by the proposed use.
- c. If a conditional use permit is required, this permit would have been granted regardless of whether the shelter was involved.

F. **Access Driveways:**

Commented [BJO42]: Is this section outdated? Necessary?

Commented [BJO43]: Does this mean if someone wants to build a second dwelling on the property, they can do so as long as it is constructed to be a fallout/blast shelter?

1. The purpose of this subsection is to establish minimum standards for the design of safe ingress and egress for uses oriented to serving the motoring public, but not including parking lots.

2. The distance from a driveway to the intersection of two (2) streets shall not be less than twenty feet (20') measured along the curb line with the property line and the point of tangency of the curb lines with the curb return of the driveway; provided, however, that if, in the opinion of the city engineer, present or future traffic conditions warrant greater or lesser distances, such greater or lesser distances shall be required subject to approval by the council.

3. The minimum distance between driveways shall be twenty feet (20') measured at the property or street right of way line; provided, however, that if, in the opinion of the city engineer, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the council.

4. The minimum driveway angle to the street shall be forty five degrees (45°), unless otherwise recommended by the city engineer and approved by the council.

5. The distance from a driveway to the property line of an adjacent property shall not be less than five feet (5') measured along the curb line between the point of intersection of the curb line with the property line extended and the point of tangency of the curb line with the curb return of the driveway, unless otherwise recommended by the city engineer and approved by the council.

6. Access driveways shall be thirty feet (30') wide measured along the property line between the curb faces of the driveway, unless otherwise recommended by the city engineer and approved by the council.

Commented [BJO44]: Greg?

G. Additional Requirements, Exceptions And Modifications: The requirements and regulations specified heretofore in this chapter shall be subject to the following:

1. Height Limitations: Height limitations set forth elsewhere in this chapter shall be increased fifty percent (50%) when applied to the following structures:

- a. Church spires.
- b. Belfries.
- c. Cupolas and domes which do not contain usable space.
- d. Monuments.
- e. Water towers.
- f. Fire and hose towers.
- g. Observation towers.
- h. Flag poles.
- i. Chimneys.
- j. Smokestacks.

Commented [BJO45]: Some of these more than 150% of normal height limits?

Commented [BJO46]: Some of these more than 150% of normal height limits?

k. Parapet walls extending not more than three feet (3') above the limiting height of the building.

l. Cooling towers.

m. Elevators, penthouses.

n. Farm silos.

o. Heights in excess of those allowed under this subsection and other sections shall be permitted only by conditional use permit granted by resolution of the council determining that such structure would not be dangerous and would not adversely affect adjoining or adjacent property.

p. On any lot sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty five percent (25%) or more (measured in the general direction of the side lot lines), an additional twelve feet (12') of height may be permitted in such main building, provided the lowest floor shall not be less than ten feet (10') below the average established property line grades along the front of the lot. The floor of the basement shall be considered the lowest floor and a cellar floor shall not be counted.

~~2. Lot Sizes In Park Subdivisions: Where a proposed plat is submitted incorporating an extensive park area as an integral part of the subdivision and serving each lot within the plat, minimum lot area frontage and width requirements for the district in which the plat is located may be reduced subject to conditions and approval of plans by the planning commission and council.~~

~~a. Land area taken from individual lots to create the park must be over and above the percent of total land area required for park purposes under the provisions of the subdivision chapter of this code.~~

~~b. The number of dwelling units created in the subdivision, excluding required park area, must not exceed the overall density requirements as specified in this chapter.~~

3. Yard Requirements:

a. Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure ~~and a conditional use permit is secured.~~

b. Required yards in the districts specified shall be subject to the following additional requirements:

(1) Through lots in any district shall have a required front yard on each street. (Ord. 801, eff. 6-3-1974)

(2) In the B and I districts, where the average depth of at least two (2) existing front yards for buildings, within the same block front of the lot in question is less or greater than the minimum front yard depth of such existing front yards, required front yards shall not be less than the average depth of such existing front yards, however, notwithstanding the foregoing, in no case shall the depth of a front yard be reduced by this section to below twenty feet (20').

(3) In any R district, where the average depth of at least two (2) existing front yards for buildings within the same block front of the lot in question is less or greater than the minimum front yard depth required for the district, the required front yard shall not be less than the average depth of such existing front yard, however, notwithstanding the foregoing, in no case shall the depth of a front yard be reduced by this section to below fifteen feet (15'). (Ord. 72, 4th Series, eff. 5-6-1996)

Commented [BJO47]: Some of these more than 150% of normal height limits?

Commented [BJO48]: Move this to PUD section or just incorporate within that and eliminate here.

Commented [BJO49]: What good does this do? What kind of requirements would be imposed as part of a CUP?

H. Outdoor Boilers:

1. The purpose of this subsection is to establish minimum standards for the placement and safe use of outdoor boilers.
2. Outdoor boilers are permitted in any zoning district, but must meet the requirements of this subsection, except they may not be placed in the following zoning districts: limited business district B-1; general business district B-2; and noncentral business district B-3.
3. Outdoor boilers permitted in other zoning districts must:
 - a. Be installed on a lot in area of five (5) acres or more; and
 - b. Be set back from the nearest property line by at least two hundred feet (200'); and
 - c. Burn only firewood or untreated lumber, no other biomass material is allowable; and
 - d. Be operated only between the days of October 1 and May 1; and
 - e. Be equipped with a properly functioning spark arrestor; and
 - f. The chimney shall extend a minimum of at least fifteen feet (15') above the ground surface, but shall also extend at least as high as the height of the roofs of residents within five hundred feet (500').
4. All outdoor boilers will require a conditional use permit before they are constructed. (Ord. 123, 5th Series, eff. 7-10-2006)

I. Street Side Ground Floor Dwelling Units:

1. A "street side ground floor dwelling unit" is defined as a dwelling unit contained within a larger building structure which is designed or used for purposes of permanent or temporary residency and is located within the general business district B-2 whereby any part of the exterior wall of the dwelling unit is adjacent to any street, avenue or alley.
2. Street side ground floor dwelling units shall not be permitted in any structure located within the historic or preservation landmark districts, attached as exhibit B to the ordinance codified herein. All street side ground floor dwelling units in existence prior to April 1, 2010, are grandfathered in and will be allowed to continue within the parameters of a legal nonconforming use.
3. Street side ground floor dwelling units shall be permitted by a conditional use permit in any general business district B-2 other than the historic or preservation landmark districts, provided:
 - a. At least one off street parking space must be provided for each dwelling unit. The parking space must be available twenty four (24) hours each day and be located on the same parcel as the dwelling unit.
 - b. Usable space in the dwelling unit shall be not less than two hundred (200) square feet in area per occupant and have one kitchen sink, one water closet, one lavatory, and one bathtub or shower. Kitchens and uninhabitable spaces shall not be used for sleeping purposes. Each sleeping area or room

shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. The openings shall meet all the requirements for emergency escape and rescue openings set forth in section R310 of the current international residential code.

c. No less than one exit door must be provided to each dwelling unit. The exit door shall provide for direct access from the dwelling to the exterior without traveling through any other dwelling unit or occupancy. The required exterior exit door shall be a side hinged door not less than three feet (3') in width and six feet eight inches (6'8") in height.

d. All changes in occupancy must meet the current Minnesota building code requirements. Dwelling unit separation from all existing occupancies must be reviewed for fire resistance rated separation and opening protectives by a Minnesota licensed engineer or architect.

e. The exterior appearance of the building shall maintain a commercial appearance. Storefront windows shall be covered on the interior side with translucent or opaque materials that have a commercial appearance. Deliveries to street side ground floor dwelling units shall not be permitted on the exterior of the building.

f. There shall be no existing violations currently on file with respect to subject property, which have not been removed or remedied to the satisfaction of the zoning administrator. However, an applicant may be required by the city council to remove or remedy said violation as a condition of securing a conditional use permit.

g. For each block in the general business district B-2 zoning district, the maximum percentage of commercial structures which may be converted to provide residence facilities on the same floor as a commercial business is twenty percent (20%). For the purpose of this chapter, a percentage greater than the above shall be construed as detrimental and threatening to the existing character, health, safety, and welfare of the district.

h. The city council may impose additional reasonable conditions in order to protect the intent and purpose of this option in the general business district B-2.

i. All requirements, changes and conditions imposed by the city council shall be met before occupancy of the newly created residential unit is allowed. (Ord. 56, 6th Series, eff. 5-5-2014)

11.08: MOBILE HOME REQUIREMENTS; GENERAL PROVISIONS:  

A. Minimum Size: Unless located in a mobile home park, all mobile homes used for living purposes shall be at least twenty four feet (24') wide and at least thirty feet (30') long, and placed on a permanent foundation. (Ord. 132, 2nd Series, eff. 10-29-1984)

B. Prohibited Mobile Homes: Mobile homes shall be prohibited that:

1. Do not conform to the requirements of the vehicle code of the state.