



CITY COUNCIL MEETING
Tuesday, July 7, 2026 at 5:00 PM

At 5:00 p.m. Council will meet in a Joint City Council/Planning Commission Meeting in Chambers, Charles S. Crandall Center at City Hall, 540 West Hills Circle.

1. **INTRODUCTORY ACTIONS:** Call to Order, Roll Call, and Pledge of Allegiance
 - 1.1. Items of Discussion
 - 1.1.1. Joint Planning Commission / City Council Meeting - Zoning & Subdivision Ordinance Update
 - 1.1.2. City Owned Land
2. **COUNCIL COMMENT AND GENERAL INFORMATION**
3. **ADJOURN**



DATE: July 7, 2026
TO: Mayor and City Council
FROM: Greg Kruschke, Community Development Manager
SUBJECT: Joint Planning Commission / City Council Meeting - Zoning & Subdivision Ordinance Update

Purpose:

Review the latest draft of the full zoning and subdivision code update.

Background:

Bolton & Menk, our consultant on this project, will be present to lead the Planning Commission and City Council in this meeting. As you will recall we held a joint meeting last fall and since that time have been discussing numerous items within the ordinance as well as the associated public engagement. Through these comments, as well as the discussions during City Council work sessions and Planning Commission meetings the attached ordinances have been drafted. The Consultants will have facilitated exercised during the meeting as well as updates of where we have been in this process. Please be ready to discuss this project and have any questions ready for staff or the consultant at the meeting.

Please note that numerous staff members as well as the City Attorney are also still reviewing these drafts. Minor changes are anticipated prior to completion. The Parkland Dedication ordinance has not yet been added to the subdivision ordinance but will be for the final document.

The plan moving forward will be to schedule a public open house regarding the proposed ordinances. This will coincide with the Planning Commission's public hearing on their recommendation for approval. Following that an ordinance will be forwarded to the City Council for approval. Staff is anticipating this happening late fall or summer. We plan to have a later effective date of the ordinance, such as January 1st to all developers to know which ordinance to be working in.

Budget Impact:

Staff Recommendation:

Attachments:

1. Summary Memo of Proposed Changes
2. Subdivision_Draft_6-22-2026
3. Draft_ZoningOrdinance_6-22-2026
4. Zoning_Redlines_Draft_6-22-2026
5. Draft Zoning Map April 2026

MEMORANDUM



Real People. Real Solutions.

Date: June 22, 2026

Subject: Summary Memo of Proposed Zoning & Subdivision Code Changes

Subdivision Code Updates

In the drafted subdivision code, major changes are highlighted in pink. Changes that are still subject to City Council deliberation related to the potential addition of a Parkland Subdivision Fee are highlighted in yellow.

Code Modernization and Reorganization

- Added language to clarify the application of subdivision regulations.
- Reorganized the ordinance structure for clarity, consistency, and easier administration.
- Improved formatting, numbering, hierarchy, and internal cross-references.

Definitions Overhaul

- Added new definitions to reflect modern land uses and emerging trends.
- Revised and clarified existing definitions to reduce ambiguity.
- Added and revised definitions to align meaning with zoning code.

Procedural Updates

- Clarified procedure for preliminary review of subdivision processes.
- Updated requirements and procedure for minor subdivision plats.
- Added a requirement for a public hearing at Planning Commission for major subdivision final plats.
- Created a procedure, including submittal requirements, for lot line readjustment to allow for minor adjustments between the boundaries of already-platted lots.
- Created a procedure for establishing a development agreement defining the detailed terms of subdivision projects requiring the construction of public infrastructure by parties other than the City.

Submittal Requirement Updates

- Added conditions that trigger a traffic study requirement for site plan review.
- Added supplemental information which may be required with major subdivision preliminary plat applications under certain circumstances.

Modified Design Standards

- Revised requirement for block length.
- Added depth requirement for lots with frontage on two streets.
- Added maximum number of lots to be served by cul-de-sacs.
- Revised utility oversizing and cost participation requirements.

Zoning Code Updates

Code Modernization and Reorganization

- Reorganized the ordinance structure for clarity, consistency, and easier administration.
- Improved formatting, numbering, hierarchy, and internal cross-references.
- Consolidated overlapping sections and removed outdated or redundant language.

Definitions Overhaul

- Added many new definitions to reflect modern land uses and emerging trends.
- Revised and clarified existing definitions to reduce ambiguity.
- Removed or merged duplicate/conflicting terms and aligned terminology with the use tables.

Expanded and Updated Use Classifications

- Substantially updated permitted, conditional, interim, and accessory uses across zoning districts.
- Expanded use categories for residential, commercial, industrial, civic/public, and special uses.
- Better aligned use classifications with current development patterns and regulatory practice.

District Structure and Purpose Revisions

- Updated district purpose statements to better reflect intended character and future planning direction.
- Revised residential, business, mixed-use, industrial, agricultural/open space, civic/public, and special district frameworks.
- Added or clarified district categories and how overlay districts relate to base zoning.

State Law and Regulatory Compliance Updates

- Revised language throughout to better align with Minnesota statutes, rules, and licensing frameworks.
- Added updated references to state agencies and codes, including MN statutes, DNR, MPCA, MDH, FEMA, and building code requirements.
- Removed provisions flagged as inconsistent with state law.

Nonconformity Standards Rewrite

- Updated nonconforming structure, lot, and use provisions for consistency with Minnesota law.
- Removed older language requiring eventual conformity or automatic loss of status.
- Clarified rules for abandonment, restoration, repair, rebuilding, and limited expansion.

Residential Standards and Housing Updates

- Revised dwelling-related standards, including nonconforming lots, dwelling unit restrictions, and building form requirements.
- Updated language related to accessory dwelling units (ADUs), multi-unit housing, group/residential facilities, and short-term rental concepts.
- Clarified treatment of basements, accessory structures, tiny homes, and related residential design standards.

New and Emerging Land Use Categories

- Added regulations/definitions for newer land uses such as cannabis businesses, temporary cannabis events, data centers, EV charging stations, logistics hubs, craft beverage production, and newer industrial categories.
- Expanded the ordinance to address evolving business types and technology-related uses.

Overlay District and Environmental Regulation Updates

- Clarified and expanded Floodplain and Shoreland overlay provisions.
- Updated overlay language to better align with Minnesota floodplain and shoreland rules.
- Revised standards for impervious surface, setbacks, vegetation, grading, land alteration, and related environmental protections.

Site Design, Accessory Structure, and Physical Standards Updates

- Revised standards for accessory buildings/structures, setbacks, encroachments, height, screening, fencing, and open space.
- Added or clarified standards for shipping containers, storage, landscaping, buffering, lighting, and visibility.
- Updated site design standards to improve usability and enforceability.

Parking, Loading, and Operational Standards

- Updated parking and loading requirement tables by use.
- Clarified shared parking, off-site parking, mixed-use calculations, and design expectations.
- Revised operational performance standards related to lighting, glare, dust, odor, noise, drainage, and emissions.

Use-Specific Performance Standards

- Expanded or revised standards for key use categories such as home occupations, animal-related uses, energy systems, mining, soil processing, reclamation, recycling, outdoor storage, garage sales, and campgrounds.
- Shifted more regulation into use-specific standards instead of relying only on definitions or general provisions.

Administrative Procedure and Approval Process Updates

- Clarified roles of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, and City Council.
- Revised application requirements, timelines, appeals, hearings, variances, conditional uses, interim uses, and amendment procedures.
- Improved documentation and procedural clarity for administrative decisions.

Consistency Edits and Comment Resolution

- Incorporated staff/consultant review comments and cleaned up formatting, numbering, and terminology issues.
- Flagged and resolved inconsistencies between definitions, standards, tables, and district language.
- Improved overall internal consistency and legal defensibility.

CHAPTER 155: SUBDIVISIONS

Table of Contents

GENERAL PROVISIONS	2
§ 155.001 TITLE AND APPLICATION.....	2
§ 155.002 DEFINITIONS.....	3
A.....	3
B.....	3
C.....	3
D.....	4
E.....	4
H.....	4
L.....	4
M.....	5
O.....	5
P.....	5
R.....	6
S.....	6
Z.....	7
SITE DEVELOPMENT.....	7
§ 155.003 PROCEDURES.....	7
§ 155.004 SITE DEVELOPMENT STANDARDS.....	10
SUBDIVISIONS.....	11
§ 155.005 PROCEDURES.....	12
§ 155.006 PUBLIC SITES AND OPEN SPACES.....	28
§ 155.007 DESIGN STANDARDS AND MINIMUM IMPROVEMENTS.	28

GENERAL PROVISIONS

§ 155.001 TITLE AND APPLICATION.

- A. Title.** This chapter shall be known as the "Owatonna Subdivision Ordinance," except as referred to herein, where it shall be known as "this chapter."
- B. Intent and purpose.** This chapter is established to provide for the orderly, economic, and safe development of land and urban services and facilities, and to promote the public health, safety, and general welfare of the community by establishing physical standards, design requirements, procedures for the subdivision of land, and requirements which will allow flexibility in the design of subdivisions.
- C. Authority.** This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minn. Stat. § 462.358, as it may be amended from time to time.
- D. Jurisdiction.** The regulations governing plats and subdivision of land established by this ordinance shall apply within the corporate limits of the City of Owatonna, as provided for under Minn. Stat. § 462.358.
- E. Application of subdivision regulations.** The regulations established by this chapter shall apply to any division of a parcel of land into two (2) or more parcels by platting, conveyance, registered land survey, or other means, and the combination of any two (2) or more such adjoining parcels. Platting shall be deemed to include townhouse development, planned unit developments, and any building, common area or land coming within the purview of the Minnesota Condominium Act and the Minnesota Common Interest Ownership Act. No subdivision or conveyance of land shall be approved, entitled to building permits, or recognized for development purposes until all applicable requirements of this chapter have been satisfied.
- F. Restrictions on filing and recording conveyances.** No conveyance of land described by metes and bounds, by reference to an unapproved registered land survey, or to an unapproved plat shall be made or recorded unless the parcel described in the conveyance meets one of the criteria listed below. Property that cannot be conveyed under the provisions shown below may only be conveyed as part of a subdivision conforming to the requirements established in the remainder this chapter.
1. The land was a separate parcel of record on or before August 4, 1972, or was the subject of a written agreement to convey entered into prior to said date.
 2. The land was a separate parcel of not less than five (5) acres in area or three hundred (300) feet in width on or before July 1, 1980.
 3. The land is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance will

not result in the division of land into two (2) or more parcels, either of which is less than five (5) acres in area and three hundred (300) feet in width.

4. The land is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance will not result in the division of land into two (2) or more parcels, either of which is less than twenty (20) acres in area and five hundred (500) feet in width.

G. Building permits. No permit will be issued for the construction of any building, structure, or improvement to or on any land within a subdivision or which is the subject of a conveyance unless the subdivision or conveyance complies with all applicable requirements of this chapter and pertinent Minnesota Statutes. Additionally, building permits are not to be issued for properties that are platted as outlots.

H. Variances. A request to vary from the regulations set forth in this chapter shall be processed and reviewed under the procedures established in § 157.079 of this city code.

§ 155.002 DEFINITIONS.

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A

ALLEY. A public or private right-of-way or access easement primarily intended to provide secondary vehicular access.

ARTERIAL STREET. A street intended to conduct through traffic from one part of the city to another, connecting traffic generators and/or providing continuity with state and county highway systems.

B

BLOCK. A tract of land bounded by public streets, rights-of-way, or other barriers.

BOULEVARD. The portion of the street right-of-way between the curb line and the lot line.

BUILDING. Any structure having a roof supported by columns or walls used or intended for supporting or sheltering any use or occupancy.

C

CITY ENGINEER. The City Engineer is the individual appointed or retained by the City to provide engineering services, review development proposals, and administer and enforce applicable engineering standards and regulations. The term "City Engineer" shall also

include any other staff member, consultant, or official designated by the City to carry out the same duties and responsibilities of the City Engineer.

COLLECTOR STREET. A street which carries traffic from local streets to arterial streets. It includes the principal entrance streets of a residential development and streets for circulation within such development.

COMPREHENSIVE PLAN. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs, including air space and subsurface areas necessary for mined underground space development, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution. A **COMPREHENSIVE PLAN** represents the city's recommendations for the future development of the community.

COUNCIL. The City Council of Owatonna, Minnesota.

CUL-DE-SAC. A minor street with only one outlet and having a turn-around.

D

DESIGN STANDARDS AND MINIMUM IMPROVEMENTS. The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

DRIVE-THROUGH ESTABLISHMENT. An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

E

EASEMENT. A grant by an owner of land for the specific use of said land by the public generally or to a person or persons.

H

HALF STREET. A public right-of-way having only half the required width as specified in § 155.007(D) of this chapter, intended for use when the remaining half would be established in the future.

L

LOCAL STREET. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

LOT. A lot meeting the requirements of this chapter for development and which must be legally created in accordance with the subdivision regulations.

LOT LINE. A property boundary line of any lot held in single or separate ownership; except that, where any portion of the lot extends into the abutting street or alley, the **LOT LINE** shall be deemed to be the street or alley right-of-way.

M

MARGINAL ACCESS STREET. A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

O

OFF-STREET LOADING SPACE. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OWNER. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

P

PAVEMENT. Hard surfacing consisting of asphalt/bituminous or concrete.

PEDESTRIAN WAY. A right of way that is intended primarily for use by pedestrians or other non-motorized traffic, such as walks, trails or paths.

PERSON. Any individual, firm, partnership, association, corporation, trust, or other legal entity.

PLANNED UNIT DEVELOPMENT. A tract of land developed as a unit rather than as individual development wherein buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries. The **PLANNED UNIT DEVELOPMENT** must be developed in compliance with §157.058 of this city code.

PLANNING COMMISSION. The Planning Commission of Owatonna.

PLAT.

PRELIMINARY PLAT. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their considerations and as authorized by Minn. Stat. § 462.358.

MINOR PLAT. A map or drawing of a minor subdivision that illustrates the division of land into four (4) or fewer lots from previously platted land, which does not require the dedication of public right-of-way or easements, and is prepared and submitted for

approval and recording in accordance with § 155.005 (C). Minor Plat is the map that makes the minor subdivision (splitting of the land) legal.

FINAL PLAT. A map or drawing of a subdivision prepared for filing and recording, showing the exact location and dimensions of lots, streets, easements, and other features, and meeting all requirements of Minn. Stat. Ch. 505 and this chapter.

PREMATURE SUBDIVISION or DEVELOPMENT. A development which is ineligible for approval due to a lack of supporting infrastructure, connectivity, or other criteria as provided in City Code.

PRIVATE STREET. A way for vehicular traffic which is not owned and maintained by the municipality.

PROTECTIVE COVENANTS. Contracts entered into between private parties and constitute restriction on the use of all private property within a subdivision of the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

R

RESERVE STRIPS. Prohibited parcels of land created for the purpose of controlling access to the streets or other infrastructure. Also referred to as "spite strips."

S

SETBACK. The minimum horizontal distance required between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

SETBACK LINE, BUILDING. A line which represents the required setback on a lot.

SITE DEVELOPMENT. The improvement or modification of an individual parcel of land.

SITE PLAN. A drawing or set of drawings illustrating the design and layout of a proposed development, including buildings, parking, access, utilities, and other improvements.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated.

STREET FRONTAGE. The length of a lot line abutting a public or private street right-of-way.

SUBDIVIDER. Any person commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or herself or for another.

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

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

The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

MINOR SUBDIVISION. A subdivision of land resulting in four (4) or fewer lots from previously platted land, which does not require the dedication of public right-of-way and is processed in accordance with the Minor Subdivision Plat procedures of § 155.005 (C).

MAJOR SUBDIVISION. A subdivision of land resulting in more than four (4) lots, or any subdivision of land that requires the dedication of public right-of-way or easements, or the construction or extension of public improvements, and which is subject to review and approval through the Preliminary Plat and Final Plat procedures of § 155.006(D) and § 155.006(E).

Z

ZONING ADMINISTRATOR. The individual designated by the City to administer, interpret, and enforce this Ordinance and all applicable land use regulations. The Zoning Administrator shall have the authority to conduct inspections, issue permits, provide written interpretations, and initiate enforcement actions. The titles **ZONING ADMINISTRATOR** and **CODE ENFORCEMENT OFFICER** are deemed equivalent and may be used interchangeably throughout this Code.

SITE DEVELOPMENT

§ 155.003 PROCEDURES.

A. Site plan review.

1. **Purpose.** Site plan review standards and guidelines are established to promote development that is compatible with nearby properties, neighborhood character, and natural features, to minimize conflict between pedestrian and vehicular traffic, to promote public safety, and to visually enhance development within the city. The requirements of this chapter aim to recognize the unique character of land and development and the need for flexibility in site plan review.

2. Applicability. The site plan review requirements of this chapter shall apply to all new construction, remodeling, or expansion of commercial, industrial, or multi-family residential uses, with the following exceptions:

- a. Emergency work to protect life, limb, or property.
- b. Nursery, home gardening, and other agricultural practices that are confined to private property and do not constitute an illicit discharge or connection.
- c. Land disturbing activities which disturb less than 5,000 square feet.
- d. Federal, state, county MS4 and other projects where the city does not have regulatory authority.
- e. Proposed modifications are strictly related to the interior of the building.
- f. Modifications, additions, or enlargements to a building which do not increase the gross floor area by more than five hundred (500) square feet or ten (10) percent, whichever is less, and which do not require a variance from the provisions of this ordinance.

3. Submittals and prerequisites.

- a. Except in those instances specified in § 155.003(A)(2), site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, such plan shall also be subject to the requirements established within this chapter. Prior to submittal, the applicant must have completed a Preliminary Review with City Staff, as referenced in § 155.005(B).
- b. **Required information.** All site plans shall be drawn to scale and shall contain the following information, unless otherwise specifically waived by the Planning and Zoning Department:
 - 1) The property boundaries and dimensions shown graphically on the applicable plan sheets. Submittals must be accompanied with a certificate of survey for the subject property. The present and proposed topography of the site and adjacent areas within fifty (50) feet by one (1) foot contour lines.
 - 2) The location of existing and proposed structures, with height and gross floor area appropriately noted.
 - 3) The location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and walkways.
 - 4) The location, height, and material for screening walls and fences.

- 5) The type of surfacing proposed for all parking areas, loading areas, and walkways.
 - 6) The location of all existing and proposed utilities.
 - 7) Existing and proposed public streets, rights-of-way, easements, and other land areas reserved for public, utility, access, drainage, or similar purposes on the site. The location and method of screening of outdoor trash storage areas.
 - 8) The location and size of all proposed signage.
 - 9) The location and height of proposed lighting facilities.
 - 10) Elevation views of all proposed buildings or structures, with building materials and proposed colors noted.
 - 11) When a site is to be developed in stages, the plan should indicate the ultimate development of the site and proposed developmental phases.
 - 12) **Traffic study.** Required when a development is anticipated to generate the minimum traffic volumes or conditions provided below. Traffic volumes must be based on the latest edition of the ITE Trip Generation Manual.
 - (a) 150 or greater peak hour trips
 - (b) 1,500 daily trips
 - (c) When the City Engineer determines a traffic study is necessary to identify potential traffic conflicts or safety impacts.
 - 13) **Landscaping plans.** See §§ 157.050 through 157.056 of this city code.
 - 14) Site plans must indicate snow storage location(s).
- 4. Procedure.** The Planning and Zoning Department shall conduct the administrative review of all completed applications for site plan review approval requests. All administrative findings and decisions of the Planning and Zoning Department shall be final, subject to appeal to the Planning Commission and City Council, as specified in § 157.072.
- 5. Approval criteria.** The Zoning Administrator shall make each of the following findings before approving a site plan approval request:
- a. The site plan conforms to all applicable standards within this chapter.
 - b. The site plan conforms to all applicable regulations of this ordinance and is consistent with the applicable policies of the Comprehensive Plan.
 - c. The site plan is consistent with any applicable functional or special area plans or development objectives adopted by the City Council.

- d.** The site plan minimizes any adverse affects of property in the immediate vicinity and minimizes congestion of the public streets.
- 6. Conditions of site plan approval.** The Planning and Zoning Department may impose conditions on any proposed site plan and require such guarantees as it deems necessary for the protection of the public interest and to ensure compliance with the standards and purposes of this ordinance, the applicable policies of the Land Use Plan, and any special land use plans adopted by the City Council.
- 7. Changes to approved site plan.** An approved site plan may not be changed, modified, or altered in any manner without the approval of the city. In such cases where proposed changes are minor in nature, as determined by the Planning and Zoning Department, a revised site plan may not be required. In all other cases, a revised site plan shall be re-submitted for consideration by the Planning and Zoning Department.
- 8. Expiration of approved site plan.** Unless a written extension request is submitted to and approved by the Planning and Zoning Department, an approved site plan shall expire upon either of the following conditions:
 - a.** A new site plan for the property is submitted to and approved by the Planning and Zoning Department.
 - b.** A building permit has not been issued within one (1) year from the date of site plan approval.

§ 155.004 SITE DEVELOPMENT STANDARDS.

- B. Existing site features.** Where feasible, site design shall incorporate existing topography and natural features, including hillsides, wooded areas, drainageways, and greenways. Significant vistas and viewpoints, both into and from the site, should be preserved to the extent practicable.
- C. Building arrangement.** When multiple buildings are proposed on a single site:
 - 1.** Buildings shall be arranged to maximize visibility and access from public streets where feasible.
 - 2.** Pad-site buildings shall be located and oriented so as not to unreasonably obstruct the visibility or access of other principal buildings on the site.
- D. Vehicular access and circulation.**
 - 1. General circulation.** Vehicular circulation systems shall be designed to minimize conflicts with pedestrian movement and adjacent residential areas.
 - 2. Primary access.** Primary access points shall be taken from streets designed to accommodate higher traffic volumes where possible.

- 3. Entrances and exits.** Site entrances and exits shall be designed to promote safe and efficient traffic flow. Parking designs that require vehicles to back into access drives are discouraged.
 - 4. Internal circulation.** Internal vehicle circulation patterns shall be clearly defined and designed to reduce the potential for traffic conflicts. Shared driveways and access easements are encouraged where multiple buildings or parcels are involved.
 - 5. Service and delivery access.** Reasonable access for service and delivery vehicles shall be provided in a manner that minimizes conflicts with pedestrian and general vehicular circulation. Access routes to loading or service areas should be as direct as practicable and avoid unnecessary movement through parking areas.
- E. Drive-through facilities.** Where permitted by zoning district:
- 1.** Drive-through facilities shall be designed to provide safe vehicular circulation and adequate stacking capacity.
 - 2.** Drive-through ordering equipment, including loudspeakers, shall be oriented and operated so as to avoid nuisance impacts on adjacent properties.
- F. Off-street loading orientation.** Where feasible, off-street loading spaces shall be oriented away from public streets and adjoining residential uses. Where such orientation is not feasible due to site constraints, site layout and circulation design shall minimize visual and operational impacts.
- G. Stormwater management.** All development shall provide stormwater management facilities in accordance with Chapter 52 of the City Code and applicable engineering standards.
- H. Snow storage.** Adequate areas for on-site snow storage shall be provided so as to prevent snow storage within parking spaces, drive aisles, access drives, or required pedestrian paths.
- I. Utilities and infrastructure coordination.** Site design shall avoid conflicts between proposed buildings, landscaping, and:
- 1.** Overhead utility lines; and
 - 2.** Underground storm sewer, sanitary sewer, drainage, and water infrastructure.
- J. Relationship to other standards.** This section addresses site layout and circulation design principles only. Landscaping, buffering, screening, lighting, parking, and loading requirements are governed by other chapters of this city code, including applicable tables and cross-referenced standards.

SUBDIVISIONS

§ 155.005 PROCEDURES.

A. General. The following table summarizes the approval process for various types of land subdivision and adjustments.

TABLE 1. Approval Process for Land Subdivision and Adjustments

R = Review D = Decision A = Appeals [] = Public Hearing							
Procedure	Section	Steps Required			Review and Decision-Making Bodies		
		Public Notice	Preliminary Review	Public Hearing	Staff	Planning Commission	City Council
Minor Subdivision	155.005(C)	Yes	Yes	Yes	R	[R] [A]	D
Preliminary Plat – Major Subdivision	155.005(D)	Yes	Yes	Yes	R	[R] [A]	D
Final Plat – Major Subdivision	155.005(E)	Yes	Yes	Yes	R	[R] [A]	D
Lot Line Readjustment	155.005(F)	No	Yes	No	D	[A]	-

B. Preliminary review.

1. Purpose.

- a. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city code provisions or plans, all applicants shall present a sketch plan to the Planning and Zoning Department.
- b. Preliminary Review is intended to provide an opportunity for the applicant to meet with Staff prior to submitting a formal application for development, to review property zoning and utility availability, identify required development review processes and public hearings, and determine public improvements and engineering studies that may be required. Staff can offer guidance and information that helps the applicant to better prepare the formal application.

2. Applicability.

- a. Preliminary reviews are required for any development projects requiring the following procedures:
 - 1) Site Plan Review
 - 2) Minor Subdivision
 - 3) Preliminary Plat – Major Subdivision
- b. Preliminary reviews may also be provided, upon request of the developer

3. Submittals and prerequisites. To facilitate initial review by city staff, the sketch plan shall include the following minimum information:

- a. General written description of the proposed project; and
- b. Preliminary sketch of the proposed site design or subdivision layout, as applicable.

4. Procedure.

- a. Applicant shall submit an application form with supporting materials the Planning and Zoning Department.
- b. City Planner will review the application for completeness and contact the applicant to schedule a review meeting. The Planning and Zoning Department will invite the appropriate city departments to said meeting.
- c. Hold Meeting

5. Approval criteria.

- a. No specific approval or decisions will be made as part of the Preliminary Review. All comments offered by the City are non-binding and are intended for planning-level use by the applicant.
- b. Review will generally consist of the following, as it applies to the site:
 - 1) Anticipated city approvals
 - 2) Availability of city utility services;
 - 3) Topographic features including wetlands and floodplain areas;
 - 4) Street pattern and standards;
 - 5) Proposed timing of development;
 - 6) Utility and storm water easements in conjunction with the city's public utilities;
 - 7) Lot configuration and size;
 - 8) Proposed financing of improvements;
 - 9) Disposition of any existing assessments; and
 - 10) Stormwater management.

C. Minor subdivision plat.

- 1. Purpose.** This section is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this chapter. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
- 2. Applicability.** Minor land subdivisions are allowed under the following conditions:
 - a. Land subdivisions resulting in 4 or less lots.

- b. Only previously platted lands apply.
 - c. No dedication of public right-of-way is required.
 - d. No extension or construction of public infrastructure systems is required.
- 3. Submittals and prerequisites.** Any person having a legal or equitable interest in a property may file an application for minor subdivision. An application for minor subdivision shall be filed with the Planning and Zoning Department on an approved form and shall be accompanied by the following:
- a. An accurate boundary survey and legal description of the parent parcel,
 - b. a survey and legal description identifying the resulting parcels after subdivision.
 - c. Other applicable information as described among submittal requirements Final Plat – Major Subdivision in § 155.005(E).

FIGURE 1. Minor Subdivision Plat Procedure



4. Procedure.

- a. Application for minor subdivision plat.** The Planning and Zoning Department shall review the application for completeness. Application materials will be forwarded to applicable City departments for review. The applicant will be notified of incomplete applications. Once applications are deemed complete, the Planning and Zoning Department shall make findings and submit these, together with a recommendation, to the Planning Commission.
- b. Hearing on application for minor subdivision plat.** The Planning Commission shall hold a public hearing on each complete application for Minor Subdivision Plat approval. After the close of the hearing on a proposed plat, the Planning Commission shall make findings and submit these, together with a recommendation, to the City Council.

c. Action by City Council on minor subdivision plat. The City Council shall make the final decision regarding all applications for plat approval. Approval shall require a majority vote by the City Council.

5. Approval criteria. In order for the City Council to grant approval for a proposed minor subdivision plat, each of the provisions shown below must be met:

- a.** The proposed subdivision of land will not result in more than 4 lots.
- b.** All necessary utility and drainage easements are provided for.
- c.** All lots to be created by the subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
- d.** The property has not been divided through the provisions of this section within the previous five (5) years.
- e.** The subdivision meets all design standards as specified elsewhere in this chapter.

6. Conditions of approval. Staff may impose such conditions on any proposed minor subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this ordinance including, but not limited to, the following:

- a.** The applicant shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements with the Steele County Recorder's Office; and
- b.** The applicant shall pay parkland dedication fees for each lot created beyond the original number of lots existing prior to subdivision, except when such fees have been applied to the property as part of a previous subdivision.

D. Preliminary plat – Major subdivision.

1. Purpose. Preliminary plats are intended to illustrate proposed subdivision of properties within the city. Such approval shall be required for all subdivisions of land not specifically exempted elsewhere in this chapter. Approval of a preliminary plat does not constitute an acceptance of the subdivision, but rather is deemed an authorization to proceed with the final plat.

2. Applicability. Land subdivisions resulting in more than 4 lots or subdivisions requiring the dedication of public streets.

3. Submittals and prerequisites.

a. Required information and contents. The preliminary plat, at a minimum, shall contain the information identified below unless specifically waived by the Planning and Zoning Department prior to submittal:

- 1)** A completed application form and fee.

- 2)** A preliminary review meeting has been completed, as described in § 155.005(B).
- 3)** Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.
- 4)** Location of boundary lines in relation to known section, quarter-section or quarter-quarter section lines comprising a legal description of the property.
- 5)** Vicinity sketch, at a legible scale, illustrating the relation of the plat to its surroundings.
- 6)** Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his registration number.
- 7)** Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.
- 8)** Data and north arrow.
- 9)** Boundary line and total acreage of proposed plat, clearly indicated.
- 10)** Existing zoning classifications for land within and abutting the subdivision and any proposed zoning changes associated with the proposed plat.
- 11)** Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred fifty (150) feet beyond the tract.
- 12)** Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (150) feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
- 13)** Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
- 14)** Topographic data of the site and area within one hundred fifty (150) feet, including existing contours at 2 feet vertical intervals and proposed contours at 1 foot intervals . Watercourses, floodplain areas, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
- 15)** Location, dimension, and purpose of all easements.
- 16)** Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.
- 17)** Minimum front, side, and rear building setback lines.

- 18) When lots are located on a curve, the width of the lot at the building setback line.
- 19) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

b. Required supplemental information. Any or all of the supplementary information requirements listed below shall be submitted when deemed necessary by city staff, Planning Commission, or the City Council:

- 1) Proposed protective covenants or restrictions, if applicable.
- 2) Preliminary Construction plans shall be required only if application includes public infrastructure and must include the following:
 - (a) Plan view layout(s) of major public infrastructure systems and improvements including, but not limited to, streets, sidewalks, trails, sanitary sewer mains, watermain, storm sewer and other drainage features, as applicable. Preliminary grading information must also accompany the submittal.
 - (i) Surface improvements must include width dimensions for overall street and lane widths, boulevards, and walks/trails
 - (ii) Utility and piping drawings must include preliminary sizing information
 - (iii) All drawings must be to a consistent scale.
- (b) A written design memo describing the feasibility of the proposed improvements with respect to system capacity and ability to meet applicable design standards including, but not limited to, this code, the City's adopted design standards, MnDOT State Aid design standards, and others, as applicable.
- 3) Preliminary Stormwater Management Plan, as required in Chapter 52 of the City Code.
- 4) Preliminary Traffic study, when the criteria of § 155.003(A)(3)(b)(12) are met
- 5) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.
- 6) Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.

7) Other applicable information, when required by City staff.

FIGURE 2. Major Subdivision Preliminary Plat Procedure



4. Procedure.

- a. Application for preliminary plat.** Any person having a legal or equitable interest in a property may file an application for a preliminary plat. An application for a preliminary plat shall be filed with the Planning and Zoning Department on an approved form and all supporting information as described above. The Planning and Zoning Department shall review the application for completeness. Application materials will be forwarded to applicable City departments for review. The applicant will be notified of incomplete applications. Once applications are deemed complete, the Planning and Zoning Department shall make findings and submit these, together with a recommendation, to the Planning Commission.
- b. Hearing on application for preliminary plat.** The Planning Commission shall hold a public hearing on each complete application for preliminary plat approval. After the close of the hearing on a proposed preliminary plat, the Planning Commission shall make findings and submit these, together with a recommendation, to the City Council.
- c. Action by City Council on preliminary plat.** The City Council shall make the final decision regarding all applications for preliminary plat approval. Approval shall require a majority vote by the City Council.

5. Approval criteria.

The Planning Commission and City Council shall make each of the following findings before granting preliminary plat approval:

- a.** The proposed preliminary plat conforms with the requirements of this chapter, the applicable zoning district regulations, and any other applicable provisions of this ordinance, subject only to acceptable rule exceptions.

- b. The proposed subdivision is consistent with the city's Land Use Plan and any other adopted land use studies.
- c. The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.
- d. The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.
- e. All submission requirements have been satisfied.

6. Conditions of approval. Following the hearing on the preliminary plat, the City Council may, with applicable findings, approve, conditionally approve, or deny it. In granting approval, Council shall require that any final plat approval, be subject to a Development Agreement and other appropriate agreements and documents, and if desired, applicant's preparation of restrictive covenants for the plat. In part, all such documents shall serve to reflect any preliminary plat approval condition, and to obligate the applicant, or any future land owner of the plat, to meeting applicable requirements and performance standards of this section. If required, any such agreement or document shall be properly recorded with the Steele County Recorder by the City. All requirements pertaining to plat approval shall be fully certified by City staff prior to the issuance of any building, or other required permit, to any lot of the plat, and no structural certificate of occupancy shall be issued until it has been determined that both the structural and nonstructural use of any lot fully complies with all terms and conditions of plat approval.

7. Expiration of preliminary plat. An approved preliminary plat shall be valid for a period not to exceed one (1) year from the date of approval by the City Council. In the event that a final plat is not submitted within such time, the preliminary plat will become void.

- a. The applicant may submit a written request for an extension of time prior to expiration. The City Council may approve an extension, upon finding that the preliminary plat remains consistent with applicable regulations and that circumstances warrant the extension. Extensions shall not exceed one (1) year per request.
- b. In no case shall the total approval period exceed two (2) years from the original date of approval.

E. Final plat – Major subdivision.

1. Purpose. A final plat is a drawing representing the proposed subdivision of land within the city and serves as the document for recording purposes, as required by the Steele County Recorder's office. Once a preliminary plat has been approved by the City Council, the applicant may submit a request for final plat approval.

2. Applicability. The Final Plat process applies to all lands that are the subject of a Preliminary Plat for a major land subdivision that has been approved or approved with conditions, and must be completed before lands are subdivided, right-of-way or easements dedicated, and development activity to proceed. The Planning and Zoning Department may allow a final plat to be submitted concurrent with a request for preliminary plat approval when:

- a.** The subdivision is limited in size and complexity;
- b.** No new public streets or major public improvements are required;
- c.** The proposed subdivision is consistent with the Comprehensive Plan and zoning regulations;
- d.** No significant environmental, access, or engineering issues are identified; and
- e.** The applicant provides all information required for both preliminary and final plat review.

3. Submittals and prerequisites.

a. Prerequisites.

- 1)** Prior to applying for a final plat, the requirements of § 155.005(B) (Preliminary Review) and § 155.005 (D) (Preliminary Plat – Major Subdivision) shall be completed and approved.
- 2)** Title opinion six (6) months prior to application, matching the description of the plat.
- 3)** For land subdivisions requiring the development of public infrastructure, the following must be submitted, as applicable:
 - (a)** Construction plans and technical specifications, for all mass grading, easements, streets, traffic control devices, sanitary sewers, storm water facilities, water system facilities, sidewalks, trails and other improvements required by this UDC. Such plans must be prepared by a professional engineer, registered in the state of Minnesota. Construction plans must be consistent with the City Design Standards & Standard Construction Specifications. Plans must be approved by the City Engineer. Plans must minimally include the following, as applicable:
 - (i)** Title sheet & legend
 - (ii)** Existing conditions & removals
 - (iii)** Typical street sections and construction details
 - (iv)** Mass grading. Must indicate anticipated lowest grade of building & site drainage

- (v) Sanitary sewer, watermain & storm sewer plans & profiles. Must indicate private service stub locations & elevations
- (vi) Street plan & profile & intersection details
- (vii) Traffic control, pavement markings & signage
- (viii) Street lighting
- (ix) Other sheets, if directed by the City Engineer
- (b) A grading plan to indicate the approximate gradients of streets and lots, proposed grading and drainage of the site, and the anticipated lowest level of the home elevations of all structures.
- (c) Final Stormwater Management Plan, as required in Chapter 52.
- (d) Final Traffic study, when the criteria of § 155.003(A)(3)(b)(12) are met
- (e) Geotechnical study & report supporting the proposed street section design, utility construction, and any other applicable construction.
- (f) Development Agreement as required by § 155.005(H).

b. Required information and contents. The final plat, at a minimum, shall contain the information identified below unless specifically waived by the Planning and Zoning Department prior to submittal:

- 1) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
- 2) Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions that must mathematically close. The allowable error closure of any portion of a final plat shall be one (1) foot in seven thousand five hundred (7,500) feet.
- 3) The exact location of existing and proposed monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
- 4) Location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- 5) Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

- 6) The exact locations, widths, and names of all streets to be dedicated.
- 7) Location and width of all easements to be dedicated.
- 8) Name and address of developer and surveyor making the plat.
- 9) Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.
- 10) Statement dedicating all streets, alleys, other public areas, and easements as follows: "have caused the same to be surveyed and platted as (Name of Plat), and dedicated to the public use forever the thoroughfares and also dedicate the easements as shown on this plat for drainage and utility purposes only."
- 11) Notarized certification by a registered surveyor in the form required by Minn. Stat. § 505.03, as amended.
- 12) Certification indicating that all taxes and special assessments due on the property have been paid in full. For common interest community plats, this requirement shall apply to the parent parcel or parcels subject to the plat.
- 13) Execution of all owners of any interest in the land and any holders of a mortgage thereon of the certificates required by Minn. Stat. § 505.02, as amended, and which certificate shall include a dedication of streets, utility easements, and other public areas.
- 14) Space for certificates of approval and review to be filled in by the signatures of the mayor and city administrator.

FIGURE 3. Major Subdivision Final Plat Procedure



4. Procedure.

- a. **Application for final plat.** Any person having a legal or equitable interest in a property may file an application for a final plat. An application for a final plat shall

be filed with Planning and Zoning Department on an approved form and supporting information as described in section above. The Planning and Zoning Department shall review the application for completeness. Application materials will be forwarded to applicable City departments for review. The applicant will be notified of incomplete applications. Once applications are deemed complete, the Planning and Zoning Department shall make findings and submit these, together with a recommendation, to the Planning Commission.

- b. Hearing on application for final plat.** The Planning Commission shall hold a public hearing on each complete application for final plat approval. After the close of the hearing on a proposed final plat, the Planning Commission shall make findings and submit these, together with a recommendation, to the City Council.
- c. Action by City Council on final plat.** The City Council shall make the final decision regarding all applications for final plat approval. Approval shall require a majority vote by the City Council.

5. Approval criteria. The Planning Commission and City Council shall make each of the following findings before granting final plat approval:

- a.** The final plat substantially conforms to the approved preliminary plat;
- b.** The plat conforms to all applicable requirements of this ordinance, subject only to approved rule exceptions; and
- c.** All submission requirements have been satisfied.

6. Recording. Final plats shall be recorded with the Steele County Recorder's Office within two (2) years following City Council approval. Final plats that are not recorded within said time period shall be deemed null and void. The final plat shall be submitted in a digital format suitable to the city when recording plats are forwarded for required city signatures.

- a.** The applicant may submit a written request for an extension of time prior to expiration. The City Council may approve an extension, upon finding that the plat remains consistent with applicable regulations and that circumstances warrant the extension. Extensions shall not exceed one (1) year per request.
- b.** In no case shall the total approval period exceed three (3) years from the original date of approval.

F. Lot line readjustment.

- 1. Purpose.** The lot line readjustment process is intended to allow minor adjustments between the boundaries of already-platted lots that create no more than one additional developable lots and do not require the dedication of additional right-of-way.

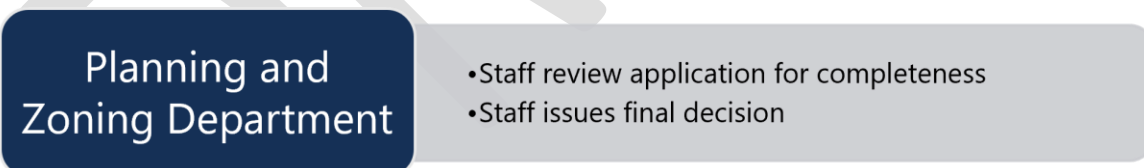
2. Applicability. The lot line readjustment process applies in the following situations:

- a. The adjustment or relocation of a common boundary line between two or more existing parcels, where no additional lots or parcels are created.
- b. The reconfiguration of one or more existing parcels that results in no more than one (1) additional parcel, provided that:
 - 1) No new public streets or access easements are required; and
 - 2) All resulting parcels comply with applicable zoning requirements.
- c. The Lot Line Readjustment process shall not be used to create multiple new lots or to facilitate subdivision of land that would otherwise require review under the Minor Subdivision or Preliminary Plat processes.
- d. All parcels subject to the application shall be contiguous. If parcels are located within different recorded subdivisions or require the replating of existing lots, the application shall be processed as a Minor Subdivision Plat in accordance with § 155.005(C).
- e. A lot line readjustment may be used only once for a given parcel or group of parcels.

3. Submittals and prerequisites.

- a. Certificate of Survey (Existing property)
- b. Legal Description & Sketch
- c. Any applicable fee by the city council.

FIGURE 4. Lot Line Readjustment Procedure



4. Procedure. The Planning and Zoning Department shall approve, approve with conditions, or deny an application for a lot line readjustment based on the criteria defined below.

5. Approval criteria. The application may be approved or approved with conditions if the City Planner determines that it complies with the following criteria:

- a. Each of the resulting lots will meet the minimum dimensional requirements for the zoning district in which it is located, as established in § 157.014 of the city code.. The lot line adjustment shall not require the creation or dedication of new public or private easements, including but not limited to utility, drainage, access, or street right-of-way easements, unless otherwise approved by the City as part of the

application. No parcel included in the application has been previously created or modified through a lot line adjustment after January 1, 1992. Any further subdivision or reconfiguration of such parcels shall be subject to review and approval under the Minor Subdivision process, as provided in § 155.005 (C).

G. Recording and conveying.

- 1. Purpose.** This section is intended to establish the procedure for recording subdivisions or other lot line adjustments with the Steele County Recorder's office.
- 2. Procedure.**
 - a.** The applicant record the approved final plan, easement, development agreement, lot line adjustment or other applicable document with the County Recorder within 60 days after the date of approval; otherwise, the approval of the applicable document shall be considered void, unless due to extenuating circumstances, the approving body grants an extension.
 - b.** The applicant shall, immediately upon recording, furnish the Planning and Zoning Department with an electronic (.pdf) copy of the final plat showing evidence of the recording.
 - c.** The applicant shall, immediately upon recording, furnish the County Auditor and County Recorder, copies in accordance with County requirements and Minn. Stat. § 505.08, as it may be amended from time to time

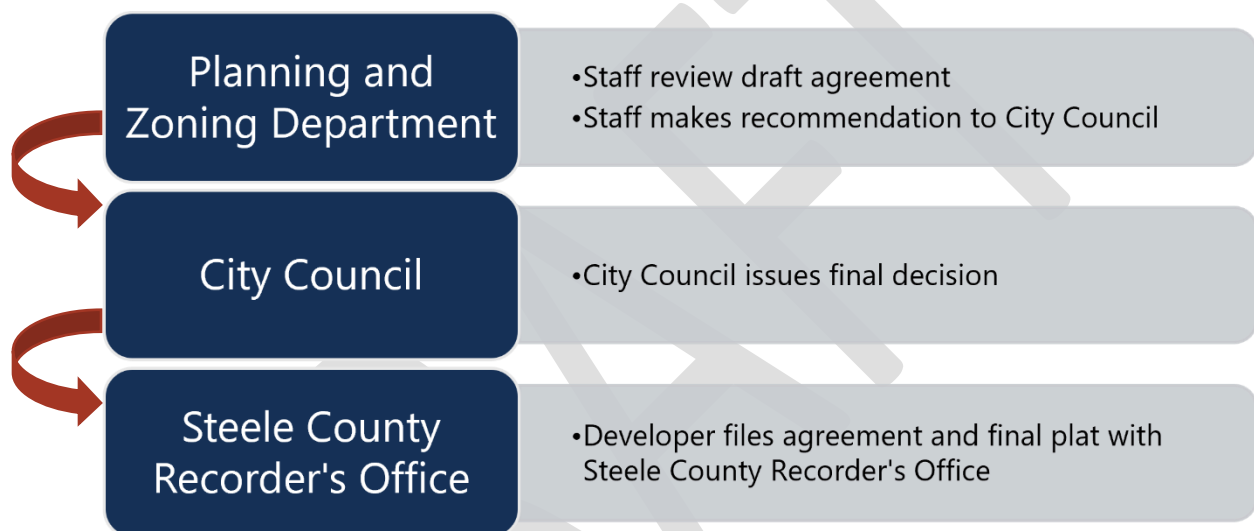
H. Development agreement.

- 1. Purpose.** Development agreements are intended to define the detailed terms of projects requiring the construction of public infrastructure by parties other than the City.
- 2. Applicability.** Before an approved final plat is filed with the Steele County Recorder's office, the subdivider of the land covered by said plat shall pay all applicable fees and execute and submit to the City Council a development agreement which shall be binding on his or her heirs, personal representatives, and assigns. Such agreement shall address responsibilities for construction of public improvements, timing related to such improvements, and the form of financial guarantee, together with other standard development agreement provisions. No private construction shall commence, nor shall building permits be issued, until all improvements required under this section have been contracted for and the subdivision improved by completion of sewer, water, storm sewer, and graded right-of-way.
 - a.** No Final Certificate of Occupancy shall be issued until all required public improvements, including final paving and other improvements identified in the development agreement, have been completed and accepted by the City except that a temporary certificate of occupancy may be issued prior to completion and

acceptance of public improvements by the City upon determination that a building is safe for occupancy and that all essential public improvements, including utilities and access, are adequately available, subject to any conditions deemed necessary by the City and that such improvements are secured through an approved development agreement and financial guarantee.

- 3. Submittals and prerequisites.** Prior to approval of a development agreement, the applicant shall submit construction plans, plan and profile sheets, and an engineer's estimate of the cost of all required public improvements. Such materials shall be consistent with and satisfy the submittal requirements for final plat approval in § 155.005(E).

FIGURE 5. Development Agreement Procedure



4. Procedure.

- a. Draft agreement.** Following submittal of the required materials, a draft development agreement will be provided to the Developer by the Planning and Zoning Department. The developer shall update the draft development agreement with applicable information and return to the City Planner. The Planning and Zoning Department shall review the draft development agreement with the City Attorney and City Engineer, as necessary. Following review, the Planning and Zoning Department submit the development agreement, together with a recommendation, to the City Council. When applicable, development agreements are generally considered for approval by the city council concurrently with final plats for new major subdivisions.
- b. Approval.** The City Council shall make the final decision regarding all development agreements. Approval shall require a majority vote by the City Council.

- c. Recording.** The developer shall be responsible for filing the agreement with the Steele County Recorder's office in conjunction with the final plat.
- 5. Approval criteria.** The following terms generally apply to development agreements for the construction of public infrastructure. City staff and the City Council reserve the right to modify these terms, as deemed necessary for agreements on a case-by-case basis.
- a. Construction and cost responsibility.** The construction and related costs associated with public and private improvements defined in a development agreement will be the responsibility of the developer.
- b. Surety required.** Prior to the issuance of a grading permit, the subdivider shall provide financial security in an amount equal to not less than one hundred twenty-five (125) percent of the estimated cost of all required public improvements within the plat. The financial security shall be in the form of cash escrow, letter of credit, or other form approved by the City. The amount and form of the surety shall be subject to review and approval by the City. The cash escrow or letter of credit shall be conditioned upon:
- 1)** The installation of all of the improvements required by the terms and conditions set forth by the city within one (1) year unless an extension is granted by the City Council.
 - 2)** Satisfactory completion of the work and payment for work that was undertaken by the subdivider in accordance with the developer's agreement referred to above. And approved by the City Council.
 - 3)** Payment by the subdivider to the city of all expenses incurred by the city, which expenses shall include but not be limited to expenses for engineering, planning, fiscal, legal, construction, and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed within one (1) year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the city and applied by the city to the cost of completing the required improvements. If the funds available within said cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the city may be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses have been paid, shall be returned to the subdivider. In instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the letter of credit shall be in a form satisfactory to the city and the terms thereof shall substantially comply with the procedure set forth for a cash escrow fund. In instances where a performance

and indemnity bond is used in lieu of a cash escrow or letter of credit, the bond shall be in a form acceptable to the city and shall comply with all requirements as set forth in Minnesota Statutes, as amended, which statutes relate to surety bonds.

c. Inspection required. All of the required improvements to be installed under the provisions of this chapter shall be inspected by individuals under the direct supervision of a registered Professional Engineer in the State of Minnesota. Said inspection shall be supplied by the Developer. The required improvements is also subject to the inspection of the City Engineer. All of the city's expenses incurred as the result of the required improvements shall be paid directly, indirectly, or by reimbursement to the city by the subdivider.

d. Correction period. The developer will be required to warrant all improvements against poor material and faulty workmanship. The warranty period for public improvements is three years, commencing after construction completion and final written acceptance of the work by the City Engineer or other applicable City staff.

§ 155.006 PUBLIC SITES AND OPEN SPACES.

I. TO BE DETERMINED: Under consideration by City Council

§ 155.007 DESIGN STANDARDS AND MINIMUM IMPROVEMENTS.

A. Purpose. The design standards set forth below are deemed to be minimum requirements. The city may impose additional or more stringent requirements concerning lot size, streets, and overall design as deemed appropriate considering the property being subdivided. Standards identified are intended primarily for use in new subdivisions, but also generally apply to any construction or replacement of public infrastructure associated with a site development project.

B. Blocks.

1. Block length. In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand three hundred twenty (1,300) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from such standards. In blocks longer than nine hundred (900) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks intended for commercial or industrial use shall be of sufficient size to provide for adequate off-street parking, loading, and other site requirements as established in §§ 157.049 through 157.060 of this city code.

2. **Block width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

C. Lots.

1. **Area and dimension requirements.** The minimum lot area, width, and depth shall not be less than that established for the individual zoning districts in effect at the time of adoption of the final plat, as established in § 157.014 of the city code.
2. **Corner lots.** Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required within the individual zoning districts.
3. **Side lot lines.** Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
4. **Required street frontage.** Every lot must have minimum street frontage, as required within the individual zoning districts, on a city approved street other than an alley, except that lots permitted as part of a planned unit development may front a private street.
5. **Natural features.** In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
6. **Lot remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
7. **Frontage on two streets.** Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on arterial streets or highways or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
8. **Turn-around access.** Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.
9. Reserve strips are not permitted.

D. Streets and alleys.

1. **Street network.** Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the

nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

2. **Local streets and dead-end streets.** Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sac shall be permitted where topography or other physical conditions justify their use. Cul-de-sac shall not serve more than twenty (20) lots nor be longer than five hundred (500) feet in length, including a terminal turn around which shall be provided at the closed end, with a right-of-way radius of not less than (60) feet. Such distance shall be measured from the centerline of the street of origin to the center point of the cul-de-sac. When a dead-end street adjoins an existing or planned or potential future pedestrian route, a pedestrian right-of-way shall be provided between the affected lots to ensure proper continuity of the pedestrian network.

3. **Public street access.** The following table shall apply to public streets.

Area Type	Functional Class	Facility Type	Intersection Spacing		Signal Spacing
			Full Access	Partial Access (Right-In/Right-Out)	
Rural	Minor Arterial	Divided	.5 mile	.25 mile	.5 mile
		Undivided	.5 mile	.25 mile if part of local street network	
Developing Urban	Minor Arterial	Divided	.5 mile	.25 mile	.25 mile
		Undivided	.25 mile	N/A	
Fully Developed Urban	Minor Arterial	All	300-660 feet depending on block length		.125 mile
Rural	Collectors and Local	All	.25 mile		.5 mile
Developing Urban	Collectors	All	.25 mile		.25 mile
Fully Developed Urban	Collectors	All	300-660 feet depending on block length		.125 mile
All	Urban Local	All	300-660 feet depending on block length		As warranted

TABLE 2. Public Street Access Management Guidelines

Footnotes

- All stated measurements are approximate and measured from the intersecting property right-of-way boundary near the development's access point (not the center of the driveway access).
- In cases where a proposed subdivision abuts a limited access highway or arterial street, there shall be no direct vehicular or pedestrian access from individual lots to such highway or street.

4. **Street plans for future subdivisions.** Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan

of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

- 5. Provisions for resubdivision of large lots and parcels.** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- 6. Street intersections.** Streets shall be laid out to intersect as nearly as possible at right angles. Intersection angles shall not be less than sixty (60) degrees. Angles less than ninety (90) degrees may be permitted only when approved by the City Engineer, upon a determination that site conditions, topography, or other constraints justify the deviation. Street intersection jogs with an offset of less than one hundred twenty-five (125) feet, as measured from centerline to centerline, shall not be permitted.
- 7. Subdivisions abutting major rights-of-way.** Wherever the proposed subdivision contains or is adjacent to the right-of-way of a state or county highway or thoroughfare, the city may require the provision of a marginal access street, located approximately parallel and adjacent to the boundary of such right-of-way. Due consideration shall be given to proper circulation design or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.
- 8. Sidewalks.**
 - a.** In cases where the city deems it appropriate, sidewalks of not less than five (5) feet in width shall be provided.
 - b.** Sidewalks are required as provided in Table 3. Sidewalk design shall be in accordance with City Engineering Standards. The City reserves the right to require additional sidewalks for the purpose of filling gaps in the existing or future sidewalk and trail network.
 - 1)** Trails can replace sidewalks per the trail plan.
 - 2)** Trails and other multi-use trails shall be provided, where designated in the most current version of the Parks and Trails Master Plan or as deemed necessary by city council.

TABLE 3. Sidewalk Requirements

Classification	Sidewalk Required
Arterial street	Both Sides
Collector street	One Side
Local street	One Side

- 9. Service access and alleys.** Service access shall be provided in commercial and industrial districts for off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Dead-end alleys are not permitted.
- 10. Half streets.** Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.
- 11. Right-of-way width.** Right-of-way widths shall conform to the minimum standards identified in Table 4. In the case of a local or collector street, the minimum right-of-way width may be reduced, with the approval of the City Council, when anticipated traffic volumes, area circulation patterns, or other factors warrant such a reduction.

TABLE 4. Minimum Right-of-Way Width

Classification	Width
High Density Arterial	As Req'd by Approved Study
Low Density Arterial	
Major Collector	
Minor Collector	80 feet
Local Residential	66 feet
Local Commercial/Industrial	80 feet
Alley	20 feet
Pedestrian way	20 feet

- 12. Street width.** Minimum lane widths shall be in accordance with Table 5.

TABLE 5. Minimum Street Lane Widths

Classification	Travel Lanes	Parking Lanes ³	Shoulder/Curb Reaction ¹
Arterial street ⁴	As Req'd by Approved Study		
Collector street ⁴	(2) 11-foot lanes	7 feet	2 feet
Local Street ³	(2) 10-foot lanes ²	7 feet	2 feet
Alley	16 feet	N/A	N/A

¹ Applies to edge of travel lane where no on-street parking is provided.

² Cul-De-Sac bulbs shall have a diameter of 96 feet (face to face).

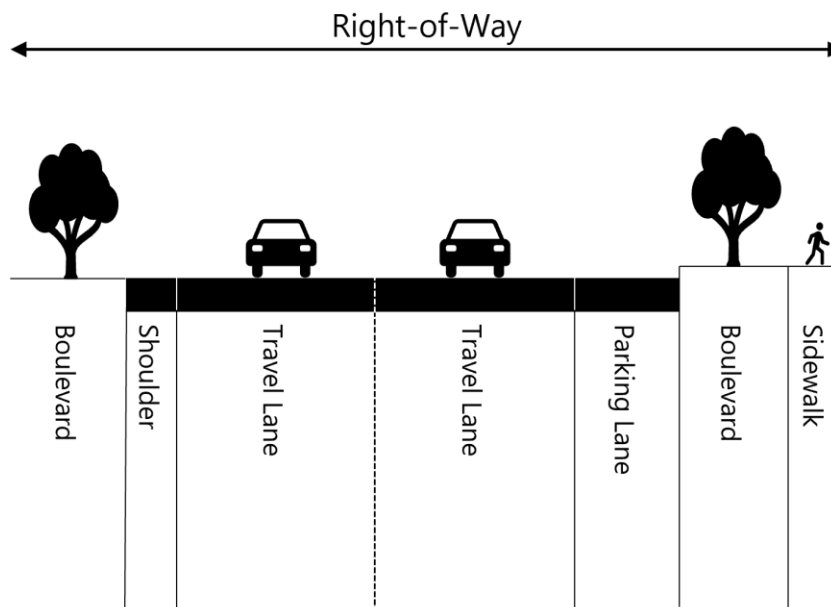
³ Parking lanes required when adjacent to buildable lots on local streets or other spaces capable of generating on-street parking, as determined by the City Engineer.

⁴ Collector or higher designation also require conformance with MnDOT State Aid design standards.

General Note: Where applicable, the minimum on-street bike lane width is 5 feet.

General Note: Defer to City Design Standards & Standard Construction Specifications.

FIGURE 6. Street Elements



- 13. Street grades.** Except when, upon the recommendation of the City Engineer, the topography warrants a greater maximum, the grades in all streets shall not exceed those identified in Table 6. In addition, there shall be a minimum grade on all streets and thoroughfares of not less than five-tenths (0.5) percent.

TABLE 6. Maximum Street Grades

Classification	Maximum Grade
Arterial street	5%
Collector street	6%
Local Street & Alleys	8%

- 14. Street horizontal and vertical alignment and structure.** Streets and alleys must be paved and design must conform with City design standards and standard construction specifications.
- 15. Reserve strips.** Reserve strips are prohibited.
- 16. Street names.** Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name of the existing or platted street so in alignment. Street names shall conform with the street numerical plan when applicable. Street names are subject to Council approval.

- E. Drainage and utility easements.** An easement for drainage and utilities at least five (5) feet wide shall be provided along side and rear lot lines, which when combined with easements on adjoining lots, forms a continuous easement of at least ten (10) feet. Additionally, a similar easement of at least ten (10) feet shall be provided across the front

lot line. If necessary for the extension of drainage, main water, sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots, if determined necessary by the City Engineer.

F. Protected areas. Where land proposed for subdivision is deemed environmentally sensitive by the city, due to the existence of wetlands, drainage ways, watercourses, floodable areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact. Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not require construction on slopes over fifteen (15) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

G. Basic improvements.

1. Monuments.

a. Required locations. Official monuments or permanent markers shall be set at each corner of every block or portion of a block, at points of curvature and tangency on street lines, and at each angle point on the boundary of a subdivision. Additionally, monuments shall be set at all quarter section corners within or on the perimeter of the subdivision, where applicable. All monumentation shall be placed in accordance with the requirements of Minn. Stat. Ch. 505, including § 505.021, and applicable surveying standards.

b. Monument type. Monuments or permanent markers shall consist of a steel pipe or rod, not less than one-half (½) inch in diameter and extending at least three (3) feet below finished grade, or as otherwise approved by the City Engineer or County Surveyor in accordance with applicable surveying standards. Where conditions prohibit placement at the required location, offset monuments may be permitted, provided sufficient ties and documentation are shown on the plat in accordance with Minn. Stat. Ch. 505 and accepted surveying practices.

2. Street improvements. All street improvements shall be completed in accordance with the City Design Standards and Standard Construction Specifications, specifically, but not limited to, the following:

a. The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved.

- b. All streets shall be improved with pavement to the required overall width.
- c. Storm sewers, culverts, storm water inlets, and other drainage facilities shall be required where they are necessary to ensure adequate storm water drainage for the subdivision.
- d. Street signs of a design approved by the City Council shall be installed at each street intersection.
- e. Driveway approaches, sidewalks, or pedestrian pathways of standard design shall be installed, as applicable to the project.
- f. Street lighting fixtures shall be installed, subject to Owatonna Public Utilities approval.

3. Erosion and sediment control.

- a. **In general.** The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- b. **Erosion, siltation, and waste control measures.** Erosion, siltation, and waste control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control pollution and in accordance with the NPDES General Stormwater Permit for Construction Activity and Chapter 52 of the City Code.
- c. **Storm drainage.** All subdivision design shall incorporate adequate provisions for storm water, subject to review and approval of the City Engineer. All stormwater management facilities shall be designed and constructed in accordance with Chapter 52, City Design Standards and Standard Construction Specifications.

4. Sanitary sewer and water distribution improvements.

- a. **In general.** All sanitary sewer and water distribution improvements shall be completed in accordance with City Design Standards and Standard Construction Specifications.
- b. **Sanitary sewer and water required.** Whenever municipal sanitary sewer or water facilities are not available for extension, or proposed for extension, to serve a subdivision, such subdivision shall be deemed premature and shall be ineligible for development until such time that sanitary sewer and water service will be provided.
- c. **Water distribution.** Where an approved public water supply is within reasonable access to the subdivision as determined by the number of lots, distance from and capacity of existing mains, water lines shall be placed within the right-of-way of each street. Water lines shall have a minimum diameter of six (6) inches. Fire hydrants shall be installed at intervals of not less than four hundred (400) feet. The minimum size water main shall be six (6) inches in diameter and all water mains

shall be looped so that water is available from two (2) directions to any point. Water mains, fire hydrants, gate valves and appurtenances shall be installed in accordance with acceptable engineering practice. In general, in new residential areas, water main services with a shutoff shall be installed to the right-of-way with the water main construction.

d. Sanitary sewers and lift stations.

- 1) Sanitary sewers shall be constructed in accordance with city design standards, and each lot shall be provided with a connection to a sanitary sewer. When required, lift stations and the associated forcemain piping shall be sized to accommodate the development.

e. Utility Oversizing & Cost Participation.

- 1) All watermain, sanitary sewer mains, and lift stations required to serve a proposed development shall be designed and constructed at the developer's expense, in accordance with City standards, and sized to adequately serve the proposed development. The developer shall be responsible for all costs associated with providing utility service necessary to serve the subject property, including standard-sized improvements and all appurtenant infrastructure.
- 2) Where the City determines that sanitary sewer, watermain, or lift station improvements must be oversized beyond that required to serve the subject development in order to accommodate future growth or system needs, only the incremental cost attributable to such oversizing shall be eligible for City participation. The developer shall remain responsible for the full cost of improvements sized to serve the subject development, and the existence of oversizing shall not make the entire project cost subject to cost sharing, proration, or reimbursement. The City may, at its discretion, fund or participate in the portion of costs representing the difference between the cost of improvements sized for the subject development and the cost of improvements sized for the ultimate service area, as determined by the City Engineer.
- 3) For purposes of this section, "proportionate share" shall mean only the portion of oversizing costs that is attributable to capacity in excess of that required to serve the subject development, allocated based on the relationship between the design capacity of the oversized improvement and the demand generated by future benefiting properties. Costs assumed by the City for such oversizing may be recovered through special assessments, trunk connection charges, reimbursement agreements, or other authorized methods, and shall be allocated solely to benefiting properties connecting to or served by the additional capacity created through oversizing.

5. Other Utilities. All other utilities, including but not limited to, telephone, electric, cable television, and gas service lines which are meant to serve newly developing areas are to be placed underground. Such facilities shall be placed within dedicated easements or within the right-of-way in a manner to avoid conflict with other underground services. When overhead placement of such utilities is necessary, based on a determination by the City Engineer, such facilities shall be required to be located within rear lot line easements.

DRAFT

CHAPTER 157: ZONING*-June 22, 2026 Draft*

Table of Contents

GENERAL PROVISIONS..... 5

 § 157.001 TITLE AND APPLICATION..... 5

 § 157.002 RULES AND DEFINITIONS. 7

 A..... 7

 B..... 10

 C..... 13

 D..... 17

 E..... 19

 F..... 20

 G..... 20

 H..... 21

 I..... 22

 J..... 23

 L..... 23

 M..... 25

 N..... 26

 O..... 27

 P..... 27

 Q..... 29

 R..... 29

 S..... 31

 T..... 35

 U..... 35

 V..... 35

 W..... 36

 Y..... 37

 Z..... 38

 § 157.003 NON-CONFORMING BUILDINGS, STRUCTURES AND USES. 38

§ 157.004 NON-CONFORMING LOTS OF RECORD.	40
§ 157.005 DWELLING UNIT RESTRICTIONS.	40
§ 157.006 PLATTED AND UNPLATTED PROPERTY.	41
§ 157.007 GENERAL DISTRICT PROVISIONS AND PURPOSE; ESTABLISHMENT OF DISTRICTS.	42
§ 157.008 EFFECTIVE DATE.	46
DISTRICT REGULATIONS.	47
§ 157.009 AGRICULTURAL USES.	47
§ 157.010 COMMERCIAL USES.	49
§ 157.011 INDUSTRIAL USES.	53
§ 157.012 PUBLIC/CIVIC USES.	56
§ 157.013 RESIDENTIAL USES.	58
§ 157.014 DENSITY AND INTENSITY REGULATIONS. ¹	61
SHORELAND MANAGEMENT.	63
§ 157.015 STATUTORY AUTHORIZATION AND POLICY.	63
§ 157.016 GENERAL PROVISIONS.	63
§ 157.017 ADMINISTRATION OF SHORELANDS.	64
§ 157.018 SHORELAND CLASSIFICATION SYSTEM AND LAND USES.	67
§ 157.019 SPECIAL LAND USE PROVISIONS.	68
§ 157.020 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS.	69
§ 157.021 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES.	73
§ 157.022 VEGETATION AND LAND ALTERATIONS.	75
§ 157.023 SUBDIVISION/PLATTING PROVISIONS.	79
USE REGULATIONS AND STANDARDS.	80
§ 157.024 ACCESSORY DWELLING UNITS.	80
§ 157.025 TEMPORARY FAMILY HEALTH CARE DWELLINGS OPT-OUT.	80
§ 157.026 HOME OCCUPATIONS.	81
§ 157.027 ANIMAL SHELTERS.	81
§ 157.028 RIDING STABLES, COMMERCIAL DOG BOARDING, AND SIMILAR.	82
§ 157.029 RESIDENTIAL DOG BOARDING.	82
§ 157.030 BULK STORAGE (LIQUID, GAS, GRAIN AND THE LIKE).	82

§ 157.031 CANNABIS BUSINESSES.....	83
§ 157.032 CANNABIS EVENTS, TEMPORARY.....	83
§ 157.033 GARAGE SALES.....	84
§ 157.034 OUTDOOR SALES OR STORAGE.....	84
§ 157.035 OUTDOOR STORAGE.....	86
§ 157.036 MANUFACTURED HOME PARK PUDS.....	86
§ 157.037 LAND RECLAMATION.....	88
§ 157.038 CRUSHING OPERATIONS.....	89
§ 157.039 MINING.....	89
§ 157.040 SOIL PROCESSING.....	89
§ 157.041 RECYCLING CENTER.....	89
§ 157.042 RECREATIONAL VEHICLE CAMPGROUND.....	90
§ 157.043 RESIDENTIAL FACILITY.....	90
§ 157.044 ENERGY PRODUCTION SYSTEMS.....	90
§ 157.045 REQUIRED DISTANCE BETWEEN USES.....	94
PHYSICAL STANDARDS.....	95
§ 157.046 ACCESSORY BUILDINGS AND STRUCTURES.....	95
§ 157.047 PERMITTED YARD ENCROACHMENTS.....	100
§ 157.048 HEIGHT LIMITATIONS NOT APPLICABLE.....	101
§ 157.049 REFUSE AND WASTE ENCLOSURES.....	102
§ 157.050 SITE DESIGN AND LANDSCAPING ADMINISTRATIVE ADJUSTMENTS.....	102
§ 157.051 TRAFFIC VISIBILITY; CORNER LOTS.....	105
§ 157.052 LANDSCAPING.....	106
§ 157.053 BUFFERING.....	106
§ 157.054 SITE DESIGN STANDARDS.....	108
§ 157.055 GENERAL FENCING REQUIREMENTS.....	109
§ 157.056 SCREENING AND FENCING.....	110
§ 157.057 RELOCATED STRUCTURES.....	111
§ 157.058 PLANNED UNIT DEVELOPMENT.....	112
§ 157.059 OFF-STREET PARKING REQUIREMENTS.....	118
§ 157.060 OFF-STREET LOADING.....	127

PERFORMANCE STANDARDS	129
§ 157.061 § EXPLOSIVES	129
§ 157.062 RADIATION AND ELECTRICAL EMISSIONS.....	129
§ 157.063 LIGHTING AND GLARE	129
§ 157.064 SMOKE.....	130
§ 157.065 DUST AND OTHER PARTICULATE MATTER.....	130
§ 157.066 ODORS.	130
§ 157.067 NOISE.....	130
§ 157.068 REQUIRED LICENSE OBTAINED.	130
ADMINISTRATION AND ENFORCEMENT	130
§ 157.069 ADMINISTRATIVE OFFICER.	130
§ 157.070 LAND USE DECISION TIMELINES.....	131
§ 157.071 ZONING BOARD OF APPEALS.	135
§ 157.072 APPEALS.....	135
§ 157.073 ADMINISTRATIVE REVIEW AND APPROVALS.....	136
§ 157.074 AMENDMENTS.....	137
§ 157.075 CONDITIONAL USE PERMITS.....	138
§ 157.076 INTERIM USE PERMITS.....	140
§ 157.077 COMPREHENSIVE PLAN AMENDMENT	142
§ 157.078 ZONING MAP AMENDMENT	143
§ 157.079 VARIANCES.....	146
§ 157.080 PUBLIC HEARINGS.....	148
§ 157.081 ADMINISTRATIVE FEES.....	148
§ 157.999 PENALTY.....	149

GENERAL PROVISIONS

§ 157.001 TITLE AND APPLICATION.

- A. Title.** This chapter shall be known as the "Owatonna Zoning Ordinance," except as referred to herein, where it shall be known as "this chapter."
- B. Intent and purpose.** The intent of this chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use. This chapter divides the city into zoning districts and regulates the location and use of land, buildings, and structures, including the impacts of those activities. These regulations are adopted to implement the City's land use policy under Minnesota law, to provide clear standards for development, and to ensure compatibility of uses. Such regulations are established to protect such use areas; to promote orderly development; to provide adequate light, air, and access; to prevent congestion in the public right-of-way; to avoid overcrowding of land and undue concentration of structures; to protect public safety and the environment; to promote the character and preserve and enhance the stability of properties and areas within the city; to protect against fire, explosion, noxious fumes and pollution of the environment; to support a visually pleasing environment throughout the community; to provide for administration of this chapter; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the city staff, the Zoning Board of Appeals, the Planning Commission and the City Council in relation to this chapter. This chapter is intended to be interpreted and applied in a manner consistent with [Minn. Stat. §§ 462.351 to 462.365](#).
- C. Relation to Comprehensive Municipal Plan.** It is the policy of the city that the enforcement, amendment, and administration of this chapter be accomplished with due consideration of the recommendations contained in the Comprehensive Municipal Plan as developed and amended from time to time by the Planning Commission and City Council. The Council recognizes the Comprehensive Municipal Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.
- D. Standard; requirement.** Where the conditions imposed by any provisions of this chapter are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the city, the ordinance, rule or regulation which imposes the more restrictive condition, standard or requirements shall prevail.
- E. Minimum requirements.** In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety and welfare.

F. Conformance.

1. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this chapter.
2. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this chapter.

B. Uses not provided for within zoning districts. Any use not specifically listed as a permitted, accessory, interim, or conditional use in a zoning district is prohibited unless authorized through a similarity determination under this section.

C. Administrative similarity determination.

1. **Authority.** The Zoning Administrator may determine that an unlisted use is substantially similar in character, scale, and impact to a listed permitted, accessory, interim, or conditional use in the same zoning district.
2. **Effect.** The unlisted use shall be regulated as the comparable listed use, including any conditions, performance standards, or approvals required.
3. **Referral.** The Zoning Administrator may refer any determination to the Planning Commission for a recommendation.
4. **Documentation.** All similarity determinations must be in writing, include findings supporting the decision, and be kept on file.
5. **Appeal.** An applicant or affected party may appeal a similarity determination according to the appeal procedures in this chapter.

D. Legislative action. The City Council or Planning Commission may, at any time, initiate a text amendment to add an unlisted use to the code or to clarify or revise use classifications.

E. No precedent. A similarity determination applies only to the specific use and circumstances evaluated and does not establish a precedent for future determinations.

F. Relationship to other approvals. If the comparable listed use requires conditional use or interim use approval, the unlisted use shall follow the same review and approval procedures.

G. Authority. This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, [Minn. Stat. §§ 462.351 to 462.365](#), as they may be amended from time to time. This chapter also draws upon the City's general police power and other applicable Minnesota statutes providing for local land use regulation.

H. Separability. It is hereby declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following.

1. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(Ord. 827, passed 4-19-1983)

§ 157.002 RULES AND DEFINITIONS.

A. Rules. The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction.

1. The singular number includes the plural, and plural the singular.
2. The present tense includes the past and the future tenses, and the future the present.
3. The word "shall" is mandatory while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.

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

A

ABOVE GROUND TANKS. A storage tank located entirely above grade, including any associated piping or appurtenances. Tanks regulated as aboveground storage tanks under [Minn. Rules Ch. 7151](#) when containing petroleum or hazardous substances are included under this definition. Applicability, exemptions, and operational requirements shall be as provided in [Minn. Rules Ch. 7151](#), [Minn. Stat. Ch. 115](#), and related MPCA regulations.

ACCESSORY BUILDING. A building that is subordinate to and customarily incidental to the principal building or principal use on the same lot, and which is permanently constructed with a roof supported by walls. Accessory buildings include, but are not limited to, detached garages, storage sheds, workshops, and similar enclosed structures. An accessory building shall not be used as a dwelling unless expressly permitted as such.

ACCESSORY DWELLING UNIT (ADU). A subordinate dwelling unit, either attached to or detached from a primary single-family dwelling, that provides independent living facilities, must include areas for sleeping, cooking, and bathing. An ADU is incidental and subordinate to the principal dwelling and may not be subdivided, sold, or otherwise separated in ownership from the primary residence. For purposes of this definition:

Bathing facilities include a shower, bathtub, or combination shower/tub located within a room designed for personal hygiene that also contains a toilet and sink.

Kitchen facilities include, at minimum:

- a countertop for food preparation,
- a sink with hot and cold running water,
- permanent cooking appliances designed for residential use, served by natural gas, propane, or a 220-volt electrical connection, and a refrigerator of customary household size.

ACCESSORY STRUCTURE. A structure that is subordinate to and customarily incidental to the principal building or principal use on the same lot, but that is not enclosed by walls on all sides and does not constitute a building. Accessory structures include, but are not limited to trellises, gazebos, pergolas, decks, patios, antennas, swimming pools, playground equipment, and similar constructed features.

ACCESSORY USE. A use which is subordinate to and associated with a principal use and which is located on the same lot as the principal use.

ADULT DAY CARE. As regulated by Minnesota State Statutes Chapter 245A, a program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care. Adult day care, adult day services, and family adult day services do not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals.

AGRICULTURE USES. Agricultural uses include activities commonly associated with the production of crops and livestock. Typical agricultural uses include field crop farming; pastures and hay production; fruit and vegetable growing; tree, plant, shrub, or flower nurseries (not including retail buildings); truck gardening; and seasonal roadside stands selling products grown on the premises. Livestock raising and feeding are included except for commercial animal feedlots, slaughter facilities, meat processing operations, fur farms, and kennels. All agricultural activities must comply with applicable Minnesota Pollution Control Agency (MPCA) standards and state regulations.

AIRPORT. Facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, air traffic control facilities, informational facilities and devices, terminal buildings, passenger and cargo facilities, and airport auxiliary facilities.

ANIMAL PROCESSING & MEAT PACKING FACILITIES. An industrial use where animals/poultry are slaughtered and/or carcasses processed (cutting, curing, rendering, packaging). Licensed/inspected under [Minn. Stat. Ch. 31A](#); subject to MPCA permitting under Minn. Rules Chs. [7001](#), [7007](#), [7050](#), [7053](#), and [7035](#). Custom personal-use processing under [Minn. Stat. § 31A.15](#) excluded.

ALLEY. A public or private right-of-way or access easement primarily intended to provide secondary vehicular access.

ANIMAL SHELTER. An establishment that provides a temporary home for dogs, cats, and other domesticated animals that are offered for adoption.

ARCHITECTURAL ELEMENTS. Components of a building that may protrude slightly from the main building, including but not limited to chimneys and flues, bay windows, window wells, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters.

ARTISAN FABRICATION. Small-scale, craft-based production using hand tools or light machinery to create or assemble custom goods (such as metal, wood, glass, ceramics, leather, textiles, or similar materials). Regulated as a low-intensity manufacturing use under the Minnesota State Building Code and applicable MPCA requirements.

ASSISTED LIVING FACILITY. A facility that provides sleeping accommodations and assisted living services to one or more adults, as regulated under [Minnesota Stat. Chapter 144G](#).

APARTMENT. A room or suite of rooms which is designed for, intended for or occupied as a residence by a single family or an individual, and is equipped with bathing and cooking facilities. Includes dwelling unit and efficiency apartment.

AUTOMOBILE DEALERSHIP. A business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles.

AUTOMOBILE DETAILING. Automobile-related services such as applying paint protectors, interior and exterior cleaning and polishing, and installation of after-market accessories. Does not include automobile repair.

AUTOMOBILE REPAIR-MAJOR. General repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job; vehicle steam cleaning.

AUTOMOBILE REPAIR-MINOR. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under **AUTOMOBILE REPAIR-MAJOR**.

B

BAKERY. A place dedicated to the on-site preparation and retail sale of baked goods.

BASEMENT. A basement is a story that lies below the grade plane and therefore does not qualify as a story above grade plane, or as defined in the Minnesota Residential Code.

BED AND BREAKFAST. A small lodging establishment that provides short-term overnight accommodations and breakfast to guests within an owner-occupied primary residence. A bed and breakfast must be licensed by the Minnesota Department of Health as required under [Minn. Stat. Ch. 157](#) for lodging establishments renting guest rooms for less than one week. Food service is limited to breakfast for overnight guests unless the residence has a licensed commercial kitchen and any required zoning approvals. An owner-occupied lodging establishment that does not provide breakfast is regulated as a short-term rental, not a bed and breakfast.

BOARDING HOUSE. A building, other than a hotel, in which lodging or lodging and meals are provided for compensation to three or more persons who are not members of the principal family residing in the building. Such accommodations are provided only by prior arrangement and not to the general public. Establishments of this type fall under Minnesota's lodging licensing framework for facilities offering sleeping accommodations to more than one person and must be licensed by the Minnesota Department of Health as a lodging establishment or hotel/motel, depending on the number of units and the duration of stays. If meals are provided, the facility must comply with applicable MDH food service requirements, including any commercial kitchen standards that may be triggered when serving meals beyond limited service. This definition does not include buildings providing lodging or lodging and meals for more than ten persons, which may fall under separate MDH classifications such as board-and-lodge with special services or other licensed residential facilities.

BOTTLING ESTABLISHMENT. A facility where beverages or consumable liquids are processed and packaged into bottles or containers. Regulated as a food processing operation under [Minnesota Statutes Chapter 31](#) and the Minnesota Food Code ([Minnesota Administrative Rules 4626](#)).

BREWERY. A facility that manufactures malted or grain liquor for sale via fermentation, not distillation.

BREW PUB. See **CRAFT BEVERAGE PRODUCTION.**

BREWER SMALL / MICROBREWERY. See **CRAFT BEVERAGE PRODUCTION.**

BREWER TAPROOM. See **CRAFT BEVERAGE PRODUCTION** and **CRAFT BEVERAGE SALES.**

BROADCASTING STUDIO. Commercial and public communication uses including radio and television broadcasting and receiving stations and studios, or studios for the audio or video recording or filming of musical performances, radio, or television programs or motion pictures. This term does not include a transmission tower.

BUFFER. A vegetative feature as defined by [Minnesota Statutes, Section 103F.48.](#)

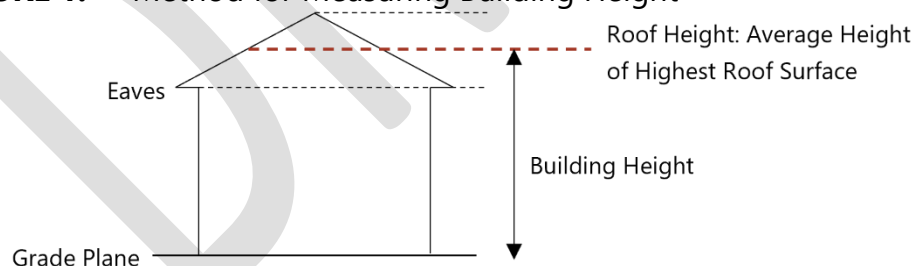
BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure having a roof supported by walls used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT. Except in the Shoreland Overlay District, building height is the vertical distance measured from the mean grade surrounding the building to:

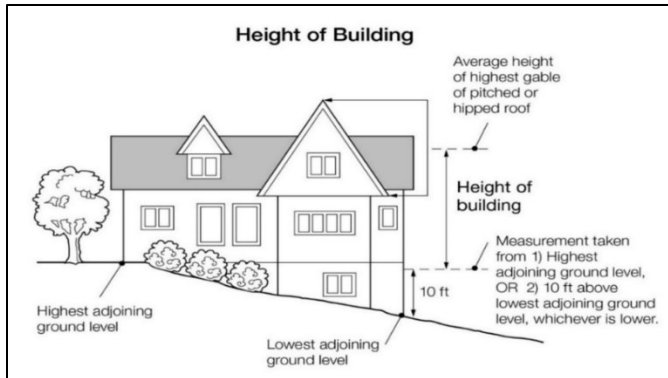
1. the highest point of a flat roof,
2. the midpoint between the eaves and the ridge of a pitched or hip roof, or
3. the deck line of a mansard roof.

FIGURE 1. Method for Measuring Building Height



In the Shoreland Overlay District, building height is the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 1).

FIGURE 2. Method for Measuring Building Height in the Shoreland Overlay District



BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING MATERIALS & INDUSTRIAL PRODUCT MANUFACTURING. A facility engaged in the manufacturing, fabrication, processing, assembly, or packaging of building materials or industrial products, including but not limited to lumber products, millwork, concrete or masonry products, asphalt or aggregate materials, metal or plastic components, prefabricated building systems, and related structural or construction materials. Activities may include the storage of raw materials and finished products, accessory repair or maintenance operations, and indoor or screened outdoor storage as permitted by this Ordinance. Such facilities are typically classified as industrial uses under the Minnesota Building Code, including but not limited to Factory Industrial (F-1 or F-2) occupancy groups, depending on whether the products present a moderate or low hazard. Operations are subject to any applicable Minnesota Pollution Control Agency (MPCA) permitting requirements and must comply with all state and federal safety, emissions, and environmental regulations.

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

BUSINESS INCUBATOR. A shared-tenant facility that is designed to nurture small, startup commercial and/or light industrial businesses. Such facilities can be operated on a profit or not for profit basis and typically provide tenants with below market rental rates, negotiable lease/space arrangements and other services to assist new businesses through start up operations.

BULK CHEMICAL & FUEL STORAGE FACILITIES. A facility used for the bulk storage, handling, or transfer of fuels, petroleum products, or chemical substances in above-ground or underground tanks exceeding normal on-site use. Such facilities are regulated under Minnesota Pollution Control Agency requirements, including tank standards in [Minn. Rules Ch. 7151](#) and applicable permitting under Ch.s [7001](#),

[7007](#), [7050](#), and [7035](#), and must comply with hazardous materials and fire-safety provisions of the Minnesota State Building Code.

C

CAMPGROUND. An area used for temporary accommodation of tents, recreational motor vehicles, or park trailers. Does not include a manufactured home or manufactured housing community.

CANNABIS CULTIVATION. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the Office of Cannabis Management, pursuant to [Minn. Stat. § 342.01](#).

CANNABIS MANUFACTURER. As described in [Minn. Stat. § 342.31](#).

CANNABIS RETAIL BUSINESSES. A retail location and the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers pursuant to [Minn. Stat. Ch. 342](#) and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CANNABIS RETAILER. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form pursuant to [Minn. Stat. Ch. 342](#) and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CANNABIS WHOLESALE. As described in [Minnesota State Statute 342.33](#) pursuant to [Minnesota Stat. Ch. 342](#) and applicable rules and guidance issued by the Minnesota Office of Cannabis Management and pursuant to [Minnesota Stat. Ch. 342](#) and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CANNABIS EVENT, TEMPORARY. An event lasting no more than four days at which cannabis products, cannabis flower, lower-potency hemp edibles, and hemp-derived consumer products may be sold and consumed and for which the organizer has a cannabis event organizer license issued by the Office of Cannabis Management and pursuant to [Minnesota Stat. Ch. 342](#) and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CAR WASH. A facility where motor vehicles are cleaned using automatic, mechanical, or hand-washing equipment, including self-service bays. A car wash is

classified as a commercial vehicle-service use and must comply with applicable Minnesota State Building Code requirements and any MPCA water, wastewater, and stormwater regulations.

CARPORT. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three sides. All anchoring systems shall be designed to resist uplift, lateral, and overturning forces in accordance with the latest adopted Building Code.

CELLAR. The portion of a building having more than one-half of the floor to ceiling height below the average land grade.

CEMETERY. A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, and mausoleums.

CHARITABLE GAMBLING. Lawful gambling conducted by a nonprofit organization in accordance with Minnesota Stat. Ch. 349, including bingo, pull-tabs, tipboards, paddlewheels, and raffles. Charitable gambling shall be permitted only in premises and locations authorized by state law and remains subject to local zoning regulations applicable to the principal use of the site, provided such regulations do not conflict with state law ([Minn. Stat. § 349.12](#); [§ 349.213](#)).

CHEMICAL MANUFACTURING. An industrial use involving the production, formulation, or compounding of chemical substances, including storage and handling of raw materials, subject to applicable MPCA permitting under Minnesota Rules Ch. [7001](#) and [7007](#) and fire-safety provisions of the Minnesota State Building Code.

CHILD CARE. The care of a child outside the child's own home on a regular basis, for any part of a 24-hour day.

DAY CARE CENTER. A facility in which a child care program is operated, licensed as a day care center under [Minn. Rules Ch. 9503](#).

FAMILY CHILD CARE. Child care licensed as family day care under [Minn. Rules Ch. 9502](#).

GROUP FAMILY CHILD CARE. Child care licensed as group family day care under [Minn. Rules Ch. 9502](#).

CLUB or LODGE. A non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises; providing, adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed; providing, such serving is secondary and incidental to the operation of the dining room for the purpose of serving food

and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

COMMERCIAL FUELING STATION. A principal or accessory business that provides only self-service fueling for automobiles and trucks through a pre-arranged agreement such as a numbered credit account. There shall be no other retail sales associated with the business, except by vending machine. There shall also be no fueling attendants on duty or any such facilities that will encourage overnight or extended parking.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMUNICATIONS INFRASTRUCTURE. A structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services. Also includes fiber hubs and wireless equipment.

COMMUNITY CENTER. A public facility used as a place of meeting, recreation, or social activity generally open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE MUNICIPAL PLAN. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs, including air space and subsurface areas necessary for mined underground space development, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution. A **COMPREHENSIVE PLAN** represents the city's recommendations for the future development of the community.

CONDITIONAL USE. An activity or use of the land, which because of special problems of control intrinsic in the use, requires reasonable but special, unusual and extraordinary limitations for the protection of the public welfare and the integrity of the municipal land use plan.

CONDITIONAL USE PERMIT. A permit, issued by the City Council in accordance with procedures specified in this chapter, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

CONDOMINIUM. A multiple dwelling containing individually owned dwellings units and jointly owned and shared areas and facilities, which dwelling is subject to applicable provisions of state statutes.

CONSTRUCTION YARD. A parcel or facility operated by a construction-related business for the outdoor storage and staging of materials, equipment, vehicles, and machinery used in construction, repair, or maintenance activities. The use may include accessory structures and offices incidental to the primary operation but does not include manufacturing or bulk material processing..

CONTROLLED HEAT PROCESS FACILITIES. Kilns or other heat processes fired by means other than electricity.

CONVENIENCE FOOD ESTABLISHMENT. An establishment contained in a building which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises. Includes, but is not limited to, coffee shops, delicatessens, doughnut shops, and ice cream parlors.

CONVENIENCE STORE. A small retail establishment offering a limited line of groceries and household items.

CONVENTION CENTER. A commercial facility used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions.

COSMETICS, PHARMACEUTICAL & FOOD PRODUCT MANUFACTURING. A facility engaged in the formulation, mixing, processing, or packaging of cosmetics, personal-care products, pharmaceuticals, nutraceuticals, or food products. These uses are classified as light-industrial or industrial food/chemical processing and must comply with applicable Minnesota Department of Health and Department of Agriculture regulations, the Minnesota Food Code, and any MPCA permitting requirements.

CUSTOM FABRICATION. A small-scale production use involving the creation, assembly, or modification of products to customer specifications using hand tools or light machinery. Includes woodworking, metalwork, prototypes, and similar low-intensity fabrication activities.

CRAFT BEVERAGE PRODUCTION. A facility licensed under Minnesota Stat. Ch. 340A for the small-scale production of alcoholic beverages, such as a distillery, brewery, or cidery. May include on-site tasting rooms, retail sales, and tours.

CRAFT BEVERAGE SALES. Retail sale of craft-produced alcoholic or non-alcoholic beverages—such as beer, cider, wine, spirits, kombucha, or similar products—manufactured on-site or off-site. This use does not include on-site consumption unless separately permitted under local alcohol-licensing regulations.

CRUSHING OPERATIONS. Mechanical processing of rock, aggregate, concrete, asphalt, or similar materials using crushers, screens, or related equipment, including temporary or permanent operations.

D

DAY CARE. See **CHILD CARE** or **ADULT DAY CARE**.

DATA CENTER. A facility used for the storage, processing, management, and distribution of digital data and information, consisting of servers, networking equipment, and supporting infrastructure such as cooling systems, backup power generation, and electrical equipment. Classification shall be based on the maximum planned electrical capacity (MW) at full build-out, regardless of phasing or number of buildings. May include: administrative offices, electrical substations and switchyards, backup generators and fuel storage, cooling systems (mechanical or liquid), security and maintenance facilities.

DATA CENTER -ENTERPRISE. A data center operated by a single organization or multiple tenants to support internal business operations or provide leased space for data storage and computing services. Includes Colocation data centers. Capacity Threshold: Up to 50 megawatts (MW) of total designed IT load.

DATA CENTER -HYPERSCALE. A large-scale data center designed for high-volume cloud computing, artificial intelligence, and digital infrastructure operations, typically operated by major technology companies. Capacity Threshold: Greater than 50 MW of total designed IT load (often expanding to 100+ MW over time).

DECK. An accessory open and uncovered structure that is constructed more than one foot above the height of the exterior finished grade elevation at any point along its perimeter which is attached to or abutting the principal use and is intended for recreational use. Within the shoreland overlay districts, any deck that at any point extends more than three feet above ground shall comply with shoreland requirements.

DETOXIFICATION FACILITY (SUB ACUTE). A short-term health care and evaluation center designed for the safe, supervised withdrawal from alcohol and drugs, the evaluation of the patient's involvement and possible dependency on chemical substances and to refer patient to appropriate programs.

TABLE 1. Types of Detoxification Facilities

Level of Care	Key Characteristics
Acute	Hospital-level care; severe or unstable conditions
Sub-acute	24-hour supervised care; stable conditions; no emergency services
Outpatient	No overnight stays; limited clinical oversight

DISTRICT. A section or sections of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class or use permitted herein.

DOG BOARDING (COMMERCIAL). A commercial facility that houses and cares for dogs overnight for others. Not considered a residential kennel. Subject to local zoning and animal-control rules; state kennel licensing applies only to facilities handling impounded/stray/owner-surrendered animals under [Minn. Stat. §§ 347.31–347.40](#).

DOG BOARDING (RESIDENTIAL). A home-based occupation that houses and cares for dogs for others for a period of greater than 24 hours. Not considered a residential kennel. Subject to local zoning and animal-control rules; state kennel licensing applies only to facilities handling impounded/stray/owner-surrendered animals under [Minn. Stat. §§ 347.31–347.40](#).

DOG KEEPING (PRIVATE RESIDENTIAL). The keeping of domestic dogs within a residential household for personal, non-commercial use. No household shall keep more than three (3) dogs over five (5) months of age, in accordance with the City's animal control regulations. Dog number limits and licensing requirements shall be governed by [Chapter 90 of the City Code](#).

DRIVE-IN RESTAURANT. A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons. Services are effected principally while patrons remain in their vehicles.

DRIVE-THROUGH ESTABLISHMENT. An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

DUPLEX. A dwelling on a single lot having two units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DWELLING. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels and boarding houses.

DWELLING, MANUFACTURED (MOBILE) HOMES. A detached residential structure transportable in one or more sections which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that, the

term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the State of Minnesota and complies with the standards established under [Minn. Stat. Ch. 327](#) as it may be amended from time to time.

DWELLING, MULTIPLE-FAMILY (APARTMENT). A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits.

DWELLING, SINGLE-FAMILY ATTACHED. Two single-family dwellings with a zero lot line on one side sharing a common wall, with the common wall and all jointly owned or jointly utilized facilities including, but not limited to, decks, utility lines and driveways being governed under a declaration of covenants and restrictions approved by the city, and filed with the County Recorder.

DWELLING, SINGLE-FAMILY DETACHED. A detached dwelling unit designed exclusively for occupancy by one family.

DWELLING UNIT. A self-contained unit providing independent living facilities for one household, including permanent provisions for living, sleeping, cooking, and sanitation. A dwelling unit does not include hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes, or recreational vehicles.

E

EARTH SHELTERED BUILDING. A building constructed so that more than 50% of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth, and all applicable Building Code Standards are satisfied. Partially completed buildings shall not be considered **EARTH SHELTERED**.

EMERGENCY RESPONSE SERVICE. A facility for the dispatch, storage, and maintenance of emergency vehicles, including but not limited to ambulances and fire trucks.

ENFORCEMENT OFFICER. See **ZONING ADMINISTRATOR**.

ESSENTIAL SERVICES. Overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems operated by public utilities, municipal or other governmental agencies or under franchise from government.

EV CHARGING STATIONS. A facility that allows electric vehicles to connect to an external power source in order to charge the vehicle battery.

EXPANSION. Any increase in a dimension such as number of units or size, area, volume, or height of an existing structure or accessory structure or facility.

EXPLOSIVES & HAZARDOUS MATERIAL MANUFACTURING AND STORAGE. The manufacture, processing, handling, or storage of explosives or hazardous materials that, due to their quantity or characteristics, pose a potential risk to public health, safety, or the environment and are regulated by federal or state law. This term does not include incidental or accessory storage of hazardous materials customarily associated with permitted uses and conducted in compliance with applicable building, fire, and environmental codes.

F

FAMILY. One or more persons each related to the other by blood, marriage, adoption or foster care, or a group of not more than five persons not so related maintaining a common household and using common cooking and kitchen facilities.

FENCES. An above-grade artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land and may be erected, placed or maintained along or adjacent to a lot line.

FISHING PIER OR ACCESS DOCK. A noncommercial or public structure extending into a water body for fishing, viewing, or passive recreational use, not designed for the mooring of multiple watercraft.

FITNESS CENTER. A facility that provides equipment or space for the purpose of physical exercise, including gyms and indoor swimming pools.

FOOD VENDING VEHICLE. Every motor vehicle in which foods of any kind are carried for the purposes of selling, at retail sale, on the city streets or other public right-of-way.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FUNERAL HOME. An establishment engaged in undertaking services such as preparing the dead for burial, display of the deceased, arranging and managing funerals, and associated rituals connected with burial or cremation. Also includes mortuaries.

G

GARAGE. See **PARKING GARAGE** and **PRIVATE GARAGE**.

GARAGE SALE. A **GARAGE SALE** shall include rummage sales, basement sales, yard sales, porch sales and all other periodic sales at a residential location intended for the limited purpose of isolated or occasional sales for the selling of used goods or home-crafted items by the residents thereof.

GAS STATION. An area used for the storage, dispensing and/or retail sale of automobile fuels, oils, and accessories.

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

GRAIN MILLING & DISTILLING FACILITIES. Facilities engaged in the processing of grain or other agricultural products for the production of flour, meal, malt, ethanol, spirits, or similar products, including associated milling, fermentation, distillation, storage, and packaging activities. This term does not include on-farm or small-scale processing accessory to agricultural use, or retail establishments where manufacturing is incidental to sales.

GREENHOUSE. A climate-controlled building used for the growing of plants, which may be grown for personal use or sold.

GROCERY STORE. A retail establishment where most of the floor area is devoted to the sale of food products for home preparation and consumption. Typically also offers other home care and personal care products. May host other uses such as a bakery, deli, or restaurant within the establishment.

GROSS FLOOR AREA. The sum of the gross horizontal area of the several floors of a building or buildings measured from the exterior walls, but not including any space where the floor-to-ceiling height is less than six feet.

H

HABITABLE SPACE. Space within a building designed and intended for human occupancy, living, working, or assembly, and that is typically conditioned and enclosed. Habitable space includes, but is not limited to, living rooms, bedrooms, kitchens, dining rooms, offices, retail areas, classrooms, and similar occupied areas.

NON-HABITABLE SPACE (or UNINHABITABLE SPACE). Space within a building not designed for human occupancy, living, or regular use, and not intended to be continuously occupied. Non-habitable space includes, but is not limited to, garages, parking areas, mechanical rooms, utility rooms, storage areas, stairwells, elevator shafts, corridors, crawl spaces, attics, basements without finished habitable space, and similar areas.

HEAVY MANUFACTURING. The processing or fabrication of products with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

HELIPORT. A helicopter landing area and base of operations including such facilities as maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, passenger and cargo facilities, and other necessary buildings and open spaces.

HEMP MANUFACTURING. The processing, extraction, conversion, or manufacturing of industrial hemp or hemp products as defined and regulated by [Minn. Stat. § 342.45](#), including activities involving hemp-derived cannabinoids, fibers, or oils. This term does not include cultivation of hemp, retail sales, or activities conducted solely for personal or non-commercial use.

HOME OCCUPATIONS. Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises.

HOSPITAL. An institution providing health services and medical or surgical care, primarily for inpatients, to individuals suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions. Includes as an integral part of the institution related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL. Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six or more guest rooms, used, designated or intended to be used, let or hired out to be occupied, or which are occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly.

I

IMPERVIOUS SURFACE. A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

IMPROVEMENT. Making an existing structure or accessory structure or facility of better quality, more efficient, or more aesthetically pleasing, that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

INDOOR RECREATION. See **RECREATION**.

INDUSTRIAL SERVICE BUSINESS. Certain business establishments where providing a service or services to industrial concerns or their employees accounts for a significant portion of the total operation. Such business must not in any way restrict or negatively impact on the conduct of existing or potential industrial operations. In addition to the standards for granting conditional use permits in § 157.075 of this chapter, review of each proposed use under this section shall include the assessment of potential impact on industrial operations including, but not limited to, environmental permitting or licensing and the generation of additional traffic into the industrial area; and that the proposed use does legitimately provide a service or

services to industrial firms or their employees at such a significant portion of total operation as to justify the location of the business in an industrial district as a matter of convenience and efficient provision of services to industrial clientele and their employees. Denial of the application for conditional use for **INDUSTRIAL SERVICE BUSINESS** may be based entirely on the applicant's failure to reasonably satisfy the Planning Commission and City Council as to these standards.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

J

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

L

LABORATORY. A facility for scientific analysis of natural resources, medical resources, and manufactured materials. This category includes but is not limited to environmental laboratories, medical or veterinary laboratories, forensic laboratories, and research laboratories.

LAND RECLAMATION. The reclaiming of land by depositing of materials so as to elevate the grade. Any lot or parcel upon which 400 cubic yards or more of fill is to be deposited shall come under the controls of land reclamation.

LARGE-SCALE LAUNDRY & TEXTILE CARE FACILITIES. A commercial or industrial establishment engaged in the washing, drying, finishing, repair, or conditioning of textiles or linens for off-site customers or multiple facilities, using commercial or industrial equipment. Operations may include receiving, sorting, processing, storage, and distribution of textiles and associated service or delivery vehicles. This use does not include self-service laundromats or small-scale personal laundry or dry-cleaning establishments.

LICENSED NON-RESIDENTIAL PROGRAMS. A facility that provides care, supervision, rehabilitation, training or habilitation outside of an individual's home for fewer than 24 hours per day, as licensed under [Minn. Stat. Ch. 245A](#). This category includes adult day care programs and substance abuse treatment programs. This category does not include child care.

LIGHT MANUFACTURING. The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

LIGHT FABRICATION. Foundry casting, lightweight, non-ferrous metals, or electric foundry not causing noxious fumes or odors.

LIQUOR STORE. A business engaged in the sale of alcoholic beverages for off-premises consumption.

LOT. A lot meeting the requirements of this chapter for development and which must be legally created in accordance with the subdivision regulations.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

LOT DEPTH. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way (chord) within the lot boundaries.

LOT, FLAG. A lot with limited or no frontage on a public or private street, where vehicular access is provided by a narrow access strip connecting the main, buildable portion of the lot to the street. The access strip is intended solely for access purposes and shall not be counted as lot frontage for the purpose of meeting minimum frontage, width, yard, or setback requirements, unless otherwise specified in this code.

LOT FRONTAGE. The front of a lot shall be for the purposes of complying with this chapter, that boundary abutting a public right-of-way having the least width. The owner of a corner lot may select either street line as the front lot line; providing, the resulting setbacks will be compatible with the existing or future setbacks of the adjoining properties subject to approval by the Building Inspector or Zoning Administrator. The other street line is treated as the lot line for the second front yard.

LOT, INTERIOR. A lot, other than a corner lot, including through lots.

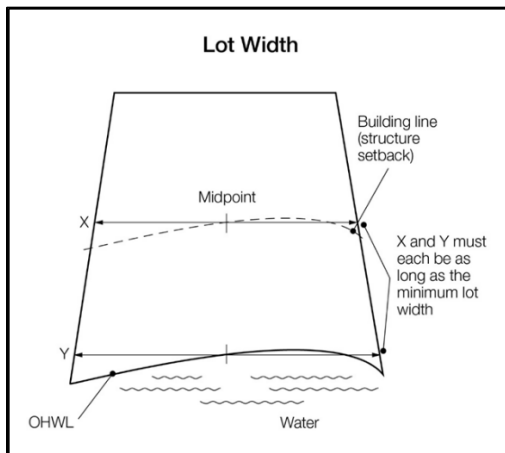
LOT LINE. A property boundary line of any lot held in single or separate ownership; except that, where any portion of the lot extends into the abutting street or alley, the **LOT LINE** shall be deemed to be the street or alley right-of-way.

LOT, THROUGH. A lot fronting on two substantially parallel streets.

LOT WIDTH. The horizontal distance between the side lot lines measured at the building setback line. In the Shoreland District, lot width is measured as the minimum distance between:

- Side lot lines measured at the midpoint of the building line; and
- Side lot lines at the ordinary high water level, if applicable (see Figure 3).

FIGURE 3. Lot Width



M

MACHINE SHOP. An industrial or commercial establishment engaged in the fabrication, machining, shaping, cutting, or finishing of metal, plastic, or similar materials using machine tools such as lathes, mills, grinders, presses, or computer-numerical-controlled (CNC) equipment. Operations may include material storage, assembly, and incidental welding. This use does not include minor repair or fabrication activities accessory to another permitted use.

MAINTENANCE AND REPAIR. Upkeep or preservation of an existing structure or accessory structure or facility against normal wear and tear or degradation over time that does not change exterior dimensions. Examples include the rehabilitation or replacement of windows, siding, a roof, or exterior finishes such as paint or stain.

MAINTENANCE GARAGE. A building or facility used for the servicing, repair, inspection, or maintenance of vehicles or equipment owned or operated by a public agency, utility, business, or institution, and not available to the general public. Activities may include mechanical repair, fueling, washing, storage, and parts inventory. This use does not include commercial vehicle sales or general public auto repair services.

MANUFACTURED HOME. A manufactured home that complies with the federal Manufactured Home Construction and Safety Standards (HUD Code) adopted pursuant to [Minn. Stat. Ch. 327](#). A manufactured dwelling that complies with the HUD Code pursuant to [Minn. Stat. Ch. 327](#) shall be considered a single-family detached dwelling when placed on a permanent foundation and meeting the applicable dimensional, setback, and site standards of the zoning district. Modular or

industrialized dwellings constructed pursuant to [Minn. Rules Ch. 1361](#) shall be regulated as site-built dwellings.

MANUFACTURED HOME PARK. A parcel of land under common ownership or control that contains two or more manufactured home sites for rent or occupancy, used for the placement of manufactured homes for residential purposes, and regulated under [Minn. Stat. Ch. 327C](#), and applicable Minnesota Department of Health rules. Utility connections, service buildings, and sanitary facilities shall be provided as required by applicable state regulations.

MINI STORAGE FACILITIES. A commercial service that provides individual storage units for rent or lease to the general public. Also known as self-storage.

MINING. The use of land for the surface or subsurface extraction, excavation, or removal of sand, gravel, rock, soil, or other naturally occurring mineral materials, whether temporary or permanent, and whether or not such materials are processed on-site, for commercial or off-site use. Mining does not include excavation or grading conducted solely for the construction of a permitted building, structure, roadway, or other improvement on the same site.

MOTEL/MOTOR HOTEL. A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, which garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

N

NON-CONFORMING STRUCTURE OR USE. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.

NON-HABITABLE STRUCTURES. An accessory building, accessory structure, or portion of a primary building that is not intended to serve as a dwelling. **NON-HABITABLE STRUCTURES** include but are not limited to attached garages, detached garages, gazebos, and sheds.

NURSERY. An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

NURSING HOME. A facility or that part of a facility which provides nursing care to five or more persons, as regulated under [Minn. Stat. Ch. 144A](#).

O

OFF-STREET LOADING SPACE. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OFF-STREET PARKING. Space dedicated to the temporary storage of operable motor vehicles in locations other than public streets. Includes parking lots, garages, private driveways.

OFFICE. A room, set of rooms, or building used as a place where a commercial or professional service is performed or consultation given. An office may include space dedicated to a doctor, dentist, lawyer, real estate agent, insurance agent, accountant, or similar type of professional.

OPEN SALES LOT. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

OPEN AND OUTDOOR STORAGE. The storage of materials, equipment, vehicles, supplies, or merchandise outside of a fully enclosed building, whether on a temporary or long-term basis. Open and outdoor storage may include bulk materials, construction equipment, fleet vehicles, or inventory associated with an on-site or off-site use. This use does not include parking of operable personal vehicles or outdoor display accessory to a permitted principal use unless expressly allowed.

OPEN SPACE. Land or area on a lot that is open and unobstructed to the sky, designed for outdoor use, and available for the benefit of occupants of the development. Open space may be landscaped, naturalized, paved, or otherwise improved and may include lawns, gardens, courtyards, patios, plazas, play areas, or similar outdoor areas. Open space is intended to provide opportunities for recreation, relaxation, or visual relief and may be private, common, or shared, as provided by this chapter. Parking lots are not considered as "open space".

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUTDOOR RECREATION. See **RECREATION.**

P

PARK. An area of land dedicated to public recreational use, which may be kept in its natural state or contain facilities that support recreation.

PARKING GARAGE. A structure designed and used primarily for the parking or storage of motor vehicles, whether operated as a principal use or as an accessory to another permitted use, and which may be enclosed, partially enclosed, or open.

PARKING SPACE. An area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one automobile which has adequate access to a public street or alley and permitting satisfactory ingress for an automobile.

PATIO. An accessory open and uncovered structure or hard surfacing that is no more than one foot above the height of the exterior finished grade elevation at any point along its perimeter which is attached to or abutting the principal use and is intended for recreational use.

PERMITTED USE. A use which may be lawfully established in a particular district or districts; provided, it conforms with all requirements, regulations and performance standards (if any) of such districts.

PERSON. Any individual, firm, partnership, association, corporation, trust, or other legal entity.

PERSONAL SERVICES. Establishments primarily engaged in providing individual services generally related to personal needs, such as a salon, spa, or barber shop.

PLACE OF WORSHIP. A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLANNED UNIT DEVELOPMENT. A tract of land developed as a unit rather than as individual development wherein buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries. The **PLANNED UNIT DEVELOPMENT** must be developed in compliance with § 157.058 of this chapter.

SHORELAND COMMERCIAL PLANNED UNIT DEVELOPMENTS. In the Shoreland Overlay District, developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

SHORELAND RESIDENTIAL PLANNED UNIT DEVELOPMENT. In the Shoreland Overlay District, a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums,

townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

POST-SECONDARY SCHOOL. An institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges or vocational schools that grant certificates of completion in business or technical fields.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which the building is located.

PRINCIPAL USE. The main use of land or buildings as distinguished from subordinate or accessory uses. A **PRINCIPAL USE** may be either permitted or conditional.

PRIVATE GARAGE. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business or industry is carried on.

PUBLIC USES. Uses owned or operated by municipal, school districts, county, state or other governmental units.

PUBLIC UTILITIES. Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water.

PUBLIC WATERS. Any water as defined in [Minn. Stat. § 103G.005, Subd. 15, 15a.](#)

Q

QUAD. A dwelling on a single lot having four units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

R

RECREATION, INDOOR. A facility that provides completely enclosed space dedicated to leisure activities, including dance halls, indoor batting cages, go karts, roller rinks, arcades, theaters, health and recreation clubs, bowling alleys, and similar facilities.

RECREATION, OUTDOOR. An outdoor facility that provides space dedicated to leisure activities, including outdoor golf courses, go karts, batting cages, clubhouses,

country clubs, swimming pools, playgrounds, athletic fields, fairgrounds, and similar facilities.

RECREATIONAL VEHICLE (RV). A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE (RV) CAMPGROUND. A lot developed with facilities for temporarily accommodating recreational vehicles for recreational, camping, or travel uses.

RECYCLING CENTER. A facility that is not a junkyard, in which recoverable resources such as newspapers, cardboard, glassware and metal cans are collected, separated, and packaged for shipment to others who will use those materials to manufacture new products. This does not include the preparation of material such as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding and cleaning.

RECYCLING, WASTE/GARBAGE DISPOSAL & MATERIALS RECOVERY FACILITIES. Facilities primarily engaged in the collection, transfer, processing, sorting, treatment, recycling, or disposal of solid waste, recyclables, or recoverable materials. This term does not include incidental waste collection or recycling activities accessory to another permitted use and conducted within enclosed buildings or designated service areas.

REPAIR SHOP. An establishment primarily engaged in the provision of repair services to individuals and households, but excluding automotive repair. Typical uses include small appliance, shoe, watch or jewelry, bicycle, or musical instrument repair.

REPLACEMENT AND RESTORATION. Reconstruction of part or all of an existing structure or accessory structure or facility that closely matches or replicates the preexisting structure or facility.

RESIDENTIAL FACILITY. A dwelling licensed or registered by the State of Minnesota under Minn. Stat. Ch.s [245A](#), [245D](#), [144G](#), or other applicable state law, to provide housing, with or without supportive services, to individuals or families. Residential facilities include, but are not limited to, adult or child foster homes, community residential settings, residential treatment programs, maternity shelters, group residential programs, and other similar state-licensed or state-registered residential programs. In accordance with [Minn. Stat. § 245A.11, subd. 2](#), a residential facility with a licensed capacity of six (6) or fewer persons shall be considered a permitted single-family residential use in any zoning district where single-family dwellings are allowed. Such facilities shall not be subject to spacing, separation, dispersal, or

concentration requirements, nor to occupancy or ownership restrictions that differ from those imposed on other single-family dwellings.

Residential facilities licensed to serve seven (7) or more persons may be reviewed under zoning standards applicable to comparable institutional or multi-unit residential uses, provided that all such standards are neutral, impact-based, and consistent with state law, the federal Fair Housing Act, and reasonable accommodation requirements.

RESTAURANT. An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

RETAIL SALES ESTABLISHMENT. A commercial enterprise dedicated to selling commodities or goods directly to the consumer.

RIDING STABLES (COMMERCIAL). An establishment where horses are kept, boarded, trained, leased, or provided for riding instruction, recreation, or events for a fee. This use may include indoor or outdoor riding arenas, stables, paddocks, corrals, accessory buildings, and limited retail or instructional activities directly related to equestrian operations.

RIDING STABLE (Residential). ~~The keeping of horses on a residential property as an accessory use to a principal dwelling, intended for personal, family, or noncommercial use. This use may include small scale stables, shelters, paddocks, or riding areas customarily incidental to residential occupancy. Residential riding stables shall not include boarding, training, riding lessons, events, or other activities conducted for compensation or open to the general public.~~

S

SEMIPUBLIC USE. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENIOR CITIZEN HOUSING. Multiple dwelling building with open occupancy generally limited to persons over 60 years of age. Not more than 10% of those living in **SENIOR CITIZEN HOUSING** can be under 60. Elevator service must be provided to each floor. Useable open space which at the minimum is equal to 20% of the gross lot area is required. Such housing should be readily accessible to shopping and medical facilities or arrangements for adequate transportation to and from such facilities should be available to the residents.

SETBACK. The minimum horizontal distance required between a building and street or lot line. Distances are to be measured from the most outwardly extended portion

of the structure at ground level. In the Shoreland Management Section §§ 157.015 through 157.023 of this chapter, setback shall refer to the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SETBACK LINE. A line which represents the required setback on a lot.

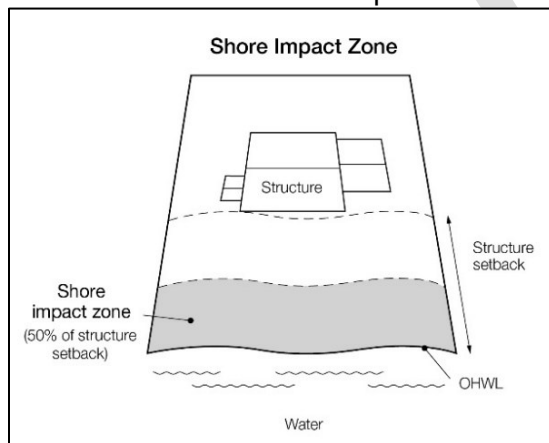
SEWAGE TREATMENT SYSTEM. "Sewage treatment system" has the meaning given under [Minn. Rules Ch. 7080.1100, Subp. 82](#).

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHOPPING CENTER. A grouping of retail business and service uses on a single site with common parking facilities.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 4).

FIGURE 4. Shore Impact Zone

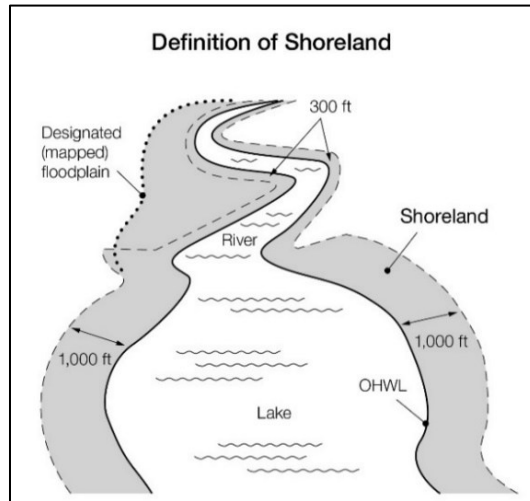


SHORE RECREATION FACILITIES. Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

SHORELAND. "Shoreland" means land located within the following distances from public waters:

- 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
- 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater (see Figure 5).

FIGURE 5. Definition of Shoreland



SHORT-TERM RENTAL (STR). A dwelling unit or portion thereof rented to transient guests for a period of less than 30 consecutive days. STRs may include entire homes, accessory dwelling units, or individual rooms. STRs are subject to local licensing, inspection, and occupancy regulations, and must comply with applicable provisions of [Minn. Stat. Ch. 504B](#) regarding landlord-tenant responsibilities, building codes and any other applicable laws.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of [Minn. Stat. § 307.08](#). A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SMALL-SCALE LOGISTICS & DELIVERY HUBS. A facility used for the short-term sorting, staging, and dispatch of goods for local or regional delivery, typically served by vans or light-duty trucks. This use does not include large freight terminals, distribution centers with long-term storage, or heavy truck yards.

SOIL PROCESSING. The operation of processing sand, gravel and other material mined from the land.

SOLAR COLLECTION SYSTEM. Any device that absorbs and accumulates solar radiation for use as a source of energy.

SOLAR COLLECTION SYSTEM, ROOF-MOUNTED. A solar array fixed to a building's roof intended to use sunlight to generate electricity for on-site use.

STEEP SLOPE. Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

STORY. The portion of a building included beneath the upper surface of a floor and upper surface of floor next above; except that, the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar or unused underfloor space is more than six feet above grade as defined herein for more than 50% of the total perimeter is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a **STORY**.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated.

STRUCTURE (SHORELAND DISTRICT). In the Shoreland Overlay District, any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

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

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

SUITABILITY ANALYSIS. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

SWIMMING POOL. Any structure, chamber, or tank containing an artificial body of water designed primarily for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

T

TAVERN. An establishment primarily engaged in the on-site sale and consumption of alcoholic beverages, which may include incidental food service, and is licensed under applicable Minnesota alcohol-control laws.

TAXI SERVICES. A commercial service providing on-demand passenger transportation using licensed vehicles and drivers for hire. Taxi services may include dispatch operations and vehicle staging but do not include vehicle storage yards or repair facilities.

TENT. A temporary structure or shelter constructed of fabric, plastic, canvas, or similar pliable material supported by poles, frames, cables, or ropes, and not permanently affixed to the ground. A tent is not intended for permanent occupancy and is typically erected for temporary events, storage, sales, or recreational purposes.

TERMINAL. A facility dedicated to the loading, unloading, and temporary storage of freight; or the loading and unloading of passengers.

THREE- OR FOUR-SEASON PORCH. An enclosed, partially transparent, roofed structure attached to the main floor level of the principal structure. Such structure is constructed a minimum of 12 inches above the ground in which it is located and is supported on pier style footings.

TOWNHOUSES. Structures housing three or more dwelling units contiguous to each other only by the sharing of one common wall, such structures to be of the town or row house type as contrasted to multiple-dwelling apartment structures.

TREE FARM. Any parcel of land used to raise or harvest trees for wood products such as lumber, posts and poles, fuel wood, and Christmas trees where forest products are sold on-site or transported to market.

TRIPLEX. A dwelling on a single lot having three units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

U

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

V

VARIANCE. The waiving by the Zoning Board of Appeals of the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration, pursuant to [Minn. Stat. § 462.357, Subd. 6](#), as it may be amended from time to time.

W

WAREHOUSING, LOGISTICS, & DISTRIBUTION FACILITIES. A facility used for the storage, handling, sorting, or distribution of goods, including receiving and shipping operations, typically served by trucks or freight vehicles. This use may include limited packaging or assembly incidental to storage and distribution but does not include retail sales to the general public or manufacturing as a primary activity.

WASTE INCINERATION & REDUCTION FACILITIES. A facility designed to thermally treat, combust, gasify, pyrolyze, or otherwise process solid waste, municipal solid waste, industrial waste, medical waste, or similar materials for the purpose of volume reduction, destruction, or energy recovery. This term includes waste-to-energy facilities and other waste processing operations involving heat-based treatment, but does not include recycling facilities, transfer stations, composting operations, or incidental on-site waste disposal accessory to a permitted principal use. Waste incineration and reduction facilities are subject to applicable permitting and operational requirements of the Minnesota Pollution Control Agency (MPCA) and other state and federal agencies. Zoning approval does not substitute for any required environmental permits

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios, and detached decks. Boathouses and boat storage structures given the meaning under [Minn. Stat. § 103G.245](#) are not a water-oriented accessory structures.

WATER-DEPENDENT USE. The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of uses typically found in shoreland areas.

WEATHER SHELTER. A building designed to provide protection from adverse conditions, such as storms, floods, extreme temperatures, or tornadoes.

WETLAND. "Wetland" has the meaning given under [Minn. Rule, part 8420.0111](#).

WHOLESALE SHOWROOMS & OFFICE SUPPORT. Commercial use primarily engaged in business-to-business sales, display, and support functions, including product showrooms, sample rooms, catalogs or demonstration spaces, administrative offices, and related sales or customer-service activities, where sales are made primarily to retailers, contractors, or institutional buyers and not to the general public for on-site retail purchase. This use may include limited accessory storage of inventory but does not include retail storefront sales, warehousing as a primary use, distribution centers, or freight terminals.

WILDLIFE REFUGE. A designated area that is closed to hunting and trapping wild animals, except for specific permitted activities.

WIND ENERGY CONVERSION SYSTEM (WECS). A device, structure, turbine, tower, and associated equipment designed to convert wind energy into electrical energy for onsite use or distribution.

SMALL WIND ENERGY CONVERSION SYSTEM (SMALL WECS). A WECS with a rated generating capacity of 20 kilowatts (kW) or less, intended primarily to serve the energy needs of the principal use on the same lot and customarily incidental to that use.

LARGE WIND ENERGY CONVERSION SYSTEM (LARGE WECS). A WECS with a rated generating capacity greater than 20 kilowatts (kW), including systems intended for commercial, institutional, agricultural, or utility-scale energy production.

PRODUCTION PHASE WECS. Professionally designed wind machines that are built in significant numbers on a continuing basis after testing. Wind machines made from professionally designed kits will be considered **PRODUCTION PHASE WECS**.

Y

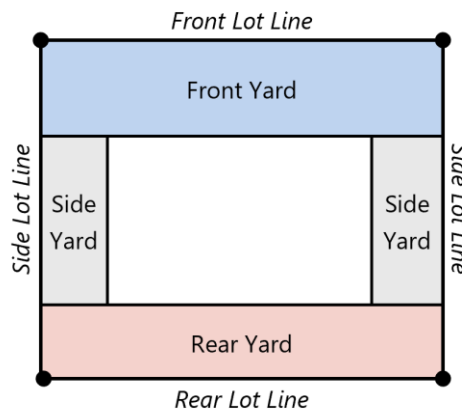
YARD. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A **YARD** extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

YARD, FRONT. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the principal building.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE. A yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the lot to the rear yard.

FIGURE 6. Location of Front, Side, and Rear Yards



Z

ZONING ADMINISTRATOR (CODE ENFORCEMENT OFFICER). The individual designated by the City to administer, interpret, and enforce this Ordinance and all applicable land use regulations. The Zoning Administrator shall have the authority to conduct inspections, issue permits, provide written interpretations, and initiate enforcement actions. The titles **ZONING ADMINISTRATOR** and **CODE ENFORCEMENT OFFICER** are deemed equivalent and may be used interchangeably throughout this Code.

(Ord. 827, passed 4-19-1983; Ord. 1052, passed 2-4-1992; Ord. 1061, passed 6-16-1992; Ord. 1087, passed 2-28-1994; Ord. 1090, passed 5-17-1994; Ord. 1113, passed 5-16-1996; Ord. 1139, passed 6-4-1996; Ord. 1145, passed 8-6-1996; Ord. 1147, passed 8-20-1996; Ord. 1168, passed 8-19-1997; Ord. 1255, passed 5-1-2001; Ord. 1487, passed 8-1-2012; Ord. 1491, passed 1-8-2013; Ord. 1504, passed 7-2-2013; Ord. 1518, passed 2-17-2015; Ord. 1543, passed 9-20-2016; Ord. 1546, passed 10-18-2016; Ord. 1578, passed 4-3-2018; Ord. 1596, passed 9-3-2019)

§ 157.003 NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

A. Purpose and intent. The purpose of this section is to provide for the regulation of lawful nonconforming buildings, structures, lots, and uses in a manner consistent with Minnesota law. This section recognizes the legal right to continue, maintain, repair, replace, restore, and improve lawful nonconformities, while allowing the City to regulate expansions and alterations that would increase the degree of nonconformity. This section is intended to be administered in accordance with [Minn. Stat. § 462.357, subd. 1e](#), as amended.

- B. Lawful nonconformities.** Any building, structure, lot, or use that was lawfully established prior to the effective date of this chapter or subsequent amendment and that does not conform to current regulations shall be deemed a lawful nonconformity.
- C. Continuation.** A lawful nonconforming use or structure may be continued in the form and manner lawfully existing at the time it became nonconforming, subject to the provisions of this section.
- D. Maintenance, repair, and safety.** Nothing in this chapter shall prevent the ordinary maintenance or repair of a lawful nonconforming building or structure, including work required to place or maintain the structure in a safe condition or to comply with the Minnesota State Building Code or Minnesota State Fire Code. Such work shall not, by itself, be construed as increasing the degree of nonconformity.
- E. Alteration and improvement.** A lawful nonconforming building or structure may be altered or improved, including interior or exterior improvements, provided that the alteration does not increase the degree of nonconformity in violation of this chapter.
- F. Change to conforming or less nonconforming use.** When a lawful nonconforming use is changed to a conforming use, it shall not thereafter be changed back to a nonconforming use. A lawful nonconforming use may be changed to a use that is less nonconforming, but once changed, shall not be altered to increase the degree of nonconformity.
- G. Movement.** No lawful nonconforming building or structure shall be moved to another lot or to a different location on the same parcel unless, after the move, the building or structure complies with all applicable provisions of this chapter.
- H. Damage or destruction.**
1. A lawful nonconforming building or structure that is damaged or destroyed by fire, flood, wind, or other casualty may be repaired, rebuilt, replaced, or restored, provided that reconstruction is commenced within one hundred eighty (180) days of the date of damage or destruction.
 2. If the cost of restoring the building or structure exceeds fifty (50) percent of its assessed market value at the time of damage, as determined by the County Assessor, the structure shall be brought into compliance with current zoning regulations, unless otherwise permitted under Minn. Stat. § 462.357, subd. 1e.
- I. Abandonment.** A lawful nonconforming use shall be considered abandoned only if the use has ceased for a continuous period of at least one hundred eighty (180) days and there is evidence of intent to abandon the use. Temporary cessation due to repairs, permits, casualty, seasonal operation, or other similar circumstances shall not constitute abandonment.

J. Residential nonconforming structures – limited expansion. Existing residential buildings with lawful nonconforming side-yard setbacks may be expanded in line with the existing nonconforming wall, provided that all of the following conditions are met:

1. A minimum three-foot (3') side-yard setback is maintained;
2. A minimum five-foot (5') separation is maintained between the proposed addition and any structure on the immediately adjacent lot, and the addition complies with applicable fire-resistance and exterior wall opening requirements of the Minnesota State Building Code;
3. The addition does not extend the length of the nonconforming wall by more than seventy-five percent (75%) of the original length of that wall;
4. The expansion does not create or increase any condition deemed hazardous by the building official or fire code official;
5. The expansion does not include or create an attached garage unless the garage complies with all current building and fire code requirements.

K. Vested rights. Any structure for which a building permit has been lawfully issued prior to the effective date of this chapter and that would otherwise become nonconforming may be completed in accordance with the approved plans, provided construction is commenced and continued in accordance with state law. Upon completion, such structure shall be considered a lawful nonconformity.

§ 157.004 NON-CONFORMING LOTS OF RECORD.

- A.** A lot of record that was lawfully created and in separate ownership on the effective date of this chapter, but which does not meet current minimum lot area or width requirements of the applicable zoning district, may be used for the construction of a single-family detached dwelling or two-family (duplex) dwelling, provided that:
1. All other applicable requirements of this chapter, including setbacks, height, and coverage, are met; or
 2. Relief from such requirements is granted in accordance with the variance provisions of this chapter.

(Ord. 827, passed 4-19-1983)

§ 157.005 DWELLING UNIT RESTRICTIONS.

- A.** No garage, tent or accessory building shall, at any time, be used as an independent residence or dwelling unit, temporarily or permanently.

- B.** Legally permitted basements may be used as living quarters or rooms as a portion of residential dwellings.
- C.** Tents, play houses or similar structures may only be used for play or recreational purposes.
- D.** Notwithstanding any other provisions of this chapter, in all zoning districts where single-family residences are permitted, the following design criteria shall apply for all single-family detached dwellings:
 - 1.** A minimum width of 24 feet not including any attached garage, except tiny homes as defined in the building code appendix Q;
 - 2.** A minimum length of 24 feet not including any attached garage, except tiny homes as defined in the building code appendix Q;
 - 3.** A minimum total square footage of 400 square feet not including overhangs and other projections;
 - 4.** Roof coverings shall consist of approved roofing materials that comply with the Minnesota State Building Code and applicable ASTM, UL, or other nationally recognized testing standards for the intended roof assembly. Roofing materials shall be installed in accordance with manufacturer specifications and approved construction documents. Roof finishes shall be non-glare, unless otherwise approved, and shall be compatible with the architectural character of the surrounding neighborhood. Repairs, patches, or alterations shall substantially match the primary roof in material, color, and appearance. ; and
 - 5.** Exterior walls shall be placed upon and secured to a permanent foundation of concrete, masonry or treated wood construction and shall include frost footings, all in accordance with the State Residential Building Code.

(Ord. 827, passed 4-19-1983; Ord. 1255, passed 5-1-2001; Ord. 1304, passed 1-7-2003) Penalty, see § 157.999

§ 157.006 PLATTED AND UNPLATTED PROPERTY.

- A.** Any person desiring to improve property shall submit to the Zoning Administrator a y site plan of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments and any other information which may be necessary to ensure conformance to city ordinance.
- B.** All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.

- C.** Except in the case of planned unit development, as provided for in § 157.058 of this chapter, not more than one principal building shall be located on a lot. The words “principal building” shall be given their common, ordinary meaning, in case of doubt or on any question of interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Zoning Board of Appeals and City Council.
- D.** On a through lot (a lot fronting on two substantially parallel streets), the rear lot line shall be defined as the arterial street, where access is prohibited, and the minimum setback shall be 20 feet for applying the yard and parking regulations of this chapter.

(Ord. 827, passed 4-19-1983; Ord. 1145, passed 8-6-1996) Penalty, see § 157.999

§ 157.007 GENERAL DISTRICT PROVISIONS AND PURPOSE; ESTABLISHMENT OF DISTRICTS.

The following zoning classifications are hereby established within the city.

A. Residential districts.

- 1. R-1, Single-Family Residential District.** The purpose of the “R-1” Single-Family District is to provide for low density single-family detached residential dwelling units and directly related, complementary uses.
- 2. R-2, Medium Density Single-Family Residential District.** The purpose of the “R-2” Medium Density Single-Family Residential District is to provide for low and moderate density single-family detached dwellings, single-family attached dwellings up to four units, and directly related, complementary uses.
- 3. R-3, Medium Density Multi-Family Residential District.** The purpose of the “R-3” Medium Density Multi-Family Residential District is to provide for medium density housing in single-family detached or attached dwellings, townhouses, and multi-family dwellings ranging up to and including 12 units, and directly related, complementary uses.
- 4. R-4, High Density Residential District.** The purpose of the “R-4” High Density Multi-Family Residential District is to provide for high density residential units, including multi-family apartments of any size, and directly related, complementary uses.

B. Business Districts.

- 1. B-1, Neighborhood Business District. Deleted. B-2, Community Business District.** The purpose of the “B-2” Community Business District is to provide for retail or service activities on a community and regional market scale and to

provide goods and services to transient motor vehicle traffic. Such districts should be located in areas well served by collectors or arterial street facilities.

- 2. B-3, Central Business District.** The purpose of the “B-3” Central Business District is to provide for the development and redevelopment of high intensity commercial and service activities, gaining economic advantage from a concentration of complementary uses and drawing from and serving customers from the entire market area.

C. Mixed Use Districts.

- 1. MU-N, Neighborhood Mixed Use District.** The purpose of the “MU-N” Neighborhood Mixed-Use District is to create small-scale, walkable nodes within residential areas that provide convenient access to daily needs without requiring long trips. This district should integrate a balanced mix of commercial, residential and public spaces. These nodes should integrate local-serving uses—such as neighborhood grocery stores, cafés, personal services, and small offices—within a context that complements surrounding residential development. Buildings should generally be low-rise, with active ground-floor uses and residential or office space above where appropriate. Public spaces, such as pocket parks or plazas, should be incorporated to foster community interaction.
- 2. MU-D, Downtown Mixed Use District.** The purpose of the “MU-D” Downtown Mixed Use District is to create a vibrant, walkable neighborhood that serves as the community’s center. This district is intended to integrate a balanced mix of commercial, residential, civic, light industrial, and public gathering uses within a pedestrian oriented, human scale urban environment. Residential development may be permitted at densities of up to 40 dwelling units per acre, allowing a diverse range of housing types including apartments, townhomes, live-work units, and upper-story residential uses. Light industrial uses appropriate to the MU-D District include, but are not limited to, artisan manufacturing, small scale fabrication, food production, repair services, studios, workshops, and similar low impact production uses, provided such uses do not generate excessive noise, vibration, odor, dust, traffic, or outdoor storage inconsistent with a downtown environment. It is the policy intent of the City that heavy industrial uses and operations incompatible with mixed-use development be phased out of the MU-D District over time.

D. Industrial Districts.

- 1. I-1, Light Industrial District.** The purpose of the “I-1” Light Industrial District is to provide areas for warehousing, logistics, distribution, service, research, and light industrial development that support employment opportunities while maintaining compatibility with nearby commercial, institutional, and mixed-use

areas. Uses in the I-1 District are intended to involve limited external impacts, including controlled noise, odor, vibration, emissions, traffic, and outdoor storage, and to be capable of operating primarily within enclosed buildings. The district is designed to accommodate modern industrial and employment uses that do not require extensive separation from non-industrial land uses.

- 2. I-2, Heavy Industrial District.** The purpose of the "I-2" Heavy Industrial District is to provide areas for heavy industrial, manufacturing, processing, fabrication, and resource-intensive activities which, due to the nature of the product, scale of operations, or character of activity, may generate greater impacts such as noise, vibration, odor, emissions, traffic, or outdoor storage. Uses permitted in the I-2 District typically require physical separation or buffering from residential and commercial uses to protect public health, safety, and welfare. The I-2 District is intended to accommodate long-term industrial operations essential to the city and regional economy that may not be appropriate in lighter industrial or mixed-use environments.

E. Civic and Open Space Districts.

- 1. A-O, Agriculture-Open Space District.** The "A-O" Agriculture-Open Space District is intended to provide a district which will allow suitable areas of the city to be retained and utilized in open space for park and/or agricultural uses, prevent scattered non-farm uses from developing improperly, and secure economy in government expenditures for public utilities and service.
- 2. C-P, Civic-Public District.** The "C-P" Civic / Public Zoning District is intended to provide areas for public, and civic uses that serve the educational, governmental, cultural, health, and recreational needs of the community. This district accommodates facilities that are publicly owned or operated, or that provide essential public services, and that contribute to the community's civic life, identity, and overall quality of life. Typical uses may include, but are not limited to, government offices, public safety facilities, libraries, schools, public utilities, parks and recreational facilities, cultural institutions, and similar civic or institutional uses that serve the public interest.

F. Overlay Districts.

- 1. FP, General Floodplain Overlay.** A district to provide for the protection and preservation of water channels and those portions of the adjoining floodplains which are reasonably required to carry and discharge a regional flood that are subject to inundation by regional floods. It is intended that this district apply to those areas which, if left unrestricted, could result in loss of life and property, health and safety hazards, disruption of commerce, utilities and governmental services, extraordinary public expenditures for floodplain protection and relief

and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. This district is furthermore created and applied in compliance with requirements of Minn. Stat. Ch.s [103A](#), [103F](#) and [462](#), as they may be amended from time to time. The General Floodplain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in § 154.005 of this city code.

2. FW, Floodway Overlay. The “FW” Floodway Overlay includes those areas designated as floodway on the Flood Insurance Rate Map adopted in § 154.005 of this city code.

3. FF, Flood Fringe Overlay. The “FF” Flood Fringe Overlay includes those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in in § 154.005 of this city code as being within Zones AE, but being located outside of the floodway.

4. SL, Shoreland Overlay. The Shoreland Overlay District is established to preserve and enhance the quality of surface waters, conserve natural shoreline areas, protect aquatic and wildlife habitat, and promote the public health, safety, and general welfare by regulating development adjacent to lakes, rivers, and streams.

G. PUD, Planned Unit Development District. The purpose of this district is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approaches to development. This district is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities through conditional use provisions. It is further intended that planned unit developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities and a harmonious selection and efficient distribution of uses.

H. Map. The location and boundaries of the districts established by this chapter are hereby set forth on the Zoning Map entitled “Zoning Map of Owatonna,” dated , and amended from time to time thereafter. Said map, on file with the Zoning Administrator and hereinafter referred to as the “zoning map”, which map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein, is hereby made a part of this chapter by reference.

I. Annexed territory. Annexed territory shall be in the A-O District unless otherwise stipulated in the annexation ordinance or Municipal Board annexation order.

J. Zoning district boundaries. Zoning district boundary lines of this chapter follow lot lines, railroad right-of-way lines, the center of watercourses or the corporate limit lines, all as they exist upon the effective date of this chapter.

1. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Zoning Board of Appeals.
2. When any street, alley or other public right-of-way is vacated by official action of the city, the zoning district abutting the centerline of said alley or other public right-of-way shall not be affected by such proceeding.

(Ord. 827, passed 4-19-1983; Ord. 1255, passed 5-1-2001)

§ 157.008 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage and publication.

(Ord. 827, passed 4-19-1983)

DISTRICT REGULATIONS

Editor's note:

Permitted, accessory and conditional uses for the general districts and overlay districts are listed in the tables of §§ 157.009, 157.010, 157.011, 157.012 and 157.013 of this chapter. The letter "P" indicates a permitted use; "C" a conditional use, and "I" an interim use. **Any use left blank is not allowed in that district.** Procedures and standards for granting conditional uses are found in § 157.075 of this chapter. All uses are subject to general performance standards as provided for in §§ 157.061 through 157.068 of this chapter. Uses listed in the tables are also subject to applicable regulations in §§ 157.046 through 157.060 of this chapter. Additional regulations and clarification of selected uses are also found in §§ 157.024 through 157.045 of this chapter.

§ 157.009 AGRICULTURAL USES.

TABLE 2. Allowed Agricultural Uses

AGRICULTURAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF¹	O-SL
AGRICULTURAL PRODUCTION																	
Agriculture uses	P	P	P	P					P					P	P		P
Cannabis cultivation*							P	P									P
Greenhouse (commercial)					C	C	P	P	P								
Nurseries and tree farms							P	P	P					P	P		P
AGRICULTURAL ACCESSORY USES & STRUCTURES																	
Greenhouse (non-commercial)	P	P	P	P								P	P				
Living quarters of persons employed on the premises									P								
Storage of vehicles, equipment and machinery which are incidental to a primary A-O use									P								

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

DRAFT

§ 157.010 COMMERCIAL USES.

TABLE 3. Allowed Commercial Uses

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
CARE SERVICES																	
Adult day care	C	C	C	C	C	C						C	C				C
Family child care serving up to 12 children ²	P	P	P	P							P	P	P				P
Family child care serving 13-16 children ²			C	C							C	C	C				C
Group family child care serving 12 or fewer children ²	P	P	P	P							P	P	P				P
Group family child care serving more than 12 children ²	C	C	C	C							C	C	C				C
Child care center		C	C	C	C	C											C
Licensed nonresidential programs with licensed capacity of 12 or fewer persons	P	P	P	P								P					P
Licensed nonresidential programs serving more than 12 persons		C	C	C	C	C					C	C	C				C
Detoxification facility					C	C											C
HEALTH & WELLNESS																	
Fitness center			C	C	P	P						P	P				C
Hospital					C	C						C	C				C
RECREATION																	
Campground*									C								C
Recreational Vehicle (RV) Campground*									C								C
Riding stables*									C								C
Community centers					P	P						P	P				C
Convention centers					C	C						C	C				C
Indoor recreation					P	P	P					P	P				C
Outdoor recreation			C	C	P	P	P		C			P	P	P	P		C
RETAIL & SERVICES																	

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Shopping center or retail sales establishment under 30,000 square feet					P	P						P	P				C
Shopping center or retail sales establishment 30,000 square feet or greater					C	C						C	C				C
Animal shelters*					C		C	P	C				C				C
Dog boarding (residential), 4-10 animals*	C	C	C	C									C				C
Dog boarding (commercial), more than 10 animals*					C	C	C		C				C				C
Special events (temporary)	I	I	I	I	I	I			I			I	I				C
Cannabis events (temporary)*					I	I	I	I	I								
Cannabis retail business*					P	P											
Cannabis wholesale*							P	P									
Mini-storage facilities					C		P	P									
Open sales lot					C								C				
Personal services					P	P						P	P				C
Construction yard					P	P	P	P	P			P	P				C
Business incubator					P	P	P	P					C				C
Offices					P	P	P	P				P	P				C
Broadcasting studio					P	P							P				C
AUTO-ORIENTED RETAIL & SERVICES																	
Automobile detailing					P	P						C	P				C
Automobile repair (major)					C	C	P	P				C	C				C
Automobile repair (minor)					P	P						C	C				C
Automobile dealerships					P								P				
Car wash					C	C						C	C				C
Commercial fueling station							C	C									C
Gas stations (principal or incidental)					C	C	C					C	C				C
Drive-through establishment					C	C						C	C				C
FOOD & BEVERAGE, NOT ALCOHOL-RELATED																	
Bakery					P	P						P	P				C

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Convenience food establishment					P	P						P	P				C
Convenience stores					P	P						P	P				C
Food vending vehicle					P	C	P	P				P	P				C
Grocery store under 8,000 sf					P	P						P	P				C
ALCOHOL-RELATED FOOD & BEVERAGE																	
Liquor store					P	P						P	P				C
Craft beverage sales					C	C	P	P				C	C				C
Clubs and lodges					P	P						C	C				C
Restaurants, taverns					P	P						P	P				C
TRANSPORTATION																	
Heliport					C		C	C	C								C
Airport							P										C
Parking garages					P	P							C				C
Off-site parking facilities for adjacent commercial or multi-family residential				C	C	C						C	C				C
Taxi or bus terminal					P	P	P	P									C
Taxi services					I	I	I	I					I				C
MIXED USE																	
Mixed-use building					PG	PG						P	P				C
PUD																	
Commercial PUD (refer to § 157.058)					C	C						C	C				C
COMMERCIAL ACCESSORY USES & STRUCTURES																	
Charitable gambling					I	I						I	I				C
Data Center- Enterprise					C	C											
Day care center					C	C	C	C				C	C				
Garage					P	P	P	P				P	P				C
Heliport					C	C											
Home occupations	P	P	P	P	P	P			P								C
Open sales lot					C		C	C					C				C
Communications infrastructure							P	P									C
Food vending vehicle					P	C	P	P									C
Storage sheds	P	P	P	P	P	P	P	P	P			P	P				C

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Off-street loading			P	P	P	P	P	P				P	P	P	P		C
Off-street parking					P	P	P	P				P	P	P	P		C

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

² Occupancy thresholds are subject to state licensing and may be modified by variance or waiver; zoning classification remains tied to statutory thresholds.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

§ 157.011 INDUSTRIAL USES.

TABLE 4. Allowed Industrial Uses

INDUSTRIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
LIGHT INDUSTRIAL																	
Craft beverage production					C	C	P	P				C	C				
Bottling establishments							P	P									
Cannabis manufacturer*							P	P									
Hemp manufacturer							P	P									
Small-scale logistics & delivery hubs							P	P									
Artisan & custom fabrication (optical, jewelry, crafts)					C	C							P				
Engraving, printing, and publishing							P						P				
Light fabrication							P	P					P				
Industrial service business							C	C					C				
Controlled heat process facilities								C									
Laboratories							P	P									
Machine shops							P	P					P				
Stationery, bookbinding and other types of manufacturing of paper and related products, but not processing of raw materials for paper production							P	P									
HEAVY INDUSTRIAL																	
Chemical manufacturing (including acids, fertilizers, and industrial chemicals)								C									
Data Center- Enterprise							C	C									
Data Center- Hyperscale							C	C									
Metal fabrication & welding services							C	P					P				
Large-scale laundry & textile care facilities							C	P					P				
Animal processing & meat packing facilities								C									

INDUSTRIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Waste incineration & reduction facilities								C									
Recycling, waste/garbage disposal & materials recovery facilities*					C		C	P									
Signage & display fabrication							C	P					P				
Land reclamation*	C	C	C	C	C	C	C	C	C	C	C	C	C				
Extraction and storage of sand, gravel, and other materials*									I					I			
Crushing operations*	C	C	C	C	C	C	C	C	C	C	C	C	C				
Mining*	C	C	C	C	C	C	C	C	C	C	C	C	C				
Soil processing*	I	I	I	I	I	I	I	I	I	I	I	I	I				
Building materials & industrial product manufacturing (cement, concrete, glass, ceramics, rubber, plastics, coatings)							C	P									
Cosmetics, pharmaceutical & food product manufacturing							C	P									
Grain milling & distillation facilities								C					C				
Bulk chemical & fuel storage facilities (>12,000 gallons)*							C	C									
Explosives & hazardous material manufacturing/storage								C									
LOGISTICS, STORAGE & WHOLESALE																	
Junk yard								C									
Open and outdoor storage*							C	C						C			
Warehousing, logistics & distribution facilities							P	P									
Wholesale showrooms & office support							P	P					P				
Cannabis wholesale							P	P									

INDUSTRIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Bus, railroad, motor freight or trucking maintenance garage							P	P									
ENERGY PRODUCTION																	
Solar energy production system*							P	P	P								C
Utility transmission lines and pipelines	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P		P
INDUSTRIAL ACCESSORY USES & STRUCTURES																	
Accessory buildings and structures							P	P					P	C			
Above Ground Tanks: Crude oil, gasoline or other liquid storage tanks incidental to the principal use and ≤6,000 gallons per tank or ≤18,000 gallons aggregate for Class I liquids (or 10,000/30,000 for Class II)*							P	P					P				
Utilities and accessory equipment	C	C	C	C	P	P	P	P	P		C	C	C	C			
Communications Infrastructure (antennas, fiber hubs, wireless equipment)							P	P				P	P	C			
Solar collection system, roof-mounted*	P	P	P	P	P	P	P	P	P		P	P	P				
Wind Energy Conversion Systems (WECS) Small ≤ 20kW*	P	P	P	P	P	P	P	P	P		P	P	P	C			
Wind Energy Conversion Systems (WECS) Large > 20kW*					C	C	C	C	C		C	C	C	C			
EV charging stations	P	P	P	P	P	P	P	P	P		P	P	P				

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood

Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

§ 157.012 PUBLIC/CIVIC USES.

TABLE 5. Allowed Public and Civic Uses

PUBLIC/CIVIC USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
GOVERNMENT FACILITIES																	
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P				C
Government and public utility offices, buildings and structures	C	C	C	C	P	P	P	P	C	P		C	P				C
HEALTH & WELLNESS																	
Emergency response service facility	C	C	C	C	C	C	P	P	P	P	P	C	C				C
EDUCATION																	
Post secondary schools and vocational or career training facilities					C	C	P					C	C				C
Public or private schools	C	C	C	C	C	C				C		C	C				C
RECREATION																	
Public parks	P	P	P	P	P	P	P	P	P	P	P	P	P				C
Fishing pier or access dock									P	P				C			P
Forest management																	P
Forest land conversion																	C
Wildlife refuge									P								C
Community center, public indoor recreation				C	P	P				P		C	C				C
RELIGIOUS FACILITIES																	
Places of worship	C	C	C	C	C	C						C	C				C
CEMETERIES & BURIAL																	
Cemetery	C	C	C	C					P	C		C					C
Funeral home					C	C						C					C
TRANSPORTATION																	
Taxi or bus terminal					P	P	P	P									C
Railroad, motor freight or trucking terminals							P	P									C

PUBLIC/CIVIC USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Taxi services					I	I	I	I									C
PUBLIC/CIVIC ACCESSORY USES AND STRUCTURES																	
Shelters, gazebos, shade structures	P	P	P	P	P	P	P	P	P	P	P	P	P				C
Public off-street parking	C	C	P	P	P	P	P	P			P	P	P				C
Public restrooms					P	P	P	P	P		P	P	P				C

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

§ 157.013 RESIDENTIAL USES.

TABLE 6. Allowed Residential Uses

RESIDENTIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
PRIMARY RESIDENCES																	
Single-family detached dwelling	C	C	P	P								P					C
Single-family attached dwelling		P	P	P								P					P
Multi-family dwelling, 2-4 units		P	P	P								P	P				2
Multi-family dwelling, 5-12 units			P	P	P	P						P	P				
Multi-family dwelling, over 12 units				P	P	P						P	P				
Conversion of single-family dwelling to no more than 4 unit multi-family dwelling		C	P	P								P	P				
Manufactured home park*		C	C	C	C	C						C	C				
GROUP & ASSISTED LIVING																	
Residential facilities (services 1-6)*	P	P	P	P							P	P	P				P
Residential facilities (services 7-16)*		C	C	C	C	C						C					
Group housing and nursing homes (service more than 16)				C	C							C	C				
Senior housing, 12 units or fewer			P	P	P	P						P	P				
Senior housing, over 12 units				P	P	P						C	C				
SHORT-TERM RESIDENTIAL																	
Bed and breakfast establishments, not to exceed 3 guest rooms	C	C	P	P								C					
Bed and breakfast establishments, not to exceed 5 guest rooms			P	P								C					
Boarding house (no more than 10 persons)			P	P								P	P				
Motels and hotels					P	P						P	P				
Short-term rental	P	P	P	P	P	P			P		P	P	P				
PUD																	

RESIDENTIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Residential PUD	C	C	C	C							P	C	C				
TRANSPORTATION																	
Parking ramp for adjacent multi-family residential						C											
Off-site parking facilities for adjacent commercial or multi-family residential				C	C	C						C	C				
RESIDENTIAL ACCESSORY USES & STRUCTURES																	
Attached accessory dwelling unit (ADU)*	P	P	P	P							P	C	C				
Detached accessory dwelling unit (ADU)*	C	C	P	P								C	C				P
Accessory structures: Pergola, trellis, patios, fences*	P	P	P	P	P	P	P	P	P		P	P	P	C			
Boarding or renting of rooms	P	P	P	P	P	P					P	P	P				
Home occupations*	P	P	P	P	P	P			P			P	P				
Residential lawn	P	P	P	P	P	P						P		P	P		
Non-commercial recreation facilities associated with residence	P	P	P	P								P		P	P		
Swimming pools operated for exclusive use by residents and their guests	P	P	P	P	P						P	P	P	C			
Private garages, carports and off-street parking associated with residential uses	P	P	P	P	P	P					P	P	P	P	P		
Storage of recreational vehicles and equipment	P	P	P	P					P		P						
Storage sheds	P	P	P	P	P	P	P	P	P		P	P	P	C			
Weather shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C		C

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

² Multi-family dwellings of 2 to 4 units are permitted (P) in areas of the O-SL Shoreland Overlay District designated as Agriculture River and are conditional (C) in areas of the O-SL Shoreland Overlay District designated as Natural Environment.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

DRAFT

§ 157.014 DENSITY AND INTENSITY REGULATIONS. ¹

TABLE 7. Density and Intensity Regulations

	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	MU-N	MU-D
Minimum Area (square feet)	9,000 s.f.	7,800 s.f.	5,000 s.f.	4,400 s.f.	None	None	None	None	20,000 s.f.	none	none
Minimum Lot Area per Unit (square feet)	9,000 s.f.	5,000 s.f.	3,000 s.f.	1,500 s.f.	Multi-family dwelling: 1,000 s.f. per unit Motels/ hotels: 500 s.f. per unit All other uses: none	Multi-family dwelling: 1,000 s.f. per unit Motels/ hotels: 500 s.f. per unit All other uses: none	None	None	None	2,000 s.f.	none
Minimum Lot Width (feet)	75'	65'	55'	40'	100'	Multi-family dwelling: 100' All other uses: no minimum	100'	100'	100'	50'	none
Front Yard/ Road Setback (feet)	30'	30'	30'	30'	30'	No minimum	50'	50'	50'	10'	0'

	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	MU-N	MU-D
Side Yard Setback (feet)²	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	If directly abutting a residential district: 20' Elsewhere: 10'	If directly abutting a residential use or residential district: 10' Elsewhere: none	30'	30'	30'	If abutting residential use or district: 10' Elsewhere: 5'	If abutting residential district: 10' plus at least one green landscaping option identified in § 157.052 Elsewhere: 5'
Rear Yard Setback (feet)	30'	30'	30'	30'	20'	Multi-family dwelling: 20' Elsewhere: 12'	40'	50'	50'	20'	12'
Maximum Height³	3 stories	3 stories	3 stories	3 stories	3 stories	Accessory buildings, uses and structures: 3 stories All other uses: 6 stories	50'	50'	3 stories	3 stories	6 stories

¹ Shoreland regulations and standards established in §§ 157.015 through 157.023 override all dimensions provided above.

² In residential districts, non-habitable structures including attached garages are permitted to encroach on the side yard setback following the standards established in § 154.047.

³ Primary structures taller than the maximum height are permitted as conditional uses. For each additional story over the maximum height, front and side yard setback requirements shall be increased 5 feet.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1083, passed 12-7-1993; Ord. 1160, passed 4-15-1997; Ord. 1574, passed 2-5-2018)

SHORELAND MANAGEMENT

§ 157.015 STATUTORY AUTHORIZATION AND POLICY.

- A. Statutory authorization.** This shoreland ordinance is adopted pursuant to the authorization and policies contained in [Minnesota Statutes, Chapter 103F](#), [Minnesota Rules, Parts 6120.2500 - 6120.3900](#), and the planning and zoning enabling legislation in Minnesota Statutes, Chapter [462](#).
- B. Policy.** The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Owatonna.

§ 157.016 GENERAL PROVISIONS.

- A. Jurisdiction.** The provisions of this ordinance apply to the shorelands of the public water bodies as classified in § 157.018A of this chapter, and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city has, by ordinance, extended the application of its zoning regulations as provided by [Minnesota Statute, Chapter 462.357 Subd 1](#). Pursuant to [Minnesota Rules, Parts 6120.2500 - 6120.3900](#), no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- B. Enforcement.** *The (insert name of local government or designated official)* is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in § 157.017B of this chapter.
- C. Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- D. Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- E. Relationship to underlying zoning districts.** The Shoreland Overlay District is superimposed over all zoning districts and applies to all lands within the designated shoreland jurisdiction as

defined by Minnesota Rules and identified on official shoreland maps adopted by the City. Where the provisions of this Shoreland Overlay District conflict with those of the underlying zoning district, the more restrictive provision shall apply.

F. Administration and development standards. All development within the Shoreland Overlay District shall comply with the applicable dimensional standards, setbacks from the ordinary high water level, vegetation alteration limits, bluff and steep slope protections, nonconformity provisions, and variance standards set forth in Minnesota Rules, parts 6120.3300 through 6120.3900, as amended.

§ 157.017 ADMINISTRATION OF SHORELANDS.

A. Purpose. The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

B. Permits.

1. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by § 157.022(C) of this chapter.
2. A certificate of compliance, consistent with [Minnesota Rules Chapter 7082.0700 Subp. 3](#), is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

C. Application materials. Application for permits and other zoning applications such as variances shall be made to the *(insert designated official)* on the forms provided. The application shall include the necessary information so that the *(insert designated official)* can evaluate how the application complies with the provisions of this ordinance.

D. Certificate of Zoning Compliance. The *(insert designated official)* shall issue a certificate of zoning compliance for each activity requiring a permit as specified in § 157.017B of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in §157.016(B) of this ordinance.

E. Variances. Variances may only be granted in accordance with [Minnesota Statutes Section 462.357](#) and are subject to the following:

1. A variance may not circumvent the general purposes and intent of this ordinance; and
2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

F. Conditional uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. There is adequate water supply and on-site sewage treatment; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

G. Mitigation.

1. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - a. Advanced storm water runoff management treatment;
 - b. Reducing impervious surfaces;
 - c. Increasing setbacks from the ordinary high water level;
 - d. Restoration of wetlands;
 - e. Limiting vegetation removal and/or riparian vegetation restoration;
 - f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - g. Other conditions the zoning authority deems necessary.
2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

H. Nonconformities.

1. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to [462.357 Subd. 1e](#) and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, lowest floor elevations, and other requirements of §§ 157.019 through 157.022 of this chapter. Any deviation from these requirements must be authorized by a variance.

3. Exempt areas.

- a. **Purpose.** Certain portions of the city are fully developed with historic, high-intensity land uses that were established prior to the adoption of modern shoreland standards. Strict

application of this ordinance in these areas would inhibit reasonable redevelopment and the ability to make improvements that would have environmental benefits.

- b. Exempt areas designated.** Three areas of the city, as depicted on the officially adopted Shoreland Map, are hereby designated as Exempt Areas due to their existing development patterns and built form.
- c. Effect of exemption.** Lands within the designated Exempt Areas are exempt from the shoreland development standards contained in this ordinance.
- d. Applicable requirements.** Notwithstanding this exemption, all redevelopment, expansion, or new development within the Exempt Areas must comply with:
 - 1) all other applicable city zoning regulations;
 - 2) the city's floodplain ordinance;
 - 3) state and local stormwater management requirements; and
 - 4) any other applicable permitting standards.
- e. Intent for redevelopment.** The city, in coordination with property owners and the Minnesota Department of Natural Resources, encourages redevelopment that supports economic vitality while reducing stormwater runoff and improving overall shoreland resource protection to the extent practical.

I. Notifications to the Department of Natural Resources.

- 1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. the City of Owatonna will submit the proposed ordinance amendments to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative at least 30 days before any scheduled public hearings.
- 2. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- 3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

4. Any request to change the shoreland management classification of public waters within the City of Owatonna must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by [Minnesota Rules, part 6120.3000, subp. 4](#).
5. Any request to reduce the boundaries of shorelands of public waters within the City of Owatonna must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

J. Mandatory EAW. An Environmental Assessment Worksheet (EAW) consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of [Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a](#).

§ 157.018 SHORELAND CLASSIFICATION SYSTEM AND LAND USES.

A. Shoreland classification system.

1. **Purpose.** To ensure that shoreland development on the public waters of Owatonna is regulated consistent with the classifications assigned by the Commissioner of the Department of Natural Resources under [Minnesota Rules, part 6120.3300](#).
2. The shoreland area for the waterbodies listed in §§ 157.018(A)(3) through 157.018(A)(5) are shown on the Official Zoning Map.
3. Lakes are classified as follows:

TABLE 8. Natural Environment (NE) Lakes

Natural Environment Lake Name	DNR Public Waters I.D. #
Lake Kohlmier	74001900

4. Rivers and streams are classified as follows:

TABLE 9. Agriculture Rivers and Streams

Agriculture River Name	Legal Description
Straight River	Public Watercourse No. 07040001: Township 107 North, Range 20 West, including, but not limited to, Sections 4 and 33 (T107N/R20W and T108N/R20W)

5. All public rivers and streams shown on the Public Waters Inventory Map for Steele County, a copy of which is adopted by reference, not given a classification in §§ 157.018(A)(4) shall be considered "Tributary."

B. Land uses.

- 1. Purpose.** To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
- 2.** Shoreland district land uses listed in §§ 157.018(B)(3) are regulated as:
 - a.** Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
 - b.** Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in §§ 157.017(F) of this chapter and any additional conditions listed in this ordinance; and
 - c.** Not permitted uses (N). These uses are prohibited.
- 3. Land uses.** Land uses that are allowed in the shoreland overlay district are shown in the tables in §§ 157.009 through §§ 157.013.

§ 157.019 SPECIAL LAND USE PROVISIONS.

A. Commercial, industrial, public, and semipublic use standards.

- 1.** Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
 - a.** The use complies with provisions of §§ 157.021;
 - b.** The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - c.** Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - d.** Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - 1)** Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - 2)** Signs placed within the shore impact zone are:
 - (a)** No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - (b)** If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - 3)** Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to

prevent direct illumination across public waters. This does not preclude use of navigational lights.

2. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Agriculture use standards.

1. Buffers.

- a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.

C. Forest management standards. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

§ 157.020 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS.

A. Purpose. To establish dimensional and performance standards that protect shoreland resources from impacts of development.

B. Lot area and width standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in §§ 157.020(B)(5) and 157.020(B)(6), subject to the following standards:

1. Only lands above the ordinary high water level and excluding right-of-way can be used to meet lot area and width standards;
2. Lot width standards must be met at both the ordinary high water level and at the building line;
3. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
4. Residential subdivisions with dwelling unit densities exceeding those in §§ 157.020(B)(5) and 157.020(B)(6) are allowed only if designed and approved as residential PUDs under §§ 157.058 of this chapter; and

5. Lake minimum lot area and width standards:

TABLE 10. Lot Standards for Natural Environment Lakes – Sewer

Lot Type	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	20,000	125
Duplex	35,000	220
Triplex	52,000	315
Quad	65,000	410

6. River/stream minimum lot width standards. There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are listed in Table 11.

TABLE 11. Lot Standards for Agriculture Rivers/Streams

Lot Type	Minimum Lot Width (ft)
Single	150
Duplex	225
Triplex	300
Quad	375

C. Special residential lot provisions.

1. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
 - a. Each building must be set back at least 200 feet from the ordinary high water level;
 - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
2. One accessory dwelling unit (ADU) may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in §§ 157.020(B)(5) and 157.020(B)(6), provided the following standards are met:
 - a. For lots exceeding the minimum lot dimensions of duplex lots, the ADU must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - b. An ADU must not cover more than 1,000 square feet of land surface and must not exceed 15 feet in height; and
 - c. An ADU must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

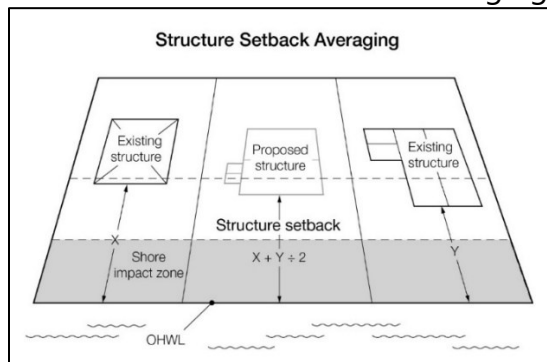
D. Placement, height, and design of structures.

1. **OHWL setback for structures and sewage treatment systems.** When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. **The structure setback standards for sewered properties can only be used if publicly owned sewer system service is available.**

TABLE 12. OHWL Setback for Structures with Sewer

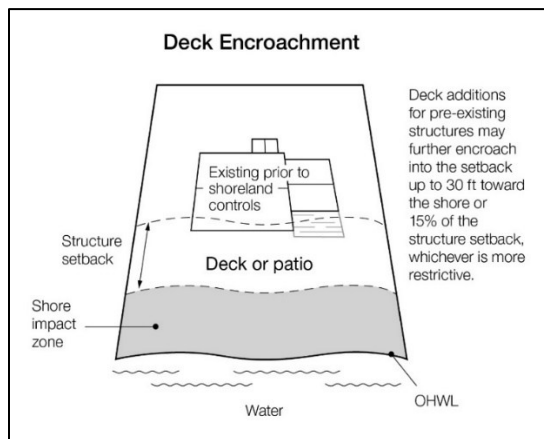
Waterbody Classification	Setback (ft)
Natural Environment Lakes	150
Agriculture, Urban, & Tributary Rivers	50

- a. OHWL setbacks.** Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with § 157.021(C) of this chapter, may be set back a minimum distance of ten (10) feet from the OHWL:
- b. Setback averaging.** Where principal structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining principal structure setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone (see Figure 7);

FIGURE 7. Structure Setback Averaging

- c. Setbacks of decks.** Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:
- 1)** The structure existed on the date the structure setbacks were established;
 - 2)** A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - 3)** The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
 - 4)** The deck is constructed primarily of wood, and is not roofed or screened (see Figure 8).

FIGURE 8. Deck Encroachment



d. Additional structure setbacks. Structures must also meet the setbacks listed in Table 13, regardless of the waterbody classification:

TABLE 13. Additional Setbacks for Structures in Shoreland District

Setback from:	Setback (ft)
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

2. Height of structures. All structures in residential districts in cities, except places of worship and nonresidential agricultural structures, must not exceed 25 feet in height.

3. Lowest floor elevation.

a. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these elevations are not known, the lowest floor, including basement, must be placed or flood-proofed at an elevation determined using the following methodology:

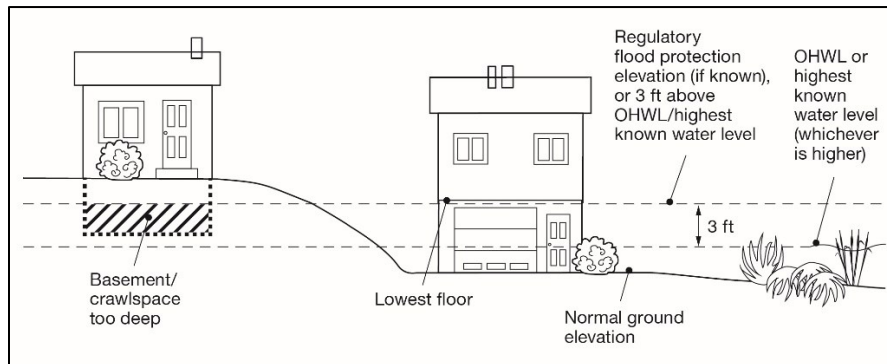
- 1) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 9);
- 2) For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high water level (see Figure 9), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.

b. Methods for placement.

- 1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part A.

- 2) If elevation methods involving fill would result in filling in the SIZ, then structures must instead be elevated through floodproofing methods in accordance with § 157.020(D)(3)(b)(3) below;
- 3) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.

FIGURE 9. Lowest Floor Elevation



4. **Significant historic sites.** No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

E. Water supply and sewage treatment.

1. **Water supply.** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. **Sewage treatment.** Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with [Minnesota Rules, Chapters 7080 – 7081](#).

§ 157.021 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES.

A. Placement and design of roads, driveways, and parking areas. These facilities must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters. They must be constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local SWCD and comply with the following standards:

1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;

2. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
3. Private watercraft access ramps, approach roads, and access-related parking areas are prohibited.
4. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

B. Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
3. Canopies or roofs are not allowed on stairways, lifts, or landings;
4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of sub items §§ 157.021(B)(1) through 157.021(B)(5) and the requirements of [Minnesota Rules, Chapter 1341](#).

C. Water-oriented accessory structures or facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:

1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
2. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
3. The structure is not a boathouse or boat storage structure as defined under [Minnesota Statutes, Section 103G.245](#);

4. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
5. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
6. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
7. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
8. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in § 157.020(D)(3) if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

D. Fences. Fences between principal structures and the waterbody are allowed if fences are:

1. Not higher than seven feet.
2. Not located within the SIZ , except for farm fences.
3. Not located in the regulatory floodplain, except for farm fences.

E. Lighting. Within the OHWL setback:

1. Lighting shall be fully shielded and directed away from the water.
2. Uplighting viewable from the water is prohibited.

§ 157.022 VEGETATION AND LAND ALTERATIONS.

A. Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

B. Vegetation management.

1. A vegetation permit is required prior to vegetative clearing in the shore impact zone and bluff impact zone and on steep slopes. No clearing is allowed until a plan is submitted and approved consistent with these vegetation management provisions.
2. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;

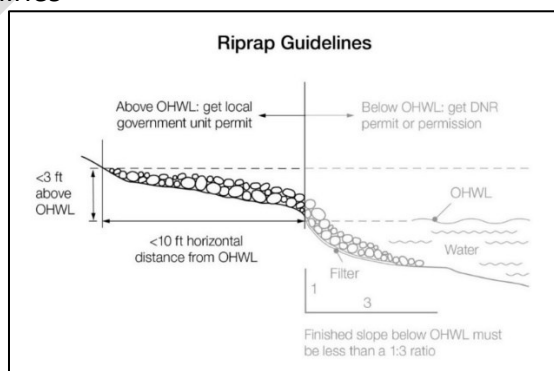
- b.** The construction of public roads and parking areas if consistent with § 157.021(A) of this ordinance;
 - c.** Forest management uses consistent with § 157.019(C) of this chapter; and
 - d.** Agricultural uses consistent with § 157.019(B) of this chapter.
- 3.** Intensive vegetation clearing in the shore impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in § 157.019(C) of this chapter.
- 4.** Limited clearing and trimming of trees and shrubs in the shore impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - a.** Vegetation be maintained to screen-structures, vehicles, or other facilities by at least 50% as viewed from the water, assuming summer, leaf-on conditions. The maximum view corridor shall be less than 50 feet or one-third of the parcel width, whichever is less;
 - b.** Existing shading of water surfaces along rivers is preserved;
 - c.** Cutting debris or slash shall be scattered and not mounded on the ground; and
 - d.** Perennial ground cover is retained.
- 5.** Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- 6.** Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.
- 7.** Violations of the vegetation standards shall be subject to a Restoration Order including vegetation restoration plan and a three-year maintenance plan prepared by the land owner and approved by the zoning administrator. Near shore or highly erodible locations are to be restored with a mix of deep-rooted woody and herbaceous vegetation with high stem-density, suitable for the location.

C. Grading and Filling.

- 1.** Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with § 157.021(A) of this chapter.
- 2. Permit Requirements.**
 - a.** Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in § 157.022(C)(3) of this ordinance must be incorporated into the permit.

- b.** For all other work, including driveways not part of another permit, a grading and filling permit is required for:
- 1)** the movement of more than 10 cubic yards of material on steep slopes or within shore impact zones; and
 - 2)** the movement of more than 50 cubic yards of material outside of steep slopes and shore impact zones.
 - 3)** placement of retaining walls, including boulder walls within the SIZ provided that:
 - (a)** if the project includes work at or below the OHWL, the Commissioner of the Department of Natural Resources has already approved or permitted the project.
 - (b)** the structures are used only to correct a documented existing erosion problem and not for aesthetic reasons.
 - (c)** the height and length are the minimum necessary to control the erosion problem and are not higher than 4 feet or longer than 10 feet, unless the zoning administrator determines that a larger wall is necessary to correct the erosion problem; and
 - (d)** walls are screened by vegetation to not be visible from the waterbody.
 - 4)** Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket is permitted if:
 - (a)** if the project includes work at or below the OHWL, the Commissioner of the Department of Natural Resources has already approved or permitted the project;
 - (b)** the finished slope does not exceed three feet horizontal to one-foot vertical;
 - (c)** the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - (d)** the height of the riprap above the ordinary high water level does not exceed three feet (see Figure 10).
 - (e)** A vegetative buffer, consisting of deep rooted and woody vegetation, is to be established at a distance no less than ten feet from the landward extent of the riprap.

FIGURE 10. Riprap Guidelines



3. Grading, filling and excavation activities must meet the following standards:

- a.** Grading or filling of any wetland must meet or exceed the wetland protection standards under [Minnesota Rules, Chapter 8420](#) and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
- b.** Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - 1)** Limiting the amount and time of bare ground exposure;
 - 2)** Using temporary ground covers such as mulches or similar materials;
 - 3)** Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
 - 4)** Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - 5)** Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - 6)** Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - 7)** Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of the Department of Natural Resources under [Minnesota Statutes, Section 103G](#); and
 - 8)** Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties

4. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with [Minnesota Rules, Chapter 6115](#).

D. Stormwater management.

1. General standards:

- a.** When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- b.** Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
- c.** When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must

be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific standards:

- a.** Impervious surfaces of lots must not exceed 25 percent of the lot area, unless identified as Exempt Area on the Shoreland Map.
- b.** When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.
- c.** New constructed stormwater outfalls to public waters must be consistent with [Minn. Rules, part 6115.0231](#).

§ 157.023 SUBDIVISION/PLATTING PROVISIONS.

- A. Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- B. Land suitability.** Each lot created through subdivision, including planned unit developments authorized under § 157.058 of this chapter, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- C. Consistency with other controls.** Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
- D. Water and sewer design standards.** All new development must be on public sewer and water.
- E. Information requirements.**
 - 1.** Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;
 - 2.** The surface water features required in [Minnesota Statutes, section 505.021, Subd. 1](#), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
 - 3.** Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - 4.** Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom

sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

F. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

G. Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (*cities*) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

H. Controlled access lots. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 6.33 of this ordinance.

USE REGULATIONS AND STANDARDS

§ 157.024 ACCESSORY DWELLING UNITS.

Accessory dwelling units are permitted subject to the following provisions:

- A.** The accessory dwelling unit shall have a minimum square footage of 400 square feet and shall be limited to a maximum square footage of 30% of the primary dwelling unit's total habitable square footage (not including garage);
- B.** Both units shall be served by the same mailbox and the same mailing address;
- C.** The structure shall have the appearance of a single-family residence from the street and shall not have more than one front door;
- D.** Both units shall be served by the same sanitary sewer service, water service and meter, electric service and meter, and gas service and meter;
- E.** The owner of said structure shall submit a letter to the City Planner annually stating that one of the units is owner-occupied; and
- F.** The structure shall be registered with the city's rental registration program and inspected on a biennial basis or as the program requires.

(Ord. 1596, passed 9-3-2019)

§ 157.025 TEMPORARY FAMILY HEALTH CARE DWELLINGS OPT-OUT.

Pursuant to authority granted by Minn. Stat. § 462.3593, Subd. 9, the City of Owatonna opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates temporary family health care dwellings.

§ 157.026 HOME OCCUPATIONS.

- A.** Permissible home occupations shall not include the conducting of a manufacturing business or a repair shop of any kind, or retail business other than by mail. No other than persons residing on the premises shall be employed and no mechanical equipment shall be employed that is not customarily found in the home and no more than one room may be devoted to home occupation use. Such home occupation shall not require internal or external alterations to involve construction features not customarily found in dwellings.
- B.** Home occupations must meet the performance standards listed in Table 14.

TABLE 14. Home Occupation Performance Standards

Category	Standard
Noise	The home occupation shall not produce noise, vibration, or sounds that are audible beyond the property line or inconsistent with normal residential activity.
Amplified sound	Amplified sound, public address systems, or outdoor music associated with a home occupation are prohibited.
Equipment	No equipment or processes shall be used that generate noise, vibration, glare, fumes, or electrical interference detectable beyond the dwelling.
Traffic generation	The home occupation shall not generate vehicular or pedestrian traffic in excess of normal residential levels.
Customer visits	No more than one customer or client vehicle shall be present on the site at any one time. Customers may only visit between 7:00 a.m. and 9:00 p.m.
Deliveries	Commercial deliveries, tractor-trailers, or repeated daily service visits are prohibited.
Hours of Operation	Home occupations may operate Monday through Sunday.
Exterior evidence	Except for a small sign in accordance with Chapter 153: Signs, no exterior evidence of the home occupation is permitted, including outdoor displays, exterior storage, or outdoor work areas.
Location of Activity	All home occupation activities shall be conducted entirely within the dwelling or an approved accessory structure.
Nuisance prevention	The home occupation shall not create odors, dust, glare, fumes, smoke, vibrations, or interference detectable beyond the property line.
Residential character	The use shall remain clearly incidental and secondary to the residential use and shall not alter the residential appearance or character of the property.
Compliance	All home occupations shall comply with the city's nuisance ordinance and all applicable state and local regulations at all times.
Conditions & enforcement	The Zoning Administrator may impose additional conditions or revoke approval if a home occupation no longer complies with these standards. ¹

¹ **Higher-impact home occupations.** Home occupations that, due to their nature, scale, equipment, animals, or customer interaction, have the potential to exceed these standards may be required to obtain a Conditional Use Permit, which may impose stricter limits on:

- Hours of operation
- Traffic and parking
- Noise and sound
- Number of clients, animals, or visits

§ 157.027 ANIMAL SHELTERS.

- A.** The shelter shall not house more than 50 dogs at one time and shall not exceed a total of 100 animals at once.
- B.** All outdoor exercise runs are permitted provided they are enclosed on all sides by a sight obscuring fence or wall at least six feet in height.
- C.** Such facility must be located a minimum of 1,000 feet from a residentially zoned property.

§ 157.028 RIDING STABLES, COMMERCIAL DOG BOARDING, AND SIMILAR.

- A.** All animal keeping and care shall comply with applicable state and local licensing, animal welfare, and public health regulations.
- B.** Outdoor animal exercise, holding, or boarding areas shall meet required setbacks from property lines and residential uses as established by the zoning district or conditional use permit.
- C.** Noise, odor, waste, and manure shall be managed to prevent nuisance impacts on adjacent properties.
- D.** Outdoor enclosures, storage, and activity areas shall be fenced and/or screened as required by the zoning code.
- E.** Hours of operation, number of animals, and intensity of use may be limited through conditional or interim use permit approval to ensure compatibility with surrounding land uses.

§ 157.029 RESIDENTIAL DOG BOARDING.

- A.** Residential dog boarding facilities shall not house more than 10 dogs at one time.
- B.** All animal keeping and care shall comply with applicable state and local licensing, animal welfare, and public health regulations.
- C.** Outdoor animal exercise, holding, or boarding areas shall meet required setbacks from property lines and residential uses as established by the zoning district or conditional use permit.
- D.** Outdoor enclosures, storage, and activity areas shall be fenced and/or screened as required by the zoning code.
- E.** Noise, odor, waste, and manure shall be managed to prevent nuisance impacts on adjacent properties.
- F.** Hours of operation, number of animals, and intensity of use may be limited through conditional or interim use permit approval to ensure compatibility with surrounding land uses.

§ 157.030 BULK STORAGE (LIQUID, GAS, GRAIN AND THE LIKE).

- A.** Above and below ground storage tanks, bins, elevators and the like shall be regulated in accordance with applicable city, state and federal regulations, including the applicable Building Codes, State Fire Code and regulations of the Pollution Control Agency. All necessary federal, state, and local permits and approvals shall be obtained. The Fire Marshall or Building Official may require that all existing above ground liquid in free state storage tanks having a capacity of 300

gallons or more be diked, and suitably sealed, to hold a leakage capacity equal to 115% of tank capacity, and also have State Fire Marshal approval. Any existing storage tanks either above or below ground that, in the opinion of the State or local Fire Marshall or Building Official, constitutes a hazard to public safety shall be discontinued.

- B.** Above ground tanks containing crude oil, gasoline or other liquid storage tanks that are incidental to the principal use shall require a conditional use permit if they exceed the volumes listed below:
- 1.** A conditional use permit shall be required for any Class I liquids that are greater than 6,000 gallons per tank or 18,000 gallons aggregate.
 - 2.** A conditional use permit shall be required for any Class II liquids that are greater than 10,000 gallons per tank or 30,000 gallons aggregate.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.031 CANNABIS BUSINESSES.

- A.** Cannabis-related uses are regulated pursuant to [Minn. Stat. Ch. 342](#). The City's authority is limited to time, place, and manner regulation, local registration, and reasonable operational standards. Uses shall not be regulated in a manner that has the purpose or effect of prohibiting the establishment of cannabis businesses. Conditional use permit standards shall not be applied to cannabis businesses in a manner that conflicts with [Minn. Stat. Ch. 342](#) or that has the purpose or effect of prohibiting cannabis businesses authorized under state law. Cannabis businesses shall be subject to local registration, compliance inspections, and enforcement as authorized under [Minn. Stat. § 342.22](#). Registration procedures shall be ministerial and shall not operate as land-use approvals.
- B. Minimum buffer requirements.** The city shall prohibit the operation of a cannabis business within the minimum distance established in § 157.045. Per [Minn. Stat. § 462.357 Subd. 1e](#), nothing herein shall prohibit an active cannabis business or a cannabis business seeking a renewal registration from continuing operation at the same site if a school, day care, residential treatment facility, or public park regularly used by minors, moves within the minimum buffer zone.
- C. Hours of operation.** Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of:
- 1.** 8:00 a.m. to 10:00 p.m. Monday-Saturday;
 - 2.** 10:00 a.m. to 10:00 p.m. Sunday.
- D. Advertising signs.** Cannabis businesses are allowed to erect or place signs on the exterior of the building or property of the business, as permitted by Ch. 153 of this code of ordinances.

§ 157.032 CANNABIS EVENTS, TEMPORARY.

- A. Permit required.** Any person or organization desiring to hold a temporary cannabis event in the city must first:

1. Be licensed by the state as a temporary cannabis event organizer; and
 2. Obtain a temporary cannabis event permit from the city.
- B.** Temporary cannabis events must comply with the buffer requirements described in § 122.04.
- C.** Temporary cannabis events must comply with all requirements detailed in [Minn. Stat. § 342.40](#). The application shall include a detailed plan addressing the requirements of [Minn. Stat. § 342.40](#), Subds. 3 through 8.

D. Temporary cannabis event regulations.

1. **Location restrictions.** Temporary cannabis events are prohibited:
 - a. At, in or on any public place or a place of public accommodation, unless allowed by the city. A public place means a public park, ballparks or trails, public event centers or facilities, public street, sidewalk or right-of-ways, alleys, boulevards, publicly owned parking lots, and any other developed or undeveloped city-owned property; or
 - b. If held outdoors, on property within 1,000 feet of a school.
2. **Hour restrictions.** Temporary cannabis events shall only be held between the hours of 8:00 a.m. until 10:00 p.m.
3. On-site consumption of cannabinoid products is permitted in an area designated by the applicant and approved by the city. Access to areas where consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is allowed shall be restricted to individuals who are at least 21 years of age, and the cannabis event organizer shall ensure that consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within a designated consumption area is not visible from any public place.
4. The temporary cannabis event must be in compliance with the city's nuisance ordinance at all times.
5. All temporary cannabis events must follow all requirements of [Minn. Stat. §§ 342.01](#) et seq.
6. Permit revocation. A temporary cannabis event permit may be revoked by the City Administrator at any time for failure to comply with the provisions of this section or [Minn. Stat. §§ 342.01](#) et seq.

(Ord. 1666, passed 12-3-2024) Penalty, see § 122.99

§ 157.033 GARAGE SALES.

Garage sales shall be limited to a total of ten calendar days of operation per calendar year at any residential location. (Ord. 1578, passed 4-3-2018)

§ 157.034 OUTDOOR SALES OR STORAGE.

In the case of outdoor storage or sales, the area must be surfaced with a gravel or hard surface to control dust.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

DRAFT

§ 157.035 OUTDOOR STORAGE.

- A. General standard.** In all residential districts, personal property shall be stored within a fully enclosed building or screened from view from adjacent properties and public streets, except as specifically permitted below. Screening may include fencing, walls, landscaping, or other methods that provide year-round opacity.
- B. Allowed unscreened outdoor items.** In all residential districts, the following items may be stored outdoors without screening, provided they are maintained in a neat and orderly condition and do not create safety, health, or nuisance concerns:
1. Laundry drying , such as clotheslines or drying racks.
 2. Recreational equipment, including play structures, lawn games, bicycles, canoes/kayaks, and seasonal outdoor furniture.
 3. Construction or landscaping materials and equipment that are actively being used on the premises, provided the project is ongoing and materials do not remain on site for longer than 12 months without active construction activity.
 4. Agricultural equipment and materials, when used or intended for use on the premises.
 5. Motor vehicles, limited to:
 - a. Licensed passenger automobiles, vans, or pickup trucks, and
 - b. Off-street parking as otherwise permitted by §157.059 of this chapter.
 6. Firewood, stored for use on the premises, provided it is stacked safely and kept in an orderly manner.
- C.** In non-residential districts, outdoor storage shall be regulated as provided for in §§ 157.009 through 157.013 and 157.050 through 157.060 of this chapter.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.036 MANUFACTURED HOME PARK PUDS.

- A. General.** Manufactured home park PUDs shall comply with this section and all applicable state codes, including the State Building Code.
- B. Minimum project size.** The tract of land on which a planned unit development - manufactured housing is proposed and permit requested shall contain not less than five acres of land.
- C. Required frontage.** The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way.
- D. Development standards.** By definition, a PUD emphasizes a regulatory process rather than regulations; however, certain minimal standards must be met.
1. **Density.** Six thousand square feet lot area per dwelling unit (the sum of all non-public land within a development, including all land in common ownership through the homeowner's

association and land held directly by one individual landowners divided by the number of dwelling units).

2. Building setbacks and distance between structures. Manufactured home parks shall comply with the standards in the table below.

TABLE 15. Siting and Size Standards for Manufactured Home Park PUDs.

Measurement	Standard
Minimum setback around perimeter of PUD	30 feet
Minimum distance between principal and accessory structures	6 feet
Minimum distance between accessory structures	• At least one accessory structure is under private ownership: 6 feet • Both accessory structures are in common or limited common ownership: no minimum
Setback from all roadways and public right-of-way	30 feet

3. Height. No structure shall exceed two and one-half stories or 25 feet, whichever is greater.

4. Frost footings. All manufactured housing shall be constructed on frost footings in compliance with the State Building Code.

5. Landscaping and screening.

- Each lot shall be properly landscaped with at least one tree, hedges, grass, fences, windbreaks and the like.
- Commonly held open space shall be landscaped in accordance with a landscaping plan approved by the Planning Commission.
- Boundaries of the development not abutting a public right-of-way shall be screened in compliance with §§ 157.050 through 157.056 of this chapter.

6. Parking.

- Two off-street parking spaces per dwelling unit shall be provided for exclusive use by that unit.
- The Planning Commission may require a hard-surfaced off-street parking lot for guests of occupants in the amount not to exceed one space per two units. Such space must be located as to be readily accessible and in close proximity to the units it is serving. Determination of the need for guest parking shall be based on project design; how conducive proposed streets are in accommodating temporary off-street parking; and design of the off-street parking required for each unit.
- The Planning Commission may require additional off-street parking for commonly owned facilities such as community centers, weather shelters, recreation facilities and the like. Determination of the need for as well as the number of spaces required will be based on the use of the structure or facility and its location within the PUD.

- d. Development plans must indicate garage sites for all dwelling units whether or not garages will be part of the initial development. Such sites may be entirely situated on private lots or may be provided as a limited common facility.

7. Weather shelter. When required by state law, a weather shelter in conformance with state law, shall be built and held in common ownership. Such shelter shall be of a size to temporarily accommodate a number of persons totaling no less than three persons per proposed dwelling unit.

E. Additional requirements. In addition to the requirements of division (E)(1) above, regarding property control, the Planning Commission will review declarations to ensure that mechanisms for adequate control and maintenance of the development will be established and that the homeowner's association will be a responsible agent in administering and enforcing the declaration and covenants and deed restrictions included. Specific items to be addressed in the declaration shall include, but not be limited to:

1. Control of physical appearance; control and upkeep of both the individual units and lots and all common and limited common properties to include steps, additions to dwelling units, maintenance of grounds and commonly held facilities and the like;
2. Accessory buildings and uses;
3. Declarations must specify that all units must be owner-occupied; provisions for the temporary leasing of units with approval of the homeowner's association may be included in the declaration;
4. Must specify association's role regarding maintenance, design review, enforcement and the like; and
5. Type(s) of unit(s) allowed in development.
6. The Planning Commission will review the declaration and any covenants and deed restrictions included as to their adequacy in ensuring that a high quality living environment will be maintained.

F. Minor PUDs. The minimum requirements of §§ 157.036(B) and 157.036(C) above may be reduced, if, upon recommendation of the Planning Commission, the City Council determines that the public health, safety and general welfare can be better served by a smaller development that demonstrates integrated planning and architecture, joint or common use of parking, conservation of land and open space through clustering of buildings and activities, and provides a harmonious selection and efficient distribution of uses. The Zoning Administrator may waive or reduce procedures and requirements for such minor manufactured housing planned unit developments of less than five acres and/or 200 feet of frontage on the public right-of-way.

§ 157.037 LAND RECLAMATION.

Any lot or parcel upon which 400 cubic yards or more of fill is to be deposited shall come under the controls of land reclamation. The conditional use permit for land reclamation 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 control of windblown material or hauling of material to or from the site.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.038 CRUSHING OPERATIONS.

- A.** The use of mechanical equipment to reduce the size of materials such as rock, stone, gravel, concrete, asphalt, or similar materials through crushing, screening, grinding, or processing activities. Crushing operations may include the temporary or permanent placement and operation of crushers, screens, conveyors, and related equipment, and are typically conducted as part of mineral extraction, aggregate processing, recycling, or construction material processing activities. Crushing operations may occur:
- 1.** As a primary use, such as within a quarry, mining operation, or recycling facility; or
 - 2.** As an accessory or temporary use, including portable crushing associated with construction, demolition, or site development projects.

§ 157.039 MINING.

- A.** As a condition of approval, the applicant shall submit a detailed site plan that includes existing and proposed drainage patterns, finished grades, dust-control measures, and erosion and sediment control practices. All elements of the operation shall be designed and maintained so as not to adversely impact adjacent properties, public infrastructure, or the planned development of the site.
- B.** The site plan shall also identify the designated haul routes for all trucks entering and leaving the property. All mining activities, site improvements, and ongoing operations shall comply with all applicable federal, state, and local laws, rules, and regulations, including but not limited to regulations administered by the Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Transportation (MnDOT).

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.040 SOIL PROCESSING.

The operation of processing sand, gravel and other material mined from the land shall be permitted only by interim use permit. Such interim use permit shall include a site plan where the processing is to be done, showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site. Such permit shall be granted for a specified period of time, not to exceed one year. Permit may be renewed upon application at which time operation will be reviewed and additional conditions attached if necessary to protect the general welfare.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.041 RECYCLING CENTER.

The facility must meet State Pollution Control Agency requirements for recycling facilities. In B-2 Districts, outbound truck shipments may be limited to an average of two per day and there shall be no shredding, compacting, baling or other processing of ferrous metals other than food and beverage containers. Under all circumstances, precautions shall be taken to ensure the containment of recyclable resources while at the center.

§ 157.042 RECREATIONAL VEHICLE CAMPGROUND

- A.** The site shall be served by a major or arterial street capable of accommodating traffic which will be generated.
- B.** All driveways and parking areas shall be surfaced in accordance with §157.059.
- C.** Plans for utilities and waste disposal shall be reviewed by the City Engineer and shall be subject to his or her approval, and all applicable requirements of the State Pollution Control Agency are complied with.
- D.** All signing and informational or visual communication devices shall be in compliance with Ch. 153 of this code of ordinances and shall not impact adjoining or surrounding residential uses.

§ 157.043 RESIDENTIAL FACILITY.

Residential facilities licensed for six or fewer residents shall be considered a permitted single-family residential use in all residential zoning districts where single-family dwellings are allowed. Facilities licensed for seven or more residents may be subject to zoning review as a multifamily residential use, per [Minnesota State Statute § 462.357](#).

§ 157.044 ENERGY PRODUCTION SYSTEMS.

- A. Purpose and intent.** The purpose of this section is to regulate energy production systems in a manner that supports renewable and emerging energy technologies, protects public health and safety, and ensures compatibility with surrounding land uses. This section is intended to be technology-neutral and to apply equally to all qualifying energy production systems regardless of the specific equipment or energy source used.
- B. Technology-neutral applicability.** This section applies to any system, device, or combination of equipment designed to generate electricity or thermal energy from renewable or low-impact energy sources, including but not limited to solar, wind, geothermal, energy storage paired with on-site generation, or other similar technologies. Specific references to technologies are illustrative only and shall not be construed to limit application of this section.
- C. Classification of energy production systems.** Energy production systems shall be classified for zoning purposes as either accessory or principal uses, based on purpose and scale, as follows:
 - 1. Accessory energy production system.** An accessory energy production system is a system that:
 - a.** Is located on the same lot as the principal use served;

- b.** Is primarily intended to offset or supply energy for on-site consumption by the principal use; and
- c.** Is customarily incidental and subordinate in scale to the principal use.

Accessory energy production systems shall be permitted as accessory uses in zoning districts where accessory structures or uses are allowed, subject to applicable development and safety standards.

2. Principal energy production system. A principal energy production system is a system that:

- a.** Is designed primarily for the generation of energy for off-site distribution or sale; or
- b.** Is the primary use of the lot or site on which it is located.

Principal energy production systems may be permitted, conditional, or interim uses as designated in the applicable zoning district use tables and shall be subject to site plan review and any applicable conditional or interim use permit requirements.

D. Relationship to use tables. The designation of an energy production system as an accessory or principal use shall govern its treatment under the land use tables. Where an energy production system meets the definition of an accessory use, it shall not be reclassified as a principal use solely due to technology type. Where an energy production system meets the definition of a principal use, it shall not be processed as an accessory use.

E. Development and safety standards. All energy production systems shall comply with the following, as applicable:

- 1.** Zoning district dimensional standards, including setbacks, height, and lot coverage;
- 2.** Applicable provisions of the Minnesota State Building Code, Minnesota State Electrical Code, and Minnesota Fire Code;
- 3.** Utility interconnection and safety requirements;
- 4.** Applicable state and federal permitting requirements, as applicable.

Compliance with zoning approval does not relieve any applicant from obtaining required building, electrical, environmental, or utility permits.

F. Non-exclusivity. Nothing in this section shall be interpreted to prohibit or unreasonably restrict the installation of new or emerging energy production technologies that meet the intent and performance standards of this section, even if such technologies are not expressly identified by name.

G. Solar collection systems.

- 1.** All solar collection systems are subject to the following requirements:
 - a.** Must be located as to minimize glare directed toward an adjoining property or street;
 - b.** Shall comply with All City and State Building and Electrical Codes;

- c. The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system;
- d. If the solar collection system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the 12-month period; and
- e. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (as per Minn. Stat. § 500.30, as it may be amended from time to time).

2. Ground mounted and freestanding solar collection systems are permitted as accessory uses in all residential, business, industrial and agricultural zoning districts subject to the additional requirements listed in Table 16.

TABLE 16. Siting and Size Standards for Ground-Mounted Solar Collection Systems

	Residential Districts	Business, Industrial, and Agricultural Districts
Allowed Location	- Allowed in rear yard only - Shall not be located within an easement	Shall not be located within an easement
Minimum Setbacks	- Side property line: 5 feet - Rear property line: 5 feet	- Side property line: 5 feet - Rear property line: 5 feet
Minimum distance from other principal or accessory structures	3 feet	3 feet
Maximum height when oriented at maximum tilt	15 feet	25 feet
Maximum surface area of all ground-mounted and free-standing solar collectors on a single lot	Shall not exceed the maximum permitted area of accessory structures in the zoning district in which it is located	No maximum
Additional standards	- All exterior electrical or other service lines must be buried below the surface of the ground - Square footage of the solar collection system shall be considered in determining the maximum amount of accessory buildings and structures permitted on a lot	None

3. Rooftop and wall-mounted solar collection systems are permitted on principal and accessory buildings in all residential, business, industrial, and agricultural zoning districts subject to the additional requirements listed in Table 17.

TABLE 17. Siting and Size Standards for Rooftop and Wall-Mounted Solar Collection Systems

	Residential Districts	Business, Industrial, and Agricultural Districts
Height Restrictions	- Shall not project beyond the peak of the roof - Shall not be more than five feet above the roof to which it is attached	Shall not exceed the maximum height permitted in the zoning district in which it is located

H. Wind energy conversion systems (WECS).

1. Siting and size regulations. WECS are subject to the standards listed in Table 18.

TABLE 18. Siting and Size Standards for Wind Energy Conversion Systems

Standard	Small WECS	Large WECS
Minimum Distance from Other Structures	- Minimum 6 feet from any other principal or accessory structure on the same lot - No minimum separation from residential districts or dwellings on other lots beyond required setbacks	- Minimum distance from dwellings on a different lot: equal to total system height - Minimum distance from other structures on the same lot: 1.1 × total system height, unless reduced by engineering certification
Minimum Property Line Setback	Setbacks shall comply with accessory structure setbacks of the zoning district	Setback from all property lines shall be not less than the total height of the WECS
Location on Lot	- Rear yard only, unless otherwise approved through a CUP - No part of a WECS shall be located within or over a recorded utility, drainage, or access easement without written approval from the easement holder - Clearance from electrical lines shall comply with the National Electrical Safety Code	Same as Small WECS
Maximum Rotor Diameter	No maximum, provided all height and setback standards are met	Established through CUP review based on site conditions and engineering documentation
Height Requirements	75 feet - Height above this limit may be allowed with a Conditional Use Permit	350 feet - Height above this limit may be allowed with a Conditional Use Permit, based on engineering certification, site conditions, and compatibility with surrounding land uses
Rotor Clearance	- Systems shall be designed and installed per manufacturer and industry standards - Horizontal-axis rotors are not permitted in residential districts	Minimum clearance and rotor placement shall be established through CUP review and engineering certification
Contribution to Lot Coverage	- The base of the WECS tower shall be included in lot coverage calculations - For guyed systems, the area of guy-wire anchor points shall also be included	Same as Small WECS
Signage Required	- At least one sign posted at the base of the WECS stating: - No trespassing - Warning of high voltage - No advertising signage permitted	Same as Small WECS

2. Installation and design.

- a. All WECS tower structures shall be designed and constructed to be in compliance with pertinent provisions of the State Building Code. Indication of compliance may be obtained from the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.
- b. All WECS shall be equipped with manual and automatic and overspeed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.
- c. The compatibility of the tower structure with the rotors and other components of the WECS shall be certified by the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.
- d. All electrical components of the WECS shall be in compliance with the applicable requirements of the National Electrical Code as currently adopted by the State Building Code Division and shall be inspected by a qualified electrical inspector. The interconnection between the WECS and the electric utility shall be in compliance with the most recent edition of the National Electrical Safety Code. Certification will be supplied in writing that the WECS will automatically disconnect from the utility when there is no power input from the utility. This certification can be supplied by the manufacturer of the WECS.
- e. The interconnection of the WECS with the local electrical utility shall comply with all applicable federal, state and local regulations. Parties intending to erect a WECS shall notify the city's public utilities in advance of their installation plans.
- f. All proposed WECS shall comply with Federal Aviation Administration notification requirements and any other applicable regulations. All proposed WECS shall be in compliance with any applicable airport zoning.

3. Supplying energy to two or more structures. A WECS that supplies energy to two or more structures shall be allowed as long as the proposed WECS complies with all applicable zoning regulations.

4. Compliance. If a WECS is not maintained in operational condition and poses a potential safety hazard or is not maintained and operating in compliance with applicable zoning provisions, local utility regulations and state and federal laws, the WECS shall be brought into compliance and to safe operating order within 60 days. The city reserves the right to abate any hazardous situation and to pass the cost of abatement on to the owner or operator of the WECS.

(Ord. 1480, passed 2-6-2012) Penalty, see § 157.999

(Ord. 827, passed 4-19-1983; Ord. 1462, passed 12-7-2010) Penalty, see § 157.999

§ 157.045 REQUIRED DISTANCE BETWEEN USES.

Certain uses are required to be located a minimum distance from other specified uses at the time of their construction. In the table below, uses labelled as "regulated uses" must be located the minimum distance from any existing uses labelled as "neighboring uses." The minimum distance shall be

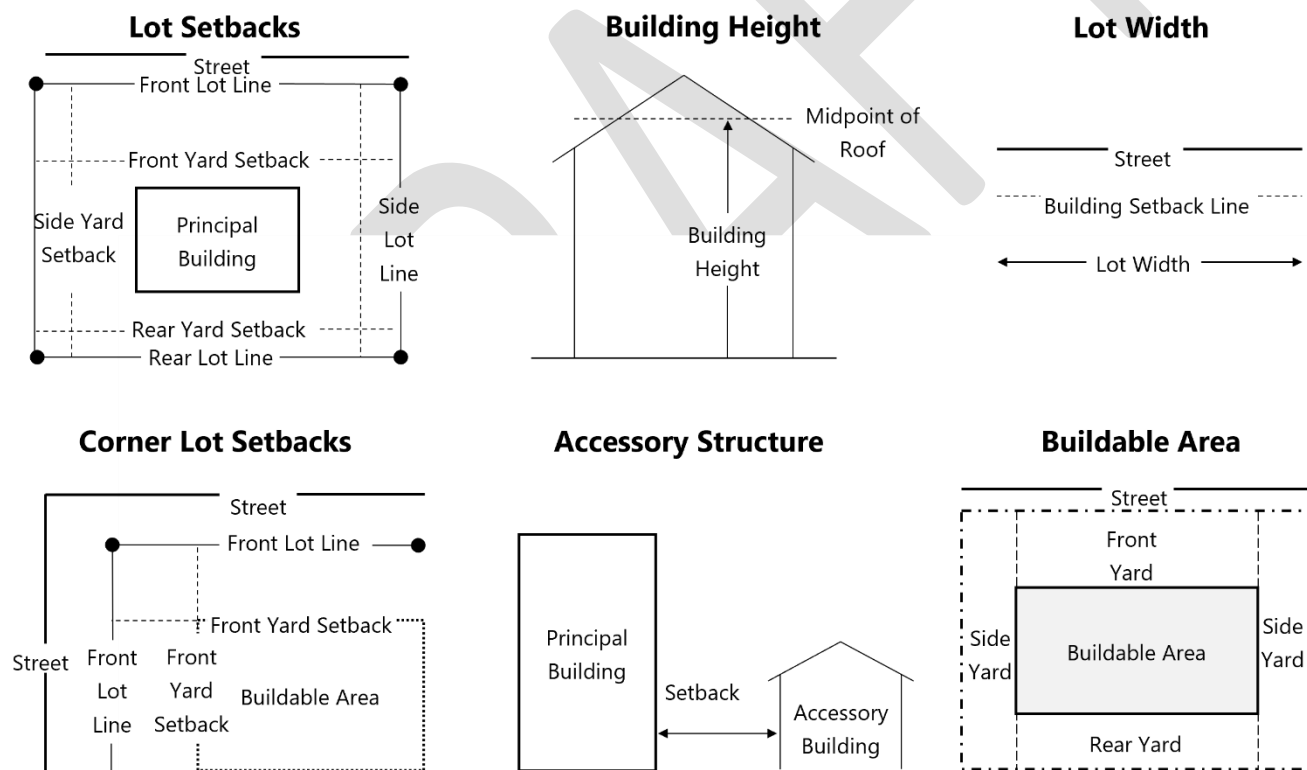
measured in a straight line from the nearest boundary line of the regulated use to the nearest boundary line of the neighboring use.

TABLE 19. Minimum Distance between Neighboring Uses

Regulated Use	Neighboring Use	Minimum Distance
Animal shelter	Residentially zoned property	1,000 feet
Commercial riding stables, commercial dog boarding, and similar	Residential or commercial use district	1,000 feet
Campground	Residentially zoned property	100 feet
Cannabis businesses	School	1,000 feet
Cannabis business	Day care facility, residential treatment facility, public parks and trails regularly used by minors including playgrounds, athletic fields, and the Steele County Fairgrounds	500 feet
Cannabis retail business	Cannabis retail business	1,000 feet

PHYSICAL STANDARDS

FIGURE 11. Graphics of Typical Standards



§ 157.046 ACCESSORY BUILDINGS AND STRUCTURES.

- A.** Zoning Administrator shall have the authority to qualify what fits the definition of an accessory building or structure.
- B. Residential districts.**

1. Accessory building and structure standards are intended to preserve the subordinate relationship between accessory and principal structures while still allowing reasonable flexibility. Clear dimensional limits provide predictability and fairness, while conditional use provisions allow larger structures to be considered on a case-by-case basis to accommodate unique site configurations.

2. **Physical standards.** Accessory buildings and structures in Residential Districts must follow the standards listed in Table 20.

TABLE 20. Location and Size Standards for Accessory Buildings and Structures in Residential Districts

Standard	Accessory Buildings	Accessory Structures
Location	- Front yard: Not allowed, except private attached or detached garages may be located in front if they meet the required front and side setbacks - Second front yard on corner lots: Not allowed - Side yard: Allowed - Rear yard: Allowed	- Front yard: Not allowed - Second front yard on corner lots: Allowed - Side yard: Allowed - Rear yard: Allowed
Lot Line Setback	Private garages with vehicular access doors facing public alleys shall be 20 feet from the alley right-of-way. For all other accessory buildings, the following setbacks apply: - Front: 30' - Second front on corner lots: 20' - Side: 5' - Rear: 5'	- Front: N/A (Not allowed) - Second front yard on corner lots: 20' - Side: 5' - Rear: 5'
Building Setbacks	- Cannot be placed in drainage easement. - Permanent accessory buildings: 3 feet from any other permanent building on the lot, provided all Building Code requirements are met - Movable accessory buildings (no solid foundation): no requirement, provided all Building Code requirements are met	- Cannot be placed in drainage easement. - Movable (no solid foundation) accessory structures: no requirement, provided all Building Code requirements are met - No requirement, provided all Building Code requirements are met
Maximum Number	2	No maximum
Maximum Area	Total gross floor area of all accessory buildings shall not exceed a maximum 20 percent of the open space area of the lot and can be calculated only once and not consecutively	No maximum

Standard	Accessory Buildings	Accessory Structures
Maximum Height	• Roof peak: 25' • Side wall: 10' ²	No maximum

¹An accessory building or buildings may exceed the maximum area as a conditional use, provided:

- No accessory building shall be used for commercial purposes.
- No accessory building other than an ADU shall be used for residential purposes.
- The size, design, construction and location must be similar and compatible with the surrounding area.

²An accessory building may exceed the maximum side wall height under the following circumstances:

- An accessory building with sidewalls up to 12 feet are allowed by-right with a 10-foot minimum setback from rear and side lot lines
- An accessory building with sidewalls greater than 12 but up to 14 feet are allowed as a conditional use with a 10-foot minimum setback from rear and side lot lines.
- Accessory buildings with sidewalls greater than 14 feet are prohibited.

3. Easements and drainage ways. No accessory building or structure shall be located within a utility easement or drainage way, except movable accessory buildings or structures upon approval of the city's public utilities and issuance of a zoning permit; provided that:

- 1) The building or structure shall be constructed on skids and anchored down as required by the Building Department;
- 2) The building or structure shall not exceed 120 square feet in gross floor area; and
- 3) The building or structure shall be removed by the property owner if required for the construction, repair or maintenance of a utility.

4. Design requirements. To ensure that the design and appearance of accessory buildings are appropriate for a residential district, the following design criteria shall apply for all accessory buildings that are greater than 200 square feet in gross floor area.

- a. Roof shall be pitched with eaves, unless it is a shipping container.
- b. Roof materials shall be durable, finished for exterior use, and consistent with the architectural character of the principal structure.
- c. Exterior wall materials shall be compatible with, and visually relate to, the materials, colors, and design of the principal structure and/or neighborhood.
- d. Materials shall not create glare.

5. Use of private garages.

- a. Private garage space may be rented to non-residents of the property for the storage of personal, non-commercial passenger vehicles, light trucks, trailers, or similar equipment, subject to the following:
- b. The rented portion of the garage shall not exceed 50 percent of the total garage floor area, or the equivalent of two parking stalls, whichever is greater.
- c. The space shall be used solely for private, non-commercial storage.
- d. No repair, servicing, manufacturing, commercial storage, or business activity shall occur within the rented space.

- e. No employees, customers, or business deliveries related to the rented storage shall occur on the property.
- f. No exterior signage or exterior storage associated with the rented space is permitted.
- g. **Prohibited Vehicles.** Commercial vehicles and equipment may be stored within a private residential garage, provided such storage does not result in exterior evidence of commercial activity, noise, vibration, or other impacts inconsistent with a residential use. The rental use shall not create traffic, noise, or other impacts inconsistent with the residential character of the property

C. Commercial, Industrial, Agriculture-Open Space, and Mixed Use Districts.

1. **Physical standards.** Accessory buildings and structures in the Commercial, Industrial, Agriculture-Open Space, and Mixed Use Districts. must follow the standards listed in Table 21.

TABLE 21. Location and Size Standards for Accessory Buildings and Structures in Commercial, Industrial, Agriculture-Open Space, and Mixed Use Districts.

Standard	Accessory Buildings and Structures
Location	• Front yard: Not allowed • Side yard: Allowed • Rear yard: Allowed
Lot Line Setback	• Front yard: N/A. • Side yard: Follow setback requirements of the applicable zoning district • Rear yard: Follow setback requirements of the applicable zoning district
Building Setbacks	• Permanent accessory buildings: 5 feet from any other permanent building on the lot, provided all Building Code requirements are met • Movable accessory buildings: no requirement, provided all Building Code requirements are met
Maximum Area	The total gross floor area of all accessory buildings shall occupy no more than 50% of the gross floor area of the principal uses ¹

¹An accessory building or buildings may exceed the maximum area as a conditional use, provided:

- All applicable setbacks are met
- The combined lot coverage of the principal and accessory buildings shall not exceed 85% of the lot, and
- The location and appearance of such accessory buildings or structures shall be compatible with the principal structure and/or surrounding neighborhood.

2. **Easements and drainage ways.** No accessory building or structure shall be located within a utility easement or drainage way, except movable accessory buildings or structures upon approval of the city's public utilities and issuance of a zoning permit; provided that:

- a. The building or structure shall be constructed on skids and anchored down as required by the Building Department;
- b. The building or structure shall not exceed 50% of the gross floor area of the principal building; and
- c. The building or structure shall be removed by the property owner if required for the construction, repair or maintenance of a utility.

D. Shipping containers as accessory structures.

1. **Applicability.**

- a. Shipping containers may be used only as accessory structures subordinate to a permitted principal use on the same lot.
- b. Shipping containers shall not be used as dwelling units, habitable space, principal structures, or for commercial activity involving customers.

2. Permitted use. Shipping containers may be used for:

- a. Personal storage;
- b. Storage of tools/equipment or uses accessory to the principal use;
- c. Agricultural or maintenance storage where permitted.

3. Location.

- a. Shipping containers shall comply with all applicable accessory building setback requirements of the zoning district.
- b. Shipping containers are prohibited in front yards and street-facing side yards.
- c. Shipping containers shall not be located within drainage, utility, or access easements.

4. Size, height, and quantity.

- a. Shipping containers shall be counted as accessory buildings for purposes of:
 - 1) Maximum number of accessory structures;
 - 2) Lot coverage; and
 - 3) Accessory structure area limits.
- b. Stacking of shipping containers is prohibited.
- c. Maximum height shall not exceed the accessory structure height limit of the zoning district.

5. Foundation and placement. Shipping containers shall be placed on a permanent foundation or engineered piers or pads designed to prevent movement or settlement. Temporary supports, blocks, or skids are prohibited.

6. Design and exterior treatment.

- a. Shipping containers shall be painted, clad, or otherwise finished to match the style of principal residence.
- b. Logos, serial numbers, or advertising visible from public streets or adjacent properties shall be removed or obscured.
- c. Containers shall be maintained free of rust, deterioration, or structural damage.

7. Utilities.

- a. Electrical service is permitted only with approved building permit.
- b. Plumbing, gas service, and sanitary facilities are prohibited.

8. Screening (Residential Districts). In residential districts, shipping containers shall be fully screened from adjacent residential properties and public rights-of-way in accordance with § 157.056.

9. Temporary placement. Shipping containers may be temporarily placed for construction or moving purposes for up to 90 days, subject to administrative approval. Extensions may be granted for active construction.

(Ord. 827, passed 4-19-1983; Ord. 1116, passed 7-18-1995; Ord. 1145, passed 8-6-1996; Ord. 1260, passed 7-2-2001; Ord. 1304, passed 1-7-2003) Penalty, see § 157.999

§ 157.047 PERMITTED YARD ENCROACHMENTS.

Non-habitable accessory buildings and components of principal buildings may encroach on yard setbacks following the standards listed in Table 22.

TABLE 22. Permitted Encroachments of Non-Habitable Buildings on Yard Setbacks

Permitted Encroachment	Applicable to Setback	Minimum Standards
Architectural elements	• Front • Rear • Side	• No portion projects more than 4 feet into a required yard setback • All portions shall be at least 3 feet from all lot lines
Air conditioning or other mechanical appurtenance	• Front • Rear • Side	• No portion projects more than 4 feet into a required yard setback • All portions shall be at least 5 feet from all lot lines
Non-habitable structures	• Side • Rear • Front	• All portions shall be at least 5 feet from any lot line • For garages, the entrance shall be at least 20 feet from all lot lines
At-grade patios (<12 inches above existing grade)	• Front • Rear • Side	No setback required
Decks and steps^{1,2}	• Front	Shall not encroach into the required front yard setback by more than 50% of the distance from the building's front wall and the property line
Decks	• Rear	All portions shall be at least 20 feet from rear lot line
Decks	• Side	All portions shall be at least 10 feet from side lot line
Steps¹	• Rear	All portions shall be at least 10 feet from rear lot line
Steps¹	• Side	All portions shall be at least 5 feet from side lot line
Three- and four-season porches³	• Rear	Shall be 20 feet from the rear lot line

Footnotes

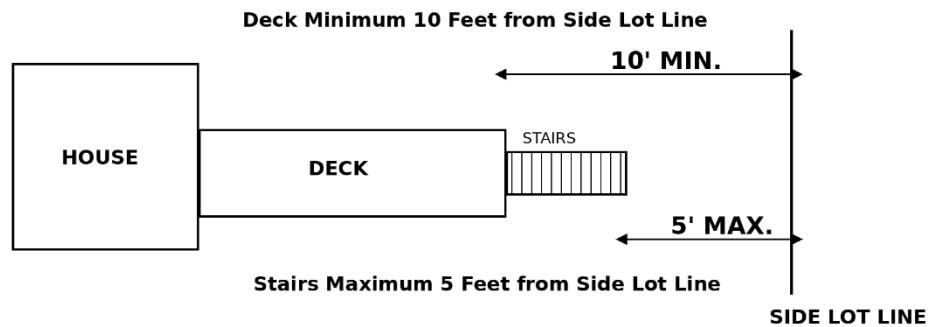
¹ Ramps used to provide accessible egress to the structure are exempted from the maximum yard encroachments outlined in this section.

² The permitted encroachment shall be calculated one time only, based on the originally required front yard setback, and shall not be recalculated or increased based on any prior encroachment or modification.

³ Three- and four-season porches shall be constructed such that:

- The porch shall be supported on pier style footings
- The porch shall be constructed a minimum of 12 inches above the ground
- The area below the porch shall be open air and shall not be enclosed unless the floor elevation is less than three feet above the ground, in which case lattice shall be permitted
- Each wall on the porch shall contain windows, screens, or other transparent material for over 50% of the total individual wall area, except the shared wall with the primary structure. The gable roof area above the wall line shall not be included in this calculation

FIGURE 12. Example of Deck and Stairs Side Lot Encroachment



§ 157.048 HEIGHT LIMITATIONS NOT APPLICABLE.

A. The building height limits established in this chapter for districts shall not apply to the following:

1. Belfries;
2. Chimneys or flues;
3. Spires, not exceeding 20 feet above roof;
4. Cooling towers;
5. Cupolas and domes which do not contain useable space;
6. Elevator penthouses;
7. Flag poles;
8. Monuments;
9. Parapet walls extending not more than three feet above the limiting height of the building;
10. Water towers;
11. Poles, towers and other structures for essential services; except that, such structures in excess of 100 feet shall require conditional use permits as regulated by § 157.075 of this chapter;
12. Necessary mechanical and electrical appurtenances;
13. Television and radio antennas (not to exceed 75 feet in height above grade); and
14. Wind Energy Conversion Systems (WECS).
 - a. WECS are exempt from the maximum height limitations of the zoning district in which they are located, but must comply with the maximum heights established in Table 18. WECS height shall be measured from the natural grade at the base of the system to the highest point of the rotor blade at its maximum vertical extension.
 - b. Future Revisions. The City may amend WECS height standards as part of a future update based on additional research, technological advances, or changes in state or federal guidance.

- B.** No excluded roof equipment or structural element extending beyond the limited height of a building may exceed ten feet unless otherwise noted.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.049 REFUSE AND WASTE ENCLOSURES.

- A. Refuse storage required.** Except for single family buildings, all refuse, waste, and garbage generated on a site shall be stored within a designated refuse enclosure located on the same parcel and accessory to the principal use.

B. Enclosure standards.

1. Refuse enclosures shall be designed to:

- a. Fully contain refuse;
- b. Must be enclosed on all four sides;
- c. Screened on all sides to completely obscure the enclosure from view from any public right-of-way; and
- d. Prevent wind dispersal, odor, and access by animals.

2. Refuse enclosures shall be located in accordance with applicable setback and site design standards of this chapter.

- C. Residential and other districts.** In all other zoning districts, refuse shall be stored in closed containers designed for such purposes and maintained so as not to constitute a nuisance.

- D. Property maintenance.** The owner of vacant or occupied land shall be responsible for keeping the property free of refuse, junk, and accumulated waste.

- E. Junk and inoperable vehicles.** The outdoor storage of inoperable, unlicensed, or abandoned vehicles and materials shall be regulated in accordance with § 93.021 of the Code of Ordinances.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.050 SITE DESIGN AND LANDSCAPING ADMINISTRATIVE ADJUSTMENTS

- A.** Table 23 outlines site design and landscaping standards, which apply to § 157.051 through § 157.056 of this chapter.

- B.** The Zoning Administrator may approve minor modifications to the standards in Table 23 where:

1. Site conditions prevent strict compliance; or
2. Alternative designs achieve the intent of the table to equal or greater effect.

- C.** In the O-SL Shoreland Overlay District, the stricter standards shall apply.

TABLE 23. Site Design and Landscaping Standards

Landscaping Item	R-1, R-2 ¹	R-3, R-4 ¹	B-2	B-3	I-1, I-2	C-P	A-O, O-SL	MU-D	MU-N
Open Space Requirement	30% minimum	20% minimum	20% minimum	0%	15% minimum landscaped/pervious	25% minimum	None	5% minimum ⁷	20% minimum
Trees (per lot area)	Exempt SF/TF ¹	Minimum of 1 tree per 0.20 acre	Minimum of 1 tree per 0.20 acre	No minimum	Minimum of 1 tree per 0.50 acre	Minimum of 1 tree per 0.25 acre plus street trees	None	N/A	N/A
Landscaped Islands inside Parking Area ²	N/A	N/A	Minimum of 1 tree per 100 parking spaces	Minimum of 1 tree per 100 parking spaces	Minimum of 1 tree per 100 parking spaces	Minimum of 1 tree per 100 parking spaces	N/A	Minimum of 1 tree per 100 parking spaces	Minimum of 1 tree per 100 parking spaces
Front Plantings	Exempt SF/TF	Live cover along frontage	Foundation plantings on public façades	None	Entry / office façades	Pedestrian-oriented plantings	None	None	Foundation plantings
Utility / Mechanical Equipment	Exempt SF/TF	Screening required	Screening required	Screening required	Screening required	Screening required	None	Screening required	Screening required
Buffers ^{3,4}	See § 157.053								
Headlight Shielding (Drive Aisles) ⁵	N/A	When abutting SF	Required when abutting residential	Required	Required	Required	N/A	Required	Required
Parking Screening ³	Not required	Shrubs with minimum height of 3 feet min	Shrubs with minimum height of 3 feet plus an opaque enclosure	N/A	Shrubs or fence with full opacity	Shrubs and trees	None	Required	Required
Lighting – Fixture Type ⁶	Residential standard	Full cutoff	Full cutoff (0°)	Full cutoff (0°)	Full cutoff (0°)	Full cutoff	N/A	Full cutoff	Full cutoff
Lighting – Spillover	No glare	No spillover	No light spill onto adjacent property	No spill	No spill	No spill	N/A	No spill	No spill

¹ SF = Single-Family; TF = Two-Family. Exemptions for SF and TF apply only to detached single-family and two-family dwellings.

² Parking-area tree requirement begins at one (1) tree per 100 parking spaces and applies to surface parking lots only. Intent is to provide a visual barrier, create shade and increase oxygen. Tree placement and species may be addressed during site plan review.

³ Public view includes visibility from public streets, sidewalks, trails, and adjacent properties.

⁴ Buffers are measured horizontally and shall be located within required setbacks unless otherwise approved through site plan review.

⁵ Headlight shielding is required where parking areas or drive aisles are adjacent to residential zoning or residential uses. Shielding may include landscaped berms, fencing, walls, or other buffering methods sufficient to block vehicle headlights at ground level.

⁶ Lighting standards require full cutoff fixtures with a 0-degree uplight angle. Lighting shall be designed so that no light trespass or glare occurs onto adjacent properties, particularly residential uses.

⁷ In MU-D District, open space requirements may be reduced by up to 50% through installation of sustainable feature such as:

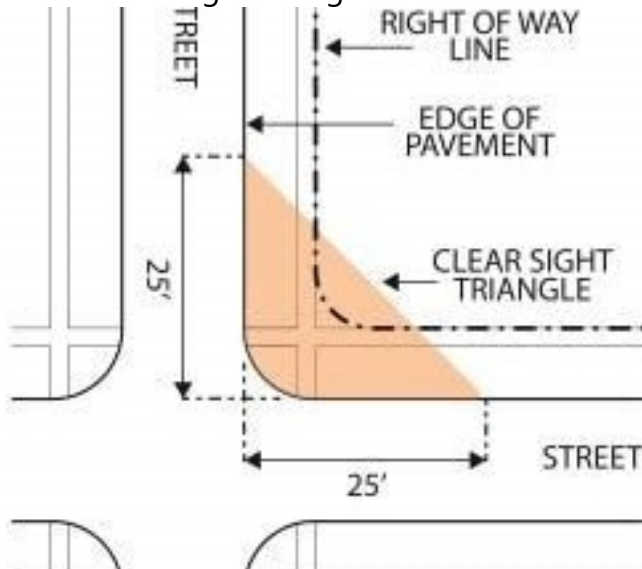
- Run off filtration technology
- Rain gardens, green roofs
- Underground stormwater
- Bioretention cells, or
- Permeable plaza areas

DRAFT

§ 157.051 TRAFFIC VISIBILITY; CORNER LOTS.

To preserve traffic visibility, corner lots must refrain from obstructing sightlines in every district except the Central Business District. Where two or more streets, driveways, or alleys intersect, a sight triangle shall be measured 25 feet from the corners at the edge of the payment, as shown in Figure 13.

FIGURE 13. Sight Triangle



The standards for protecting these sightlines are shown in Table 24.

TABLE 24. Sightline Standards for Corner Lots

Restriction	Standard
Restricted objects	Fences, structures, grading, or planting
Restricted location	Within 25 feet of intersecting right-of-way lines
Restricted height	3 feet to 8 feet above the centerline grades of the intersecting streets

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.052 LANDSCAPING

A. General maintenance.

- 1. Turf grass and weed height.** Except as provided in § 157.052B, turf grass and unmanaged vegetation shall not exceed the height defined in § 93.061.
- 2. Noxious weeds.** All properties shall be maintained free of noxious weeds, as defined and regulated under [Minn. Stat. §§ 18.75 through 18.91](#).

B. Managed natural landscapes.

- 1. Permitted landscapes.** Managed natural landscapes—including native plantings, meadow or prairie vegetation, rain gardens, pollinator gardens, and similar intentional plantings—are permitted on all privately owned properties pursuant to [Minn. Stat. § 412.925](#).
 - 2. Height allowance.** Vegetation within managed natural landscapes may exceed eight (8) inches in height and may go to seed, provided it does not contain noxious weeds and is maintained to prevent hazardous or uncontrolled conditions.
 - 3. Maintenance.** Managed natural landscapes shall be intentionally installed and actively maintained through seasonal management practices such as mowing, trimming, weeding, burning (where permitted), or other appropriate horticultural methods.
 - 4. Edges and borders.** Where managed natural landscapes abut sidewalks, driveways, alleys, or property boundaries, a maintained edge or border shall be provided to preserve visibility, accessibility, and clear delineation.
- C. Sight-triangle, visibility and safety.** Landscaping shall be placed and maintained so as not to obstruct required sight triangles or pedestrian visibility at street intersections, driveways, or alleys as described in §157.051 Traffic Visibility; Corner Lots.

D. Impervious surface treatment.

- 1. Minimum open space and pervious area.** Minimum open space and pervious area requirements are governed by Table 23.
- 2. Low-impact features.** Where permitted by Table 23, stormwater-supportive landscape features such as rain gardens, bioretention areas, permeable pavements, or similar features may be used to meet zoning open space or landscaping requirements.
- 3.** See Chapter 52 of the City Code for stormwater infrastructure requirements.

§ 157.053 BUFFERING

A vegetative buffer may be required in situations where uses of different intensities are adjacent to each other. In these cases, it shall be the responsibility of the property owner with the more intense use to install and maintain the buffer.

TABLE 25. Buffering Requirements Table

Situation	Minimum Buffer Requirement	Applies To	Implementation Notes
Non-residential use adjacent to residential zoning or residential use	10 feet minimum landscaped buffer	Commercial (B2)	Shrubs and/or fencing required; see §157.056 construction standards
Medium-density residential abutting single-family residential	5 feet minimum within setbacks	R3 / R4	Buffer measured horizontally within required yard
Business use adjacent to residential	10 feet landscaped buffer	B2, B3	Screening required per Table 23
Business use with auto-oriented activity adjacent to residential	10 feet, shrubs + fence	B3	Applied to uses with higher visual/light impacts
Industrial use adjacent to residential	20 feet landscaped buffer	Industrial	Continuous shrubs and/or berm/fence required
Civic or public use adjacent to residential	15 feet landscaped buffer	Civic / Public	Pedestrian-oriented landscaping emphasized
Mixed-use developments adjacent to residential	Buffer required (per underlying use)	MU-D, MU-N	Applied use-by-use or consolidated where approved
Agricultural / Open Space adjacent to residential	No buffer required	Ag / OS	Unless otherwise required by another regulation

§ 157.054 SITE DESIGN STANDARDS

A. Applicability and table control.

1. Landscaping, buffering, screening, lighting, and site design requirements shall be provided in accordance with Table 23.
2. See Chapter 155 of this code for additional requirements related to the following topics:
 - a. Existing Site Features: § 155.004(A)
 - b. Building Arrangement: §155.004(B)
 - c. Vehicular Access and Circulation: § 155.004(C)
 - d. Drive-Through Facilities: § 155.004(D)
 - e. Off-street loading orientation: § 155.004(E)
 - f. Stormwater Management: § 155.004(F)
 - g. Snow Storage: § 155.004(G)
 - h. Utilities and Infrastructure Coordination: § 155.004(H)
3. Table 23 establishes:
 - a. Where site design elements are required; and
 - b. Minimum dimensional or quantitative standards, by zoning district and use.
 - c. Where multiple standards apply, the more restrictive requirement shall govern.

B. Lighting. Exterior lighting shall comply with the standards in Table 23, including:

1. Use of full-cutoff fixtures; and
2. Prevention of light trespass or glare onto adjacent properties; and
3. Comply with the standards established in § 157.063 of this chapter.

C. Headlight shielding. Where required by Table 23, headlight shielding shall be provided along parking areas or drive aisles abutting residential zoning districts or residential uses. Headlight shielding may include landscaping, berms, fencing, walls, or combinations thereof sufficient to block vehicle headlights at ground level.

D. Parking-area trees. Parking-area tree requirements identified in Table 23 apply to surface parking lots only. Tree placement and species selection shall be reviewed and approved as part of site plan review.

E. Shoreland regulations. Where Shoreland Overlay District regulations apply, Shoreland standards established in §§ 157.015 through 157.023 shall supersede the requirements of Table 23 and this section.

§ 157.055 GENERAL FENCING REQUIREMENTS.

A. Permits.

1. Fences do not require zoning permits unless located within a utility easement. Fences placed within utility easements are subject to removal if required for the installation or maintenance of a utility.
2. Where permitted, fences in excess of seven (7') feet in height as measured from finished grade may require a building permit.

B. Maintenance and materials.

1. Fences shall be of durable, weather-treated materials and must be maintained in a respectable condition.
2. Barbed wire or electric fences shall not be allowed, used or constructed, except in industrial districts, as hereinafter provided, or areas where the keeping of livestock is permitted.

C. Setbacks.

1. Fences may be constructed up to the lot line; provided that, no portion of the fence protrudes over the lot line.
2. Owner is required to maintain both sides of the fence as well as all areas of the property.
3. It is the responsibility of the property owner to locate lot lines before construction of any fence and ensure that the fence is constructed in the proper location.

D. Height requirements.

1. Residential Districts.

- a. **Front yard.** No fence shall exceed three feet in height above finished grade; except that, open fencing less than 50% opaque may be increased to four feet.
- b. **Rear yard and side yards not including any portion of the front yard.** No fence shall exceed seven feet in height.

2. Commercial Districts.

- a. Any fence that exceeds seven feet in height above finished grade shall require a conditional use permit.
- b. Fences erected along a property line in common with a residential district shall be subject to the provisions herein described for residential districts.

3. Industrial Districts.

- a. Any fence that exceeds eight feet in height above finished grade shall require a conditional use permit.
- b. Fences may utilize barbed wire as a security measure, provided the barbed wire commences at a point at least seven feet above finished grade and does not project over lot lines.

- c. Fences erected along a property line in common with a residential district shall be subject to the provisions herein described for residential districts.

E. Maintaining traffic visibility at corner lots. No fence shall be permitted within any yard area on a corner lot which will impede visibility in required sight triangles as described in §157.051.

(Ord. 827, passed 4-19-1983; Ord. 1483, passed 4-2-2012) Penalty, see § 157.999

§ 157.056 SCREENING AND FENCING

A. Applicability. Screening and fencing shall be required where indicated in Table 23 and Table 24. This section governs how required screening is provided.

B. Screening methods. Where screening is required, screening shall be provided by one or more of the following:

1. Greenbelt planting strip.

- a. Shall consist primarily of evergreen plant material arranged, installed, and maintained to provide an effective year-round visual screen, achieving a minimum of 50 percent opacity when viewed horizontally.
- b. Shall be of sufficient width and density to achieve a minimum effective screening height of eight (8) feet within 12 months of planting.
- c. No structures, storage, parking, or other uses shall be permitted within the planting strip.
- d. Earth mounding or berming may be used but shall not contribute more than three (3) feet of the required screening height.

2. Screening fence.

- a. Shall provide a solid visual screening effect.
- b. Shall have a minimum height of six (6) feet.
- c. May be constructed of masonry, brick, wood, steel, or similar durable materials.

3. Utility and mechanical equipment screening. All utility and mechanical equipment shall be screened when visible from public view, including from public streets, sidewalks, or adjacent properties.

C. Location.

- 1. Ground-mounted equipment located in front yards or street-facing side yards shall be screened.
- 2. Wall-mounted equipment shall be screened or integrated into the building design when visible from public view.
- 3. Rooftop equipment shall be screened from view at ground level from the public right-of-way.

- D. Screening.** For purposes of this section, screening means a permanent barrier that visually obscures equipment from public view and may include fencing, walls, landscaping, architectural features, or a combination thereof.
- E. Screening from public Right-of-Way.** In addition to requirements identified in Table 23 and Table 24, screening from public streets or rights-of-way shall be required where:
1. Industrial uses involve open or outdoor storage, service, sales, or rental areas; or
 2. Industrial uses result in vehicle headlight glare visible from or impacting adjacent properties or the public right-of-way.
- F. Approval.** Screening plans, including planting layouts, fencing, berming, and materials, shall be reviewed and approved as part of site plan review, with technical review by the Zoning Administrator, as applicable.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.057 RELOCATED STRUCTURES.

- A.** Before any house or other structure is moved onto a vacant lot, a conditional use permit must be secured. No such structure shall be moved by other than a licensed and bonded mover, except for accessory buildings less than 250 square feet, which may be moved by the owner if approved by the City Building Inspector. Accessory buildings of 500 square feet or less, and less than 15 feet in height may not require a conditional use permit if, in the judgment of the Building Inspector, its condition and appearance would be compatible with the area and intended use. New and sectional dwellings, whether in whole or in part, may not need a conditional use permit if they comply with the Building Code or other requirements of this chapter.
- B.** The Planning Commission shall hold a public hearing according to the provisions of § 157.080 of this chapter on each application to move or relocate a structure to determine its compatibility with the surrounding structures and area of the proposed site of relocation. The Building Inspector shall report to the Planning Commission concerning structural soundness of the building; recommended improvements to both the structure and the site, and restoration of the original site. The Building Inspector shall also submit for the Commission's review and approval a schedule of estimated costs for the above.
- C.** The Planning Commission shall submit to the City Council its recommendation as to the issuance or denial of the conditional use permit, together with recommended conditions (if recommendation is for issuance) including, when applicable, the condition that title to the property and structure cannot be sold or conveyed until the project has been completed and approved by the Building Inspector, a date by which the relocation and all recommended improvements to structure and site and restoration of original site shall be accomplished; and a signed agreement from the applicant that the conditions, recommended improvements and completion date are accepted.
- D.** If the City Council approves the issuance of a conditional use permit, the applicant shall, before either the conditional use permit or moving permit is issued, deposit with the City Clerk-Treasurer

as a guarantee to the neighborhood that the recommended improvements will be completed as agreed to by the applicant, a certified check or cashier's check made payable to the city or in cash in an amount equal to 20% of the Building Inspector's estimate of all the costs of relocation, improvement to structure, improvement to the proposed site and restoration of the original site, as prescribed by the Planning Commission and concurred in by the Council, excepting from those calculations the charges made by a licensed moving firm. The minimum deposit shall be \$500. When the Building Inspector shall certify that the project has been completed, the City Clerk-Treasurer shall return to the applicant all the monies remaining in the deposit. No interest shall accrue on the deposit while held by the City.

E.

- 1.** Unless the City Council grants an extension of time for completion of the project, 10% of the original amount deposited shall be forfeited for each day that the project remains incomplete past the agreed upon completion date. If the entire amount of the guarantee deposit becomes forfeited, the City Council shall then direct that the Building Inspector hire a contractor to complete the project as promised.
- 2.** All monies forfeited shall first be applied to the costs incurred by the city in the completion. Costs incurred beyond the amount of surety, including but not limited to, administrative and personnel costs of the city, materials cost and contractor charges and interest and service charges, shall be expended from the General Fund of the city and made a special assessment against the property and certified to the County Auditor for collection in one installment together with interest and costs according to law.

F. Before the Building Inspector shall issue a permit to move a structure over any public right-of-way, the applicant shall pay the required fee and complete the application for building moving permit and moving approval form, all agreeable to the provisions of §§ 150.085 through 150.089 of this code of ordinances.

G. These requirements shall not apply to construction sheds or temporary construction offices located on the lot for 18 months or less during a construction project.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.058 PLANNED UNIT DEVELOPMENT.

A. Application.

- 1. Ownership.** Property proposed for a Planned Unit Development (PUD) shall be under single ownership or unified control sufficient to ensure implementation of all PUD conditions.
- 2. Applicability.** This section governs Conditional Use Permits for PUDs in zoning districts where PUDs are allowed. Unless expressly modified by this section or by conditions of approval, all other applicable district standards and ordinance provisions shall continue to apply.

B. Procedures and requirements for establishing a Planned Unit Development.

1. An application for a conditional use permit shall be filed and processed based upon procedures established in § 157.075 of this chapter. Any zone changes required in conjunction with the PUD request must also be filed according to the provisions of §§ 157.074 and 157.078 of this chapter.
2. A concept plan shall accompany the application, including written statements and scaled sketch plans showing:
 - a. Identification of PUD boundaries;
 - b. Proposed land uses;
 - c. Densities (approximate square footage per unit or, when appropriate, floor area ratios);
 - d. Generalized site layout;
 - e. Circulation patterns (vehicular and pedestrian);
 - f. Open space areas, proposed parks or recreation facilities;
 - g. Generalized land use of the surrounding area;
 - h. Building type(s); and
 - i. Tentative development schedule and/or phasing of development.
3. A public hearing shall be held pursuant to City ordinance and [Minn. Stat. § 462.3595](#). The Planning Commission shall forward findings and a recommendation to the City Council. The Council may grant tentative approval.
4. **A General Development Plan (GDP)** shall be required prior to submission of a Preliminary Development Plan for any proposed Planned Unit Development (PUD), or for other development proposals where coordinated, flexible site design is requested. A GDP shall be required in the following circumstances:
 - a. **All Planned Unit Developments.** Any development proposing to utilize the Planned Unit Development provisions of this ordinance, including requests for flexibility in lot configuration, setbacks, density, or design standards.
 - b. **Master-Planned or Phased Development.** Any development proposed to occur in multiple phases or over time, where coordination of land use, infrastructure, or circulation is necessary.
 - c. **Mixed-Use or Large-Scale Development.** Developments involving a mix of residential, commercial, or institutional uses, or developments exceeding thresholds established by the City for size, dwelling units, or floor area.
 - d. **Development Requiring Flexibility or Deviations.** Any proposal requesting departures from standard zoning or subdivision requirements, including clustering, shared facilities, modified lot layouts, or alternative site design.

- e. Site Design with Community-Wide Impacts.** Developments that may significantly affect traffic circulation, utilities, parkland, open space, or adjacent land uses, as determined by the City.
- f.** The Planning Department may recommend, or the applicant may request, a GDP for other projects where early conceptual review would assist in identifying development constraints, applicable standards, and coordination with City plans.

5. Preliminary Development Plan.

- a.** A subdivision application shall be submitted concurrently with the preliminary development plan, per Ch. 155.
- b.** Phased PUDs may submit preliminary plans by phase consistent with the approved development schedule. The preliminary development plan must conform to the concept plan and any City Council conditions. Any modification of the proposal must be approved by City Council upon recommendation of the Planning Commission.

c. Preliminary Development Plan Submittals.

- 1) Preliminary Development Site Plan** The Preliminary Development Site Plan shall include a site plan illustrating the proposed development in sufficient detail to evaluate site layout, circulation, and compatibility with adjacent properties and public systems. The plan shall include, at a minimum:
 - (a)** Boundaries of the subject site, including total area and general dimensions;
 - (b)** Existing uses, zoning classifications, and general site conditions of adjacent properties within one hundred (100) feet;
 - (c)** Generalized topography and significant natural features, including drainage patterns, wetlands, or floodplain areas, as applicable;
 - (d)** Location, arrangement, and approximate size of proposed buildings, including general building types and intended uses;
 - (e)** Proposed vehicular and pedestrian circulation, including access points, driveways, internal circulation, and parking areas;
 - (f)** Loading, service, and utility areas, as applicable;
 - (g)** Location and general design of screening elements, including fencing, walls, and landscaping;
 - (h)** General stormwater management approach and drainage patterns, consistent with Chapter 52 of the City Code;
 - (i)** Proposed open space areas, landscaped areas, and general ground treatment;
 - (j)** Representative standards or concepts for building design, signage, and site elements, where such standards are proposed to be established as part of the development; and

(k) Any proposed covenants, development standards, or ownership/maintenance structures associated with the development.

(l) Additional information may be required by the Planning Department as necessary to evaluate the proposed development. Detailed engineering plans, grading plans, landscape plans, and traffic studies shall be required at the time of Preliminary Plat, Final Plan, or permit review, as applicable.

2) Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed planned unit development is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the completion date of the complete development plan.

d. Public hearing will be reopened on the conditional use permit for PUD for the purpose of reviewing the preliminary development plan. Recommendations and findings of the hearing shall be submitted for action upon the conditional use permit by the City Council. When applicable, public hearing on the preliminary plan shall be held at the same meeting.

e. Upon approval of the conditional use permit, with or without further conditions or restrictions, the preliminary development plan, together with such covenants, deed restrictions, reservations, controls or variances as are a part thereof, shall become a part of the official file of the city.

6. Final plat approval must be obtained pursuant to Ch. 155. Upon approval of the final plat, the applicant shall then be entitled to make application for necessary building permits.

C. Review and evaluation criteria. The evaluation of the proposed plan and development shall include, but not be limited to, the following criteria.

1. Adequate property control is necessary to protect the individual owner's rights and property values. Responsibility for maintenance and upkeep of land and structures held in common ownership is provided for in a declaration of covenants, conditions and restrictions or equivalent document.

2. The interior circulation plan plus access from and onto public right-of-way do not create congestion or dangers and is adequate for the safety of the project residents and the general public.

3. A sufficient amount of usable open space is provided.

4. The arrangement of buildings, structures and accessory uses does not reasonably disturb the privacy or property values of the surrounding residential uses.

5. The architectural design of the project is compatible with the surrounding area.

6. The drainage and utility plans are submitted to the City Engineer and the final drainage and utility plans shall be subject to his approval.

7. The development schedule ensures a logical development of the site which will protect the public interest and conserve land.
8. Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

D. General implementation.

1. Compliance with the final development plan and changes.

- a. The development of the planned unit development shall be in compliance with the final development plan.
- b. Differences between the actual development and proposed development shown in the final development plan not permitted under the foregoing provisions of this section will be permitted only if the final development plan is changed with the approval of the City Council. Proposed changes shall be reviewed by the Planning Commission and recommendations forwarded to the City Council.

2. **Building permits.** Applications for building permits shall be reviewed and approved by the Building Inspector after considering conditions imposed by the City Council. Such applications shall be examined by determine if they are in compliance with this chapter and the final development plan.

E. General development requirements.

1. **General.** Common-interest property shall be subject to covenants ensuring ongoing maintenance. If the association fails to maintain the property or pay required taxes/assessments, the City may assess costs to each property, which shall constitute a lien.
2. **Public services.** The proposed project shall be served by the city water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
3. **Utility connections.**
 - a. **Water connections.** Where more than one property is served from the same service line, a shut-off valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normally supplied shut-off at the street.
 - b. **Sewer connections.** Sanitary sewer laterals shall comply with the Minnesota Plumbing Code ([Minn. Rules Ch. 4714](#)), including cleanout requirements.
 - 1) For shared or extended private sewer systems serving multiple units, the City may require additional access structures, easements, or design features, as recommended by the City Engineer, to ensure adequate long-term maintenance.
 - 2) Private sewer systems shall not be extended or configured in a manner that functionally creates a public or shared collection system unless approved by the City.
 - 3) All maintenance and cleaning shall be the responsibility of the property owner or property owner's association.

4. Building height. Height limitations shall be the same as imposed in the respective districts.

5. Roadways.

- a.** Private roadways within the project shall have an improved surface of 20 feet or more in width and shall be so designed as to permit the city fire trucks to provide protection to each building.
- b.** No portion of the required 20-foot road system may be used in calculating required off-street parking space or be used for parking.

F. Planned Unit Development - Residential.

1. Purpose. Establishes provisions for PUD-Residential developments in districts where such uses are allowed

2. Minimum project size, required frontage, and yard restrictions. The tract of land and all building placements shall meet the minimum requirements included in the table below.

3. Density bonus. As a consequence of a planned unit development's planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by 10%. The building parking and similar requirements for these extra units shall be observed in compliance with this chapter.

4. Minor PUDs.

a. Minimum project size. A Planned Unit Development shall consist of a minimum of three (3) acres, unless otherwise approved by the City where the intent of the PUD provisions can be achieved on a smaller site.

b. Frontage. A minimum of 200 feet of frontage on a public right-of-way shall be required, unless modified by the City where adequate access and circulation are demonstrated.

c. Yard and spacing standards.

1) Perimeter setbacks. Front and side yard setbacks along the perimeter of the PUD shall be no less than those required in the underlying zoning districts.

2) Transition to residential districts. Where a PUD abuts an R-1 District, the minimum distance between a principal building and the property line shall be equal to the height of the building, unless reduced where additional buffering, screening, or design features provide equivalent protection.

3) Interior setbacks along private streets. The minimum distance between a principal building and the back of curb of a private roadway shall be 15 feet, unless otherwise approved by the City.

4) Building separation. The minimum distance between principal buildings shall be not less than 50 percent of the combined building heights.

5) Flexibility. The City may modify the standards of this section as part of PUD approval where the proposed development achieves equal or greater levels of compatibility, design quality, and public benefit.

5. Additional requirements - townhouses, multiple-family structures.

- a. No townhouse structure shall exceed sixteen (16) total dwelling units. No more than eight (8) units shall face in the same direction. Minimum unit lot frontage for townhouses shall be not less than 20 feet.
- b. Dwelling unit and accessory use requirements must comply with the district provisions in which the development is planned. Buildings shall be separated by a minimum of 10 feet, unless otherwise approved by the City, and shall comply with applicable fire and building codes whichever is more stringent..
- c. Townhouses, cooperatives and condominiums will be subdivided on an individual unit basis according to the provisions of Ch. 155 of this code of ordinances.

G. Planned unit development - commercial and industrial.

- 1. Purpose.** The intent of this section of this chapter is to establish provisions for the granting of a conditional use permit to erect planned unit development - commercial and industrial projects which are in compliance with the permitted and conditional uses allowed in a specific district in one or more buildings in relation to an overall design, an integrated physical plan and in accordance with provisions and procedures in this chapter.
- 2. Minimum project size , required frontage, and yard restrictions.** The tract of land and all building placements shall meet the minimum requirements included in Table 26.

TABLE 26. Siting and Size Standards for Commercial and Industrial PUDs

Standard	Requirement
Minimum project size	5 acres
Required project frontage on public right-of-way	200 feet
Yard restrictions	• Minimum distance between a building and side or rear property line abutting an R-1 or R-2 district: 50 feet; R-3 or R-4 district: 30 feet • Elsewhere: no restrictions

- 3. Minor PUDs.** The minimum requirements of division § 157.058(G)(2) above may be reduced, if, upon recommendation of the Planning Commission, the City Council determines that the public health, safety and general welfare can be better served by a smaller development that demonstrates integrated planning and architecture, joint or common use of parking, conservation of land and open space through clustering of buildings and activities and provides a harmonious selection and efficient distribution of uses. The Zoning Administrator may waive or reduce procedures and requirements for such minor commercial and industrial planned unit developments of less than five acres and/or 200 feet of frontage on the public right-of-way.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1160, passed 4-15-1997)

§ 157.059 OFF-STREET PARKING REQUIREMENTS.

A. Site plan drawing necessary. All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this section. The Zoning Administrator shall review proposed parking plans for compliance with ordinance requirements. See § 155.004(C) for vehicular access and circulation requirements.

B. General provisions.

- 1. Floor area.** The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building, structure or use times the number of floors, minus 10%.
- 2. Reduction of existing off-street parking space or lot area.** Off-street parking spaces and loading spaces or lot area existing upon the effective date of this chapter shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.
- 3. Non-conforming structures.** If a structure or use with nonconforming off-street parking is damaged or destroyed, it may be restored if repair costs do not exceed fifty (50) percent of the pre-damage value and reconstruction is completed within twelve (12) months. If the damage exceeds fifty (50) percent, the use and site shall comply with all off-street parking and loading requirements of this ordinance.
- 4. Change of use or occupancy of land.** No change of use or occupancy of land already dedicated to a parking area, parking spaces or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls or parking requirements below the minimum prescribed by these zoning regulations.
- 5. Change of use or occupancy of buildings.** No change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall be permitted until there is furnished such additional parking spaces as required by these zoning regulations.
- 6. Garage requirement.** Every single-family dwelling unit hereafter erected shall be so located on the lot so that at least a two-car garage, either attached or detached can be located on said lot.
- 7. Accessory residential use.** Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one truck not to exceed gross capacity of 9,000 pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment.
- 8. Use of required parking area.** Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles as regulated by §§ 157.034 and 157.035 of this chapter, and/or storage of snow; except that, required parking areas may be used for certain outdoor sales, promotions, recycling units and the like if such uses are incidental to the principal use, infrequently held, last for no more than 30 days, and do not interfere with traffic flow. In all residential zoning districts non-profit

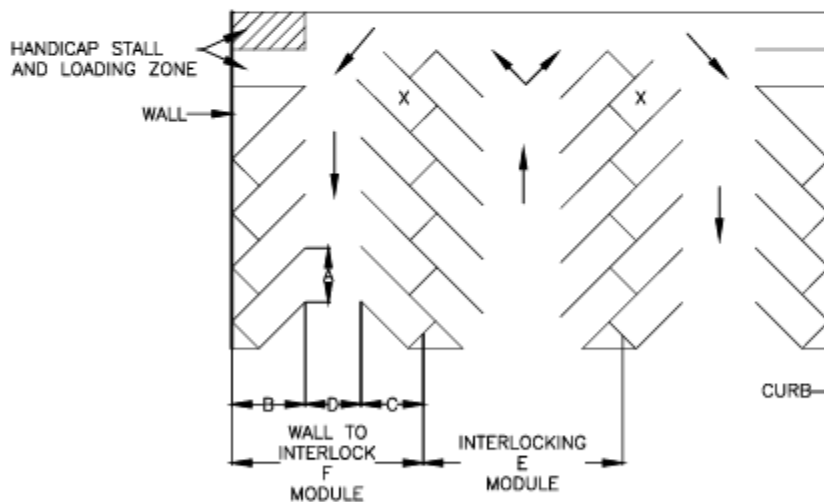
organizations may engage in the outdoor sale of Christmas trees in said parking area, provided that such sales do not exceed 45 days, including time necessary to return sales area to normal conditions, and that a permit authorizing such sales is obtained from the Zoning Administrator.

C. Design standards.

- 1. Within structures.** The off-street parking requirements may be furnished by providing a space so designed within the principal building or one structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.
- 2. Circulation.** Except in the case of single-, two-family and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-, two-family and townhouse dwellings, parking area design which requires backing into the public street is prohibited.
- 3.** Dead-end parking aisles or driveways are not permitted.
- 4. Parking standards.** Except in the case of single-family, two-family and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the standards shown in Figure 14.

FIGURE 14. Parking Area and Aisle Dimensions

	A STALL WIDTH PARALLEL TO AISLE	B STALL DEPTH TO WALL	C STALL DEPTH TO INTERLOCK	D AISLE WITH	WALL TO WALL	E INTERLOCK TO INTERLOCK
0 DEG						
9.0 STALL	23	9	9	12	31	30
10.0 STALL	23	10	10	12	33	32
45 DEG						
8.5 STALL	12	19.5	16.5	13	52	46
9.0 STALL	12.7	19.5	16.5	12	51	45
9.5 STALL	13.4	19.5	16.5	11	50	44
60 DEG						
8.5 STALL	9.8	20.5	18.5	18	59	55
9.0 STALL	10.4	20.5	18.5	16	57	53
9.5 STALL	11.0	20.5	18.5	15	56	52
75 DEG						
8.5 STALL	8.3	20.0	19.0	25	65	63
9.0 STALL	9.3	20.0	19.0	23	63	61
9.5 STALL	9.8	20.0	19.0	22	62	60
90 DEG						
8.5 STALL	8.5	18.5	18.5	28	65	65
9.0 STALL	9.0	18.5	18.5	26	63	62
9.5 STALL	9.5	18.5	18.5	25	62	62



NOTES:

1. PARKING LAYOUT DIMENSION (SHOWN IN FT) FOR 9' x 18' STALLS AT VARIOUS ANGLES.
2. ALL PARKING MUST MEET THE FOLLOWING:
 - HARD SURFACING
 - APPROVED DRAINAGE
 - LANDSCAPING
 - STRIPING
 - SIGNING
3. HANDICAP STALLS
 - THE NUMBER OF HANDICAP STALLS AND UNLOADING AREA SHALL BE DETERMINED BY THE MOST CURRENT BUILDING CODE.
 - THE MINIMUM WIDTH FOR A HANDICAPPED STALL SHALL BE 96" WITH A EQUAL LOADING ZONE.

5. Grade elevation. The grade elevation of any parking area shall not exceed 5% without approval of the City Engineer.

6. Driveway access standards. The location and width of driveway access shall comply with the standards listed in Table 27.

TABLE 27. Driveway Access Standards^{1,2}

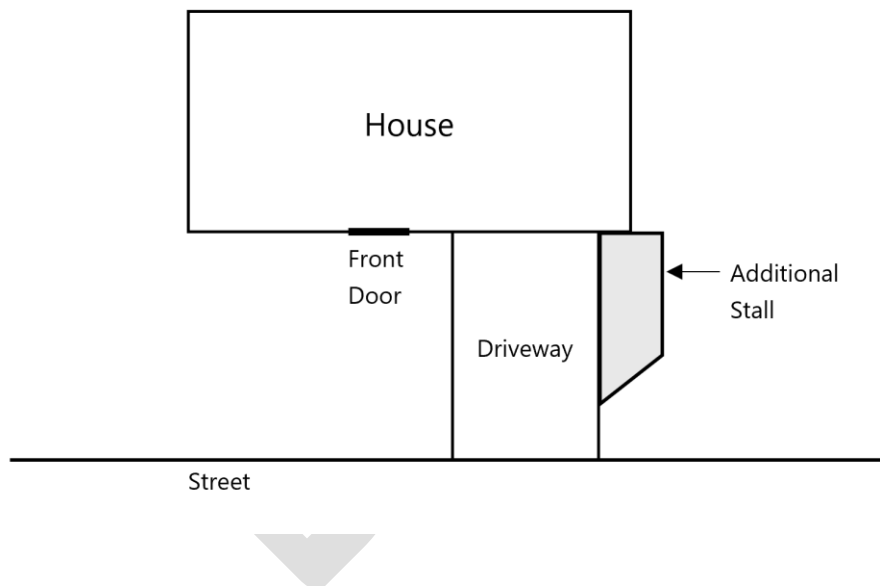
Standard	Single-Family, Two-Family, Townhouses, and Multi-Family (< 12 units)	All Other Uses
Approval Authority	Not required	Accesses shall be approved by the City Engineer and City Planner
Maximum Driveway Width – Residential Districts	- Single-family lots that are over 100 feet wide and have a garage with 3 or more stalls: 36 feet maximum - All other residential driveways: 24 feet maximum	N/A
Maximum Driveway Width – Business / Industrial / Mixed-Use	N/A	36 feet maximum
Side Lot Line Clearance	Minimum 1 foot from side lot line	Minimum 5 feet from side lot line

Footnotes

¹ The more restrictive standard shall apply where multiple conditions overlap.

² Distances are measured from the intersection of lot lines, not curb returns or pavement edges.

- a.** One additional parking area up to 12 feet in width may be added adjacent to the driveway on the side opposite the front door, as shown in Figure 5. The driveway width at the front lot line shall not exceed the maximum driveway width stated in Table 27.

FIGURE 15. Additional Residential Parking Area Configuration

- 7. Access Spacing and Location.** Driveway spacing and separation from intersections shall be governed exclusively by Table 28. Where strict compliance is infeasible due to lot size or configuration in residential districts, the City may approve a reduced setback administratively.

TABLE 28. Standards for Driveway Spacing

Road Classification	Minimum Separation between Driveways ¹	Minimum Separation between Driveways and Intersection Streets ²
Local & Collector Streets (<3,000 projected ADT)	30 feet	75 feet ³
Collector Streets (>3,000 and < 6,000 projected ADT)	60 feet	75 feet

Road Classification	Minimum Separation between Driveways ¹	Minimum Separation between Driveways and Intersection Streets ²
Collector Streets (<6,000 projected ADT)	125 feet	150 feet
Arterial (<15,000 projected ADT)	400 feet	480 feet
Arterial (>15,000 projected ADT)	1,000 feet	1,200 feet

Footnotes

¹ Measured from the nearest edge of one driveway to the nearest edge of the adjacent driveway along the same side of the roadway.

² Measured from the nearest edge of the driveway to the nearest edge of the intersecting street right-of-way line or curb return, whichever is closer.

³ For single-family, two-family, and townhouse uses on local streets with ADT less than 3,000, the minimum separation from intersection may be reduced to 30 feet, or as approved by the City Engineer.

- 8. Driveway access.** All property shall be permitted at least one driveway access. Multiple driveway accesses may be permitted on lots with street frontage in excess of 100 feet in width upon approval of the City Engineer.
- 9. Surfacing.** All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Except in the case of single-family and two-family dwellings, driveways and parking areas which have access onto a concrete or asphaltic surfaced street or public right-of-way shall be surfaced with asphalt or concrete. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the City Engineer for his or her review and the final drainage plan shall be subject to his or her written approval.
- 10. Striping.** In parking areas exceeding 12 spaces, stalls shall be marked with contrasting paint lines not less than four inches wide.
- 11. Lighting.** Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with § 157.063 of this chapter.
- 12. Signs.** No sign shall be so located as to restrict the site lines and orderly operation and traffic movement within any parking lot. All signage must conform to Ch. 153 of this code of ordinances.
- 13. Curbing.** Except for single- and two-family dwellings and townhouses, all off-street parking within ten feet of the lot line shall have a continuous, permanent curb barrier constructed of concrete around the entire parking area except that where parking area abuts alley, vehicles are parked parallel to alley and access to alley need not be restricted, required parking setbacks may be indicated by striping. Individual wheelstops butted together and spiked down shall not constitute permitted curbing under this provision. Said curbing shall not be closer than five feet from any lot line; except that, in the B-3 Zoning District, said curbing shall not be closer than three feet from any lot line.

14. Required screening. All open, non-residential off-street parking areas of five or more spaces shall be screened and landscaped from abutting or surrounding residential districts and uses in compliance with §§ 157.050 through 157.056 of this chapter.

15. Landscaping within parking areas.

- a. All parking setback areas with a width of less than five feet shall consist of grass, plantings, decorative rock, bark chips, asphalt or concrete. See landscaping requirements section.
- b. All parking setback areas with a width of five feet or more and abutting public right-of-way shall have one tree planted for every 40 lineal feet of setback area in addition to grass, plantings, decorative rock or bark chips.
 - 1) The minimum spacing between trees shall be 20 feet.
 - 2) Tree planting requirements may be satisfied by planting trees in the boulevard upon submission of a plan and approval by the Shade Tree Commission.
 - 3) Alternate landscaping including shrubs may be substituted for tree planting requirements upon submission of a plan and approval by the Planning Commission.
- c. For commercial off-street parking areas of 200 spaces or more, a minimum of ten square feet of interior landscaped islands is required for each space.
 - 1) Each interior landscaped island shall have a minimum of one tree in addition to grass, plantings, decorative rock or bark chips.
 - 2) The minimum dimensions of a landscaped interior island shall be five feet in width by five feet in length.
 - 3) Such islands shall be disbursed and placed to assist traffic flow within the parking area.
- d. It is the responsibility of the property owner and/or tenant to ensure that landscaping and trees are maintained in good condition as to present a healthy, neat and orderly appearance.
 - 1) Trees planted under this chapter must be cultivated nursery stock with straight trunks not less than six feet high, with a minimum one-inch caliper.
 - 2) Trees and landscaping shall be designed and placed to prevent damage by vehicles.
 - 3) Trees and landscaping shall be replaced if damaged or removed.

D. Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping and required fences.

E. Location. All accessory off-street parking facilities required by this chapter shall be located and restricted as follows.

- 1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except as provided for in §§ 157.059(G) and 157.059(H) below.

2. Except for single-, two-family and townhouse dwellings, head-in parking, directly off of adjacent to the public street, with each stall having its own direct access to the public street, shall be prohibited.
3. Except for single- and two-family housing and townhouses, required accessory off-street parking shall not be provided in front yards or in side yards abutting street right-of-way in "R-1", "R-2", R-3", and "R-4" Districts.
4. In the case of single-family, two-family and townhouse dwellings, parking shall be prohibited in any portion of the front yard, except designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use.

F. Number of off-street parking spaces required. Table 29 shows the minimum number of off-street parking spaces which shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses noted or as determined by the Planning Commission.

1. **ADA / accessible parking.** All developments shall comply with federal accessibility requirements, including the Americans with Disabilities Act (ADA) and ANSI A117.1, as amended. Required accessible parking spaces are in addition to or included within minimum counts as required by law.
2. **Measurement basis.** Floor area refers to gross floor area unless otherwise stated.
3. **Site plan review authority.** The City may require additional parking, circulation adjustments, or loading accommodations where unique site conditions, intensity of use, or observed demand warrant such revisions.
4. **Shared parking.** Shared parking reductions may be approved administratively or by the City Council where an applicant demonstrates overlapping parking demand will not occur.
5. **Unlisted uses.** For uses not listed in Table 29, parking requirements shall be determined by the Zoning Administrator using the most similar listed use, documented in writing, or based on a parking demand study.
6. **Calculating space.**
 - a. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.
 - b. In stadiums, sports arenas, places of worship, and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.
 - c. Should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

TABLE 29. Minimum Off-Street Parking Requirements

Land Use Category	Minimum Parking Spaces Required
Single-Family Dwelling	1 per unit

Land Use Category	Minimum Parking Spaces Required
Multi-Family Dwelling	1 per unit
Senior Housing	Reserve 1 per unit; initially, only 0.5 per unit required to be constructed. Additional spaces may be required upon Council determination of need.
Group Living / Congregate Living	30% of total occupancy
General Retail / Commercial	3 per 1,000 sq. ft. of gross floor area
Supermarket / Big Box Grocery	3 per 1,000 sq. ft. of gross floor area
Convenience Store / Fuel Station	3 per 1,000 sq. ft. of gross floor area, plus 1 per fuel dispenser
Automobile Sales (Car Dealership)	1 per 1,000 sq. ft. of showroom area, plus vehicle display/storage as approved through site plan review
Automobile Repair	Per service bay: 2 stalls per bay (employee + customer turnover) Plus office/customer space: 1 stall per 300 sq ft of office/waiting area
Car Wash	• Two (2) parking spaces per wash bay, plus • One (1) space per employee (largest shift), plus • One (1) space per vacuum or service stall, and • Adequate stacking shall be provided to prevent queuing onto public streets or drive aisles.
General Office	3 per 1,000 sq. ft. of gross floor area
Medical / Dental Clinic	3 per 1,000 sq. ft. of gross floor area
Hospital	1 per bed, plus 1 per employee on maximum shift
Restaurant	30% of total occupancy load
Indoor Recreation / Entertainment (	1 per 4 persons of maximum occupancy
Movie Theater	1 per 5 seats
Event Center / Convention Center	1 per 4 persons of maximum occupancy
Funeral Home	1 per 4 seats in chapel or viewing area
Gym / Fitness Center	3 per 1,000 sq. ft. of gross floor area
Garden Center / Nursery	2 per 1,000 sq. ft. of outdoor sales area, plus indoor retail requirements
Warehouse / Distribution / Light Industrial / Flex	1 per employee on maximum shift
Self-Storage Facility	1 per 100 storage units, plus 1 per employee on maximum shift
Places of Worship / Assembly / Auditorium	1 per 5 seats
Large Athletic Complex	1 per 5 seats
Hotels / Motels	1 per guest room, plus 2 spaces
Bed and Breakfast	1 per guest room, plus spaces required for primary residential use
Schools / Libraries	• Elementary & Middle School: 20% of occupancy load • High School: subject to traffic study • College / University: 30% of occupancy load • Library: 3 per 1,000 sq. ft. of gross floor area
Day Care / Child Care Center	1 per employee on maximum shift, plus designated drop-off areas
Teen Center / Youth Center	1 per 4 persons of maximum occupancy
Jail / Detention Center	1 per employee on maximum shift, plus visitor parking
Parks – Neighborhood	Per approval of the Planning Commission
Parks – Community	Per approval of the Planning Commission
Trailheads	Minimum 10 spaces; additional spaces based on amenities
Mixed-Use Development	Parking shall be calculated based on individual uses. Shared parking reductions may be approved where uses operate at non-competing times.

G. Joint parking facility.

1. The City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business, should they provide them separately.

2. When considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted nor the Council approve such a permit, except when the following conditions are found to exist:
 - a. The building or use for which application is being made to utilize the off-street parking facilities provided by other building or use shall be located within 300 feet of such parking facilities;
 - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed; and
 - c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk-Treasurer and recorded with the County Auditor.

H. Off-site parking.

1. Any off-site parking which is used to meet the requirements of this chapter shall be a conditional use as regulated by § 157.075 of this chapter.
 - a. Such off-site parking shall comply with all parking standards stated in this chapter.
 - b. Reasonable access from off-site parking facilities to the use served shall be provided.
2. Any use which depends on off-site parking to meet the requirements of this chapter shall maintain the minimum number of required parking spaces or cease operation and use until such time as there is full compliance with the requirements of this chapter.
3. Wherever required parking facilities are on a lot or parcel of land other than the principal building which is to be served, a properly drawn legal instrument, executed by the parties concerned, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk-Treasurer.
4. Any use which depends upon off-site parking to meet the requirements of this chapter shall require a certificate of occupancy, renewable annually, as regulated in § 157.081 of this chapter.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1083, passed 12-7-1993; Ord. 1113, passed 5-16-1996; Ord. 1132, passed 2-20-1996; Ord. 1156, passed 1-7-1997; Ord. 1160, passed 4-15-1997; Ord. 1491, passed 1-8-2013; Ord. 1501, passed 6-4-2013; Ord. 1557, passed 3-7-2017) Penalty, see § 157.999

§ 157.060 OFF-STREET LOADING.

- A. Adequate off-street loading space shall be provided in connection with any structure which requires receipt or distribution of materials by vehicles. Loading berths are required to ensure that delivery, service, and waste handling activities occur off street and do not interfere with traffic circulation or parking areas.

1. Number of loading berths required. The number of required off-street loading berths shall be as listed in Table 30.

a. Unlisted Uses. Loading requirements shall be determined by the Zoning Administrator using the most similar listed use, or based on demonstrated operational need.

TABLE 30. Minimum Off-Street Loading Requirements

Use	Minimum Number of Loading Berths Required
Manufacturing, Fabrication, Processing, Warehousing, Storage, Retail Sales, Schools,	Based on gross floor area: • 5,000 – 50,000 sq. ft.: 1 loading berth • 50,001 – 100,000 sq. ft.: 2 loading berths • Over 100,000 sq. ft.: 2 loading berths, plus 1 additional berth per 35,000 sq. ft. or fraction thereof over 100,000 sq. ft.
Manufacturing or Retail Under 5,000 sq. ft.	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
Auditorium, Convention Hall, Exhibition Hall, Sports Arena, Stadium	Based on gross floor area: • 10,000 – 100,000 sq. ft.: 1 loading berth • Over 100,000 sq. ft.: 1 loading berth, plus 1 additional berth per 100,000 sq. ft. or fraction thereof
Public or Semi-Public Recreational Buildings, Community Centers	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
Educational Institutions (Public or Private)	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
Places of Worship	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
Hospitals, Medical Clinics, Nursing Homes, Senior Housing	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
Professional or Commercial Offices	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.

B. Off-street loading berths shall be constructed to comply with the standards listed in Table 31.

TABLE 31. Off-Street Loading Standards

Category	Standard
General Requirement	All required loading berths and access facilities shall be located off-street and on the same parcel as the principal building or use served.
Use Restriction	Required loading berths and access drives shall not be used for storage of goods, inoperable vehicles, snow storage, or counted toward off-street parking requirements.
Design & Operation	Loading berths shall be designed to accommodate expected delivery vehicles, minimize interference with traffic circulation, and reduce impacts to adjacent properties, particularly residential uses.
Curb Cut Location	Loading berth curb cuts shall be located a minimum of 50 feet from the intersection of two or more street rights-of-way, measured from the property line.
Front Yard	Loading berths shall not be located within a required front yard setback.
Residential Separation	Except when fully enclosed within a structure, loading berths shall not be located within 50 feet of a residential zoning district.
Street-Facing Location	Loading berths located at the front or side of a building abutting a street right-of-way and within 200 feet of the right-of-way require a Conditional Use Permit pursuant to § 157.099.
Conditional Use Criteria	Loading berths requiring conditional use approval shall not conflict with pedestrian movement, obstruct visibility of the public right-of-way, and shall comply with all other standards of this section.
Vehicular Access	Each loading berth shall be provided with vehicular access to a street or public alley in a manner that causes the least interference with traffic.

Category	Standard
Surfacing & Drainage	Loading berths and access drives connecting to paved public streets shall be surfaced with asphalt, concrete, or approved equivalent. Drainage is subject to approval by the City Engineer.
Screening	Except for multiple-family dwellings, loading areas shall be screened and landscaped from adjacent residential uses in accordance with § 157.070.
Minimum Dimensions	- Length: First berth – 55 ft; Each additional berth – 30 ft - Width: 10 ft minimum - Height: 14 ft minimum vertical clearance (exclusive of maneuvering space)
Administrative Flexibility	The Zoning Administrator may approve alternative loading arrangements for infrequent deliveries, shared facilities, or demonstrated reduced loading demand.
Mixed-Use Developments	Required loading berths may be shared among uses where operational schedules do not conflict, subject to approval.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1160, passed 4-15-1997) Penalty, see § 157.999

PERFORMANCE STANDARDS

§ 157.061 § EXPLOSIVES.

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted, except such as are specifically licensed by the City Council.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.062 RADIATION AND ELECTRICAL EMISSIONS.

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.063 LIGHTING AND GLARE.

A. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in the manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

B.

1. Except for street lighting provided by the city's public utilities, any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the centerline of said street.
2. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.064 SMOKE.

The emission of smoke by any use shall be in compliance with and regulated by the state Pollution Control Agency rules. See Minn. Rules Chapters [7001](#), [7002](#), [7005](#), [7007](#), [7008](#), [7009](#), [7011](#), [7017](#), [7019](#), [7021](#), [7023](#), [7025](#), [7027](#) and [7030](#).

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.065 DUST AND OTHER PARTICULATE MATTER.

The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the state Pollution Control Agency rules. See Minn. Rules Chapters [7001](#), [7002](#), [7005](#), [7007](#), [7008](#), [7009](#), [7011](#), [7017](#), [7019](#), [7021](#), [7023](#), [7025](#), [7027](#) and [7030](#).

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.066 ODORS.

The emission of odor by any use shall be in compliance with and regulated by applicable state pollution control standards and regulations.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992) Penalty, see § 157.999

§ 157.067 NOISE.

- A.** Noise generated by any use shall be in compliance with and regulated by applicable State Pollution Control Agency, Air Quality Division, noise pollution control rules and any amendments thereof.
- B.** In instances where it is determined that a proposed land use may generate a level of noise or vibration that will impact on surrounding land uses, the Planning Commission and City Council may require that efforts to reduce the potential noise impact be undertaken. These efforts may include screening, landscaping, site planning techniques and restrictions on operating hours.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992) Penalty, see § 157.999

§ 157.068 REQUIRED LICENSE OBTAINED.

Proof of the issuance of all necessary governmental permits and licenses must be filed with the city.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

ADMINISTRATION AND ENFORCEMENT

§ 157.069 ADMINISTRATIVE OFFICER.

- A. General enforcement.** This chapter shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.

B. Duties of the Zoning Administrator. The Zoning Administrator shall enforce this chapter through the proper legal channels and, in addition thereto and in furtherance of said authority, he or she shall:

1. Assist the Building Inspector in determining that all building permits comply with the terms of this chapter;
2. Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefor;
3. Receive, file, and forward all applications for appeal, variances, conditional uses and other matters to the designated official bodies;
4. Institute in the name of the city any appropriate actions or proceedings against a violator as provided by law; and
5. Schedule public hearings for the Planning Commission and Zoning Board of Appeals.

(Ord. 827, passed 4-19-1983)

§ 157.070 LAND USE DECISION TIMELINES.

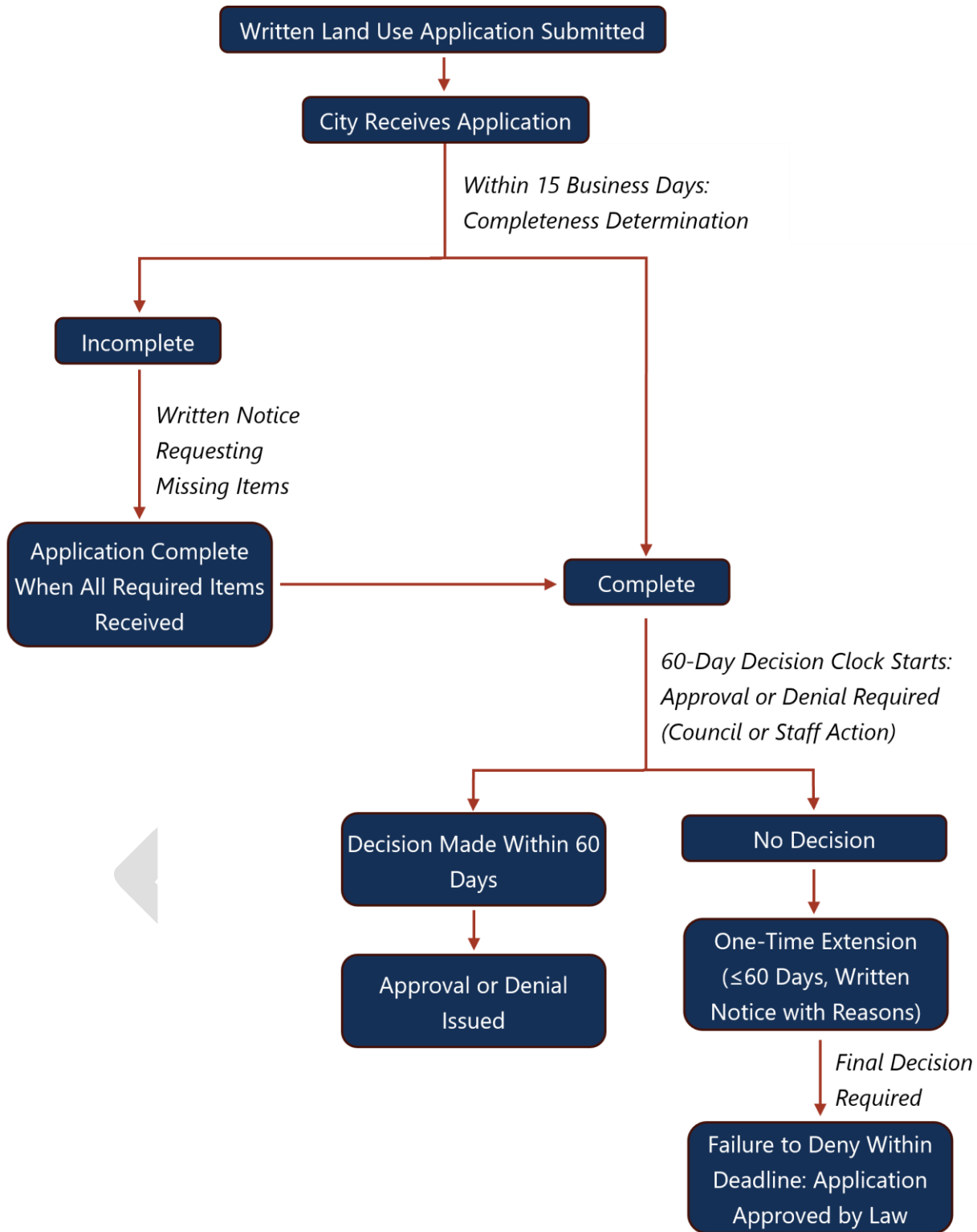
- A. Statutory Authority.** All land use applications, requests, permits, approvals, and official controls administered under this chapter shall be processed and decided in accordance with [Minn. Stat. § 15.99](#), as amended.
- B. Applications subject to [Minn. Stat. § 15.99](#).** This section applies to all zoning and land use matters including, but not limited to, permits, variances, conditional use permits, interim use permits, site plans, administrative determinations, planned unit developments, and other approvals required under this chapter.
- C. Application completeness.** Within 15 business days of application submittal, the Zoning Administrator shall notify the applicant in writing whether the application is complete or identify any additional information required. An application shall be deemed complete upon receipt of all materials required by ordinance and written notice from the City that the application is complete.
- D. Sixty-day decision requirement.** The City shall approve or deny a complete land use application within sixty (60) days of the date the application is accepted as complete, unless the applicant agrees in writing to extend the deadline or the City exercises a single lawful extension as provided in subsection § 157.070(E) of this chapter.
- E. One-time extension.** The City may extend the sixty-day decision deadline one time, for up to an additional sixty (60) days, by providing written notice to the applicant before the expiration of the initial sixty-day period. The written notice shall state the reasons for the extension and the expected date of final action.
- F. New or revised requests.** If an application is withdrawn, denied, or resubmitted as a new or revised request, a new sixty (60) day decision period shall commence upon acceptance of the new or revised request as complete. Requests for additional information made after an application has been deemed complete shall not restart the decision period.

G. Consequence of inaction. Failure of the City to approve or deny a land use application within the time limits established by [Minn. Stat. § 15.99](#), shall constitute approval of the application as provided by law.

H. Relation to other procedures. Nothing in this section alters notice requirements, public hearing requirements, or the authority of the City Council, Planning Commission, or Zoning Board of Appeals as otherwise provided by ordinance or state law.

DRAFT

FIGURE 16. Land Use Decision Timeline (Minn. Stat. § 15.99)



DRAFT

§ 157.071 ZONING BOARD OF APPEALS.

- A.** There is hereby established a Zoning Board of Appeals for the city, which shall consist of all the members of the Planning Commission.
- B.** The Board shall have the power and duty of hearing and deciding, subject to appeal to the City Council, appeals or requests in the following cases:
 - 1.** Appeals where it is alleged that there is an error in any order requirement, decision or determination made by an administrative officer in the enforcement of this chapter; and
 - 2.** Requests for variances from provisions of this chapter as provided for in § 157.079 of this chapter.
- C.** In granting a variance, the Board and the City Council, on appeal, may impose conditions to ensure compliance and to protect adjacent properties.

(Ord. 827, passed 4-19-1983; Ord. 1479, passed 2-6-2012)

§ 157.072 APPEALS.

- A. Authority.** The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Enforcement Officer in the enforcement of this chapter.
- B. Procedure.**
 - 1.** An appeal may be taken to the Zoning Board of Appeals by any person or by any officer, department, board or commission of the city affected by a decision of the enforcement officer. Such appeal shall be taken within 45 days of the action complained of by filing with the enforcement officer and with the City Clerk-Treasurer a notice of appeal, specifying the grounds thereof. A non-refundable filing fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany the notice of appeal filed with the City Clerk-Treasurer. The enforcement officer shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record which the action appealed from was taken.
 - 2.** An appeal shall stay all proceedings with furtherance of the action appealed from, unless the enforcement officer certified to the Zoning Board of Appeals after the notice of appeal has been filed with him or her that, by reasons of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application on notice to the enforcement officer and on due cause shown.
 - 3.** A public hearing shall be set, advertised and conducted by the Zoning Board of Appeals in accordance with § 157.080 of this chapter.
 - 4.** Within 30 days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal.

§ 157.073 ADMINISTRATIVE REVIEW AND APPROVALS

A. Purpose and intent. The purpose of this section is to provide for the administrative review and approval of certain zoning and land use applications that are ministerial in nature, require no discretionary judgment, and can be evaluated based on objective standards contained within this zoning ordinance. This section is intended to promote efficient and consistent administration of zoning regulations.

B. Zoning Administrator.

1. The Zoning Administrator shall administer and enforce this zoning ordinance and shall have the authority to review, approve, approve with conditions, or deny applications eligible for administrative approval as provided in this section.
2. The Zoning Administrator shall not have authority to grant variances or approve discretionary land use applications reserved to the Planning Commission, Zoning Board of Appeals, or City Council.

C. Administrative approvals authorized. The Zoning Administrator may approve the following applications without a public hearing, provided all applicable provisions of this zoning ordinance are met:

1. Zoning permits and zoning compliance permits
2. Determinations of permitted use or compliance with zoning district regulations
3. Administrative site plan review, where expressly authorized by this ordinance
4. Minor modifications to previously approved plans that do not increase density, intensity, or measurable impacts
5. Certificates of zoning compliance or lawful nonconformity
6. Other applications expressly identified elsewhere in this ordinance as subject to administrative approval
7. The following applications shall not be eligible for administrative approval:
 - a. Variances
 - b. Conditional use permits
 - c. Interim use permits
 - d. Zoning map amendments
 - e. Text amendments to this ordinance
 - f. Comprehensive plan amendments

D. Review standards. The Zoning Administrator shall approve an application only upon making a determination that:

1. The proposed use or development is permitted by right in the applicable zoning district;
2. All applicable dimensional, performance, parking, landscaping, and design standards are satisfied;
3. The proposal complies with all objective standards of this zoning ordinance; and
4. The proposal complies with all applicable conditions previously imposed on the property.

Administrative approvals shall be based solely on compliance with the express standards of this ordinance and shall not involve discretionary or subjective judgment.

E. Conditions of approval. The Zoning Administrator may impose reasonable administrative conditions necessary to ensure compliance with this zoning ordinance. Such conditions shall be directly related to ordinance requirements and shall not waive, vary, or modify any adopted standard.

F. Written decision.

1. All administrative approval decisions shall be issued in writing.
2. The written decision shall state the basis for approval or denial and reference the applicable ordinance standards.
3. The decision shall be maintained as part of the official zoning record for the property.

G. Time limits. Administrative approvals shall be processed and acted upon in accordance with applicable statutory time limits, unless an extension is agreed to in writing by the applicant.

H. Appeals. Any person aggrieved by a decision of the Zoning Administrator may appeal the decision to the Zoning Board of Appeals in accordance with the procedures set forth in this zoning ordinance. The Zoning Board of Appeals shall review the decision based on the record and determine whether it complies with the standards of this ordinance.

§ 157.074 AMENDMENTS.

A. Authority. This chapter and the zoning district may be amended from time to time by ordinance duly enacted by the City Council; provided, however, that, no such amendment shall be enacted, except in accordance with the procedures of this section, and in compliance with the City Charter.

B. Initiation. Proposed changes or amendments may be initiated by the City Council, by the Zoning Board of Appeals, by the Planning Commission or by any one or more owners of real estate in the city so as to effect real estate of such owner/owners.

C. Procedure.

1. When any proposed change or amendment is initiated by the City Council or by the Board of Appeals, such body shall transmit its proposal to the Planning Commission for a public hearing and report thereon.
- 2.

- a. When any proposed change or amendment is initiated by any owner of owners of real estate in the city, an application for such amendment, addressed to the City Council, shall be filed in quintuplicate with the Zoning Administrator. A non-refundable application fee, established from time to time by the City Council to cover administrative costs, shall accompany the application.
- b. The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning Commission, but shall in all instances, contain the following information:
 - 1) The applicant's name and address;
 - 2) The precise wording of any proposed amendment to the text of this chapter; and
 - 3) In the event that the proposed amendment would change the zoning classification of any property:
 - (a) A legal description and street address of the property proposed to be reclassified;
 - (b) The name and address of the owner or owners of the said property;
 - (c) The present zoning classification and existing uses of the property proposed to be reclassified;
 - (d) The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and
 - (e) A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses.
3. A public hearing shall be set, advertised and conducted by the Planning Commission in accordance with § 157.080 of this chapter.
4. Within 30 days following the conclusion of the public hearing, the Planning Commission shall transmit to the City Council its recommendation in the form of a written report. Such report shall be accompanied by findings of fact specifying the reasons for the recommendation.
5. Within 30 days of the receipt of the report of the Planning Commission, the City Council shall refuse or, by ordinance, duly enacted adopt the proposed amendment.
6. A certified copy of the ordinance amendment shall be filed with the County Auditor.

(Ord. 827, passed 4-19-1983)

§ 157.075 CONDITIONAL USE PERMITS.

- A. Duplicate submissions.** An application for a conditional use permit shall be submitted in duplicate to the Zoning Administrator. A non-refundable application fee, as established from time to time by the City Council to cover administrative costs and costs of hearing, shall accompany each application.

- B. Purpose.** The purpose of a conditional use permit is to provide the city with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety.
- C. Standards for granting conditional use permit.** In making this determination, whether or not the conditional use is to be allowed, the city shall consider the following.
- 1. General.** If the establishment or operation of the proposed conditional use will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - 2. Compatibility with surrounding area.** The architectural appearance and functional plan of the building and site shall reflect the building character of the area and shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. The proposed development shall be compatible with existing and planned use of the area and conflicts should not be created between the proposed use and existing and intended future uses of the surrounding area.
 - 3. Traffic control.** The traffic generated by a use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. The traffic generated shall not raise traffic volumes beyond the capacity of the surrounding streets. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements and shall be subject to the approval of the City Engineer. Vehicular drive up ingress lanes shall be large enough to accommodate peak auto use on the same lot without requiring the stopping or waiting of vehicles on public right-of-way. Ingress lanes shall be from the least heavily traveled street wherever possible.
 - 4. Availability and adequacy of public services.** Public services, including, but not limited to, sewer, water, gas, police and fire protection, should be available at an adequate level and capable of servicing the proposed land use. In addition, adequate access, drainage and any other necessary support facilities shall be provided. The Planning Commission and City Council may impose any necessary conditions or restrictions upon the proposed land use to insure that an overloading of city systems does not occur and that inordinate demand on public services does not jeopardize or limit existing and projected public service demands.
 - 5. Other factors.** All such other or further factors as the city shall deem a requisite or consideration in determining the effect of such use on the general welfare, public health and safety.
- D. Special circumstances.** The Planning Commission may impose conditions upon the conditional use, if, in its opinion, specific circumstances of a request justify those additional controls to protect the health, safety and welfare of the neighborhood and general public.
- E. Reconsideration.** Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial; and a subsequent application affecting substantially

the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than five-sevenths vote of the City Council.

F. Lapse of conditional use permit by non-use. Whenever, within one year after granting a conditional use permit, the work has not been substantially complete, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extensions shall be requested in writing and filed with the City Clerk-Treasurer at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

G. Procedure.

1. A public hearing shall be set, advertised and conducted by the Planning Commission in accordance with § 157.080 of this chapter.
2. Within 30 days following the close of the public hearing, the Planning Commission shall submit its recommendation to the City Council for its official action.
3. The City Council shall act on the application within 45 days after receiving the recommendations of the Planning Commission.

H. Certified copy. A certified copy of the conditional use permit shall be filed with the County Recorder.

(Ord. 827, passed 4-19-1983)

§ 157.076 INTERIM USE PERMITS.

A. Purpose and authority. Interim use permits are intended to allow temporary uses that may be suitable for a limited duration, subject to conditions that ensure compatibility with surrounding land uses. Interim uses are authorized pursuant to [Minn. Stat. § 462.3597](#) and are designated as "I" in the applicable land use tables of this chapter.

B. Applicability. An interim use permit shall be required for any use identified as an interim use ("I") in the land use tables. Interim uses are temporary in nature and shall not establish a permanent right to continue the use beyond the approved permit term.

C. Approval authority. The City Council shall be the approval authority for all interim use permits, following review and recommendation by the Planning Commission.

D. Duration.

1. An interim use permit shall be issued for a specific period of time, event, or occurrence, or for a specified number of occurrences.
2. The permit shall clearly state its expiration date or the conditions under which the permit shall terminate.

3. An interim use permit shall not exceed the duration authorized under [Minn. Stat. § 462.3597](#), unless otherwise permitted by state law.

E. Conditions of approval. In granting an interim use permit, the City Council may impose reasonable conditions necessary to protect the public health, safety, and welfare and to ensure compatibility with surrounding land uses. Conditions may include, but are not limited to:

1. Duration and frequency of the use;
2. Hours of operation;
3. Location and arrangement of structures, tents, or activity areas;
4. Traffic control, parking, and circulation;
5. Noise, lighting, sanitation, security, and crowd management;
6. Compliance with applicable building, fire, health, and safety codes;
7. Site restoration or cleanup requirements upon termination of the use.

F. Findings. An interim use permit may be approved only upon finding that:

1. The interim use is consistent with the comprehensive plan;
2. The interim use will not be injurious to the use and enjoyment of nearby properties for the duration of the permit;
3. Adequate utilities, access, and public services are available; and
4. The use is appropriate on a temporary basis and does not require permanent zoning authorization.

G. Termination. An interim use permit shall terminate automatically upon the earliest of the following:

1. Expiration of the permit term;
2. Occurrence of the event or number of occurrences authorized;
3. Violation of any condition of approval;
4. Determination by the City Council that the use has become a nuisance or poses a threat to public health, safety, or welfare, following notice and an opportunity for the permit holder to be heard.

H. Extensions and renewals.

1. An interim use permit may be renewed or extended only by approval of a new interim use permit, using the same procedures required for the original permit.
2. Expiration of an interim use permit shall not confer any legal right to continue the use or to reestablish the use absent City approval.

- I. Effect of termination.** Upon termination of an interim use permit, the use shall cease immediately, and the property shall be restored to compliance with all applicable zoning regulations.

§ 157.077 COMPREHENSIVE PLAN AMENDMENT

- A. Authority.** The Comprehensive Plan may be amended from time to time by resolution of the City Council in accordance with [Minn. Stat. § 462.355 and 462.356](#).
- B. Purpose.** The purpose of a Comprehensive Plan amendment is to revise the City's adopted policy framework when warranted by changed conditions, new information, public need, or to maintain internal consistency within the Plan and between the Plan and the City's official controls. The planning agency shall periodically review the Plan and recommend amendments whenever necessary.
- C. Initiation.** A proposed Comprehensive Plan amendment may be initiated by the City Council, the Planning Commission, or by application of a property owner or authorized agent in a form approved by the City. Any amendment proposed by the City Council shall be submitted to the Planning Commission for review and recommendation. .
- D. Application.** An application for a Comprehensive Plan amendment shall be filed with the Zoning Administrator on a form approved by the City and shall include, at a minimum:
1. The name and address of the applicant and property owner, if different;
 2. A statement describing the proposed amendment;
 3. If the amendment affects specific property, the legal description, parcel identification number, address, and a map showing the subject property; and
 4. A narrative explaining the reason for the amendment and its relationship to the Comprehensive Plan and public facilities.
 5. This subsection establishes local filing requirements in addition to the minimum procedural requirements of state law.
- E. Planning Commission Public Hearing.** Before adoption of a Comprehensive Plan amendment, the Planning Commission shall hold at least one public hearing. Notice of the time, place, and purpose of the hearing shall be published once in the official newspaper of the City at least ten days before the hearing. .
- F. Planning Commission Recommendation.** Following the public hearing, the Planning Commission shall recommend approval, approval with modifications, or denial of the proposed amendment and shall forward its recommendation and findings to the City Council. A proposed amendment may not be acted upon by the City Council until the City Council has received the recommendation of the Planning Commission or until 60 days have elapsed from the date an amendment proposed by the City Council was submitted to the Planning Commission for its recommendation.

G. Review Criteria. In reviewing a proposed Comprehensive Plan amendment, the Planning Commission and City Council shall consider:

1. Whether the amendment is consistent with the goals, policies, and overall structure of the Comprehensive Plan;
2. Whether the amendment is warranted by changed conditions, public need, or new information;
3. Whether the amendment will promote the orderly and staged development or redevelopment of land;
4. Whether public facilities, services, and infrastructure are adequate or can be made adequate to serve the area affected;
5. Whether the amendment will maintain consistency between the Comprehensive Plan and the City's official controls;
6. Any airport safety zones and airport improvements that the planning agency is required by statute to consider; and
7. In a municipality outside the metropolitan area and located in a county that is not a greater-than-80-percent area, whether the amendment should consider goals and objectives that protect open space and the environment.

H. City Council Action. The City Council may approve, approve with modifications, or deny the proposed Comprehensive Plan amendment by resolution after receipt of the Planning Commission recommendation or after expiration of the 60-day period stated above. .

I. Filing. A copy of a Comprehensive Plan amendment adopted by the planning agency under [Minn. Stat. §§ 462.351 to 462.364](#) shall be filed with the governing body of each contiguous municipality and with the regional planning agency, if any, established to serve the area in which the City is located. .

J. Effect on Official Controls. Following adoption of a Comprehensive Plan amendment, the City may consider any related amendment to the zoning ordinance, zoning map, subdivision regulations, capital improvements program, or other official controls to carry out the amended Plan. Official controls are among the statutory means for putting the Comprehensive Plan into effect.

§ 157.078 ZONING MAP AMENDMENT

A. Authority. The Official Zoning Map may be amended from time to time by ordinance of the City Council in accordance with [Minn. Stat. § 462.357](#). The zoning ordinance consists of text and maps. .

B. Purpose. The purpose of a Zoning Map amendment is to implement the Comprehensive Plan through the reclassification of land to a zoning district that is appropriate to the property and surrounding area and that promotes the public health, safety, morals, and general welfare. After adoption of a land use plan, zoning regulations are a means of carrying out the policies and goals of that plan.

C. Initiation. A Zoning Map amendment may be initiated by the City Council, the Planning Commission, or by petition of affected property owners as defined by this chapter. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report. The City Council may not act upon such amendment until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date of referral without a report.

D. Application. An application for a Zoning Map amendment shall be filed with the Zoning Administrator on a form approved by the City and shall include, at a minimum:

1. The name and address of the applicant and the property owner, if different;
2. The legal description, parcel identification number, and street address of the subject property;
3. The existing zoning district and the proposed zoning district;
4. The existing use of the property and the proposed use, if known;
5. The area of the property in square feet or acres;
6. A map drawn to scale showing the subject property, surrounding zoning, and surrounding land uses; and
7. A written statement addressing the approval criteria of this section.

This subsection establishes local filing requirements in addition to the minimum procedural requirements of state law.

E. Public Hearing and Notice. No Zoning Map amendment shall be adopted until a public hearing has been held thereon by the Planning Commission or by the City Council. Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ten days before the hearing. When the amendment involves changes in district boundaries affecting an area of five acres or less, similar notice shall be mailed at least ten days before the hearing to each owner of affected property and to each owner of property situated wholly or partly within 350 feet of the property to which the amendment relates. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the person responsible for mailing and made part of the record. Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings if a bona fide attempt to comply with the statute has been made. .

F. Planning Commission Recommendation. After the public hearing, the Planning Commission shall recommend approval, approval with modifications, or denial of the amendment and shall transmit its recommendation and findings to the City Council. .

G. Approval Criteria. In reviewing a proposed Zoning Map amendment, the Planning Commission and City Council shall consider at least the following:

1. Whether the proposed zoning district is consistent with the Comprehensive Plan and with the purpose of the zoning ordinance;

2. Whether the proposed zoning classification is compatible with the surrounding area and existing or planned land use pattern;
3. Whether the property can be adequately served by streets, utilities, drainage, and other public services;
4. Whether the amendment will promote orderly and staged development or redevelopment;
5. Whether the amendment would create an isolated or unrelated district pattern inconsistent with the City's planning framework; and
6. Whether the proposed district is suitable for the subject property in light of its size, access, physical characteristics, and surrounding development.

These criteria are intended to implement the statutory requirement that zoning regulations carry out the policies and goals of the land use plan and promote the public welfare.

H. City Council Action and Vote Required. Subject to the requirements of [Minn. Stat. § Statutes section 462.357, subdivisions 3, 4, and 5](#), the City Council may adopt or deny a Zoning Map amendment by ordinance. Adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds vote of all members of the City Council. Any other zoning amendment requires a majority vote of all members of the City Council. If the City is a city of the first class, the special procedures of [Minn. Stat. § 462.357, subdivision 5](#), shall apply where applicable.

I. Relationship to Comprehensive Plan Amendment. If a requested Zoning Map amendment is not consistent with the Comprehensive Plan, the City Council shall not approve the Zoning Map amendment unless the Comprehensive Plan is amended first or concurrently so that the zoning amendment implements the amended Plan. Zoning regulations are a statutory means of carrying out the land use plan and the land use plan must provide guidelines for the timing and sequence of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan.

J. Effective Date. A Zoning Map amendment shall take effect upon adoption of the ordinance and publication as required by law, unless a later effective date is stated in the ordinance. The Official Zoning Map shall thereafter be revised to reflect the amendment.

K. Resubmittal After Denial. Whenever a Zoning Map amendment affecting substantially the same property has been denied, no application for substantially the same amendment shall be considered again for six months from the date of denial unless the City Council determines that a material change in circumstances or new information justifies reconsideration. This is a local best-practice resubmittal rule and is not prescribed by statute.

L. Judicial Review. Any person aggrieved by an ordinance, rule, regulation, decision, or order of the City Council or Board of Appeals and Adjustments acting pursuant to [Minn. Stat. §§ 462.351 to 462.364](#) may seek review by an appropriate remedy in district court, subject to the doctrine of exhaustion of remedies stated in statute.

§ 157.079 VARIANCES.

A. Authority. Pursuant to [Minn. Stat. § 462.357, Subd. 6](#), as it may be amended from time to time, the Zoning Board of Appeals may authorize such variances from the provisions of this chapter as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in this section thereof, and then only when the Zoning Board of Appeals has made findings of fact as thereafter required. A variance is a modification or variation of the provisions of this chapter as applied to a specific piece of property.

B. Procedures.

- 1.** An application for a variance shall be submitted to the Zoning Administrator. A non-refundable application fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany each application. The application shall contain the following information, as well as such additional information as may be prescribed by rule of the Zoning Board of Appeals:
 - a.** The particular requirements of this chapter which prevent the proposed use or construction;
 - b.** The circumstances unique to the property which prevent compliance with the said requirements of this chapter;
 - c.** The minimum reduction of the requirements of this chapter which would be necessary to permit the proposed use or construction; and
 - d.** The practical difficulty that would result if said particular requirements of this chapter were applied to the subject property.
- 2.** A public hearing shall be set, advertised and conducted by the Zoning Board of Appeals in accordance with § 157.080 of this chapter.
 - a.** Within 30 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications and shall remain a part of the permanent records of the Zoning Board of Appeals. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. A decision rendered in accordance with the terms of this section, which grants a variance, shall be stayed until the next regularly scheduled meeting of the City Council. During that time, the City Council shall have authority to reverse the decision of the Zoning Board of Appeals.
 - b.** A denial by the Zoning Board of Appeals of a request for variance may be appealed to the City Council, subject to the procedures established in § 157.080 of this chapter and payment of the fees established in § 157.081 of this chapter.
 - c.** Upon filing of such application for appeal and payment of the applicable fees, the Zoning Administrator shall forward to the City Council the request for hearing of appeal along with

the findings of fact of the Zoning Board of Appeals and transcript of hearing held by the Zoning Board of Appeals on the matter.

- d.** The City Council shall set a day and time when the said appeal will be held and advertise the said hearing and notify parties of interest as in the original hearing by the Zoning Board of Appeals, and shall conduct the said hearing.
- e.** Within 30 days following the close of the public hearing, the City Council may affirm or reverse the action of the Zoning Board of Appeals or return the variance request to the Zoning Board of Appeals for further proceedings.
- f.** Notwithstanding the above language, deadlines for action by the Board of Appeals and City Council must meet any applicable requirements as established in state law.

C. Conditions for permitting a variance.

- 1.** A variance shall be permitted only if it is established that it is in harmony with the general purposes and intent of this chapter is consistent with the city's Comprehensive Plan and that there are practical difficulties in complying with this chapter. In its consideration of the standards of practical difficulties, the Zoning Board of Appeals shall require evidence that:
 - a.** The property owner proposes to use the property in a reasonable manner not permitted by this chapter;
 - b.** The plight of the owner is due to circumstances unique to the property not created by the owner; and
 - c.** The variance, if granted, will not alter the essential character of the locality.
- 2.** A variance may be granted only if the evidence, in the judgment of the Zoning Board of Appeals, sustains each of the three conditions enumerated in § 157.079(C)(1) above. Variances may also be permitted if necessary to provide for adequate access to direct sunlight for solar energy systems, or for the construction of earth sheltered buildings, as defined in § 157.002 of this chapter, when the permitting of the variance is in harmony with the general purpose and intent of this chapter.
- 3.** Economic considerations alone shall not constitute practical difficulties.
- 4.** Variances shall not be permitted for any use that is not allowed under this chapter for property in the zone where such property is located.
- 5.** Specific conditions and safeguards may be imposed upon the premises benefitted by a variance as considered necessary to prevent injurious effects upon other property in the neighborhood or upon public facilities and services. Violations of such conditions and safeguards shall be a violation of this chapter. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- 6.** No variance permitting the erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to

completion. The applicant may petition the Zoning Board of Appeals for extension of time in which to complete the work. Such extensions shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original variance. There shall be no charge for the filing of such petition. Such petition shall be presented to the Zoning Board of Appeals for a recommendation and to the City Council for final a decision. The extension shall be valid for an additional six months.

D. Certified copy. A certified copy of the variance shall be filed with the County Recorder.

(Ord. 827, passed 4-19-1983; Ord. 1479, passed 2-6-2012)

§ 157.080 PUBLIC HEARINGS.

A. Setting of hearing. For all requests brought before the Zoning Board of Appeals or the Planning Commission for which a public hearing is required by this chapter, the body in charge of conducting the hearing shall select a reasonable time and place for the public hearing on the request. They may direct the Zoning Administrator to schedule hearings at the next Planning Commission meeting if an application is received at least 15 days before the meeting.

B. Notice of hearings.

1. Notice of public hearing shall be given not more than 30 days and not less than ten days before the hearing by publication at least once in the official newspaper of the city. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard and the address or location of the property to which the request applies.
2. In addition to the general notice to the public, separate notice by letter, ten days before the hearing, shall be required for all property owners residing within 350 feet of the area, where a request concerning property will be the subject of the hearing. Such notices shall be sent by the Zoning Administrator and addresses taken from current city records shall be deemed sufficient for such notification.
3. Where a rezoning request is to be considered, written notice shall be sent to the school district officials.

C. Conduct of hearing. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney.

(Ord. 827, passed 4-19-1983)

§ 157.081 ADMINISTRATIVE FEES.

A. To defray administrative costs of processing requests for conditional uses, amendments, variances, appeals and site plan review for zoning compliance, a base fee in an amount set forth in Ch. 35 of this code of ordinances per application shall be paid by all applicants. Applications for conditional uses and variances made after the fact of a construction or commencement of an activity shall pay double the established fee.

- B.** In order to defray the additional cost of processing applications (amendments, conditional uses, variances, appeals) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.
- 1.** "Materials" shall include, but not be limited to, maps, graphs, charts, drawings and the like and all printing or reproduction of materials.
 - 2.** "Staff and/or consulting time" shall include any time spent in either researching for or actual production of materials.
 - 3.** The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of projected time and/or material costs.
- C.** Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid. Where said costs of staff and/or consulting time exceed the initial deposit, monthly billing statements shall be forwarded to and subsequently paid in full by the applicant within 30 days of receipt. No application for zoning or subdivision action or other city permit shall be granted or approved until all fee statement balances are paid in full.
- D.** Fee for certificate of occupancy shall be \$10 per application.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1320, passed 6-3-2003)

§ 157.999 PENALTY.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 827, passed 4-19-1983)

CHAPTER 157: ZONING

Table of Contents

GENERAL PROVISIONS	5
§ 157.001 TITLE AND APPLICATION.	5
§ 157.002 RULES AND DEFINITIONS.....	7
A.....	8
B.....	11
C.....	15
D.....	20
E.....	23
F.....	23
G.....	24
H.....	25
I.....	27
J.....	28
L.....	28
M.....	30
N.....	32
O.....	33
P.....	34
Q.....	36
R.....	36
S.....	39
T.....	42
U.....	43
V.....	44
W.....	44

Y.....	46
Z.....	46
§ 157.003 NON-CONFORMING BUILDINGS, STRUCTURES AND USES.	47
§ 157.004 NON-CONFORMING LOTS OF RECORD.	50
§ 157.005 DWELLING UNIT RESTRICTIONS.	51
§ 157.006 PLATTED AND UNPLATTED PROPERTY.	52
§ 157.007 GENERAL DISTRICT PROVISIONS AND PURPOSE; ESTABLISHMENT OF DISTRICTS.....	52
§ 157.008 EFFECTIVE DATE.	59
DISTRICT REGULATIONS	60
§ 157.009 AGRICULTURAL USES.....	60
§ 157.010 COMMERCIAL USES.	62
§ 157.011 INDUSTRIAL USES.	66
§ 157.012 PUBLIC/CIVIC USES.....	69
§ 157.013 RESIDENTIAL USES.....	71
§ 157.014 DENSITY AND INTENSITY REGULATIONS. ¹	90
SHORELAND MANAGEMENT	96
§ 157.015 STATUTORY AUTHORIZATION AND POLICY.	96
§ 157.016 GENERAL PROVISIONS.	96
§ 157.017 ADMINISTRATION OF SHORELANDS.....	97
§ 157.018 SHORELAND CLASSIFICATION SYSTEM AND LAND USES.....	100
§ 157.019 SPECIAL LAND USE PROVISIONS.....	101
§ 157.020 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS.....	102
§ 157.021 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES.....	106
§ 157.022 VEGETATION AND LAND ALTERATIONS.....	108
§ 157.023 SUBDIVISION/PLATTING PROVISIONS.....	112
USE REGULATIONS AND STANDARDS	113
§ 157.024 ACCESSORY DWELLING UNITS.....	113
§ 157.025 TEMPORARY FAMILY HEALTH CARE DWELLINGS OPT-OUT.	113
§ 157.026 HOME OCCUPATIONS.....	116
§ 157.027 ANIMAL SHELTERS.....	117

§ 157.028 RIDING STABLES, COMMERCIAL DOG BOARDING, AND SIMILAR.	117
§ 157.029 RESIDENTIAL DOG BOARDING.	118
§ 157.030 BULK STORAGE (LIQUID, GAS, GRAIN AND THE LIKE).	118
§ 157.031 CANNABIS BUSINESSES.	118
§ 157.032 CANNABIS EVENTS, TEMPORARY.	119
§ 157.033 GARAGE SALES.	120
§ 157.034 OUTDOOR SALES OR STORAGE.	120
§ 157.035 OUTDOOR STORAGE.	121
§ 157.036 MANUFACTURED HOME PARK PUDS.	121
§ 157.037 LAND RECLAMATION.	123
§ 157.038 CRUSHING OPERATIONS.	124
§ 157.039 MINING.	124
§ 157.040 SOIL PROCESSING.	124
§ 157.041 RECYCLING CENTER.	124
§ 157.042 RECREATIONAL VEHICLE CAMPGROUND.	125
§ 157.043 RESIDENTIAL FACILITY.	125
§ 157.044 ENERGY PRODUCTION SYSTEMS.	125
§ 157.045 REQUIRED DISTANCE BETWEEN USES.	129
PHYSICAL STANDARDS.	130
§ 157.046 ACCESSORY BUILDINGS AND STRUCTURES.	130
§ 157.047 PERMITTED YARD ENCROACHMENTS.	137
§ 157.048 HEIGHT LIMITATIONS NOT APPLICABLE.	140
§ 157.049 REFUSE AND WASTE ENCLOSURES.	141
§ 157.050 SITE DESIGN AND LANDSCAPING ADMINISTRATIVE ADJUSTMENTS.	142
§ 157.051 TRAFFIC VISIBILITY; CORNER LOTS.	145
§ 157.052 LANDSCAPING.	146
§ 157.053 BUFFERING.	147
§ 157.054 SITE DESIGN STANDARDS.	151
§ 157.055 GENERAL FENCING REQUIREMENTS.	152
§ 157.056 SCREENING AND FENCING.	153
§ 157.057 RELOCATED STRUCTURES.	154

§ 157.058 PLANNED UNIT DEVELOPMENT.....	156
§ 157.059 OFF-STREET PARKING REQUIREMENTS.....	168
§ 157.060 OFF-STREET LOADING.....	181
PERFORMANCE STANDARDS	188
§.....	188
§ 157.061 EXPLOSIVES.....	188
§ 157.062 RADIATION AND ELECTRICAL EMISSIONS.....	189
§ 157.063 LIGHTING AND GLARE.....	189
§ 157.064 § 157.074 SMOKE.....	189
§ 157.065 § 157.075 DUST AND OTHER PARTICULATE MATTER.....	189
§ 157.066 § 157.076 ODORS.....	189
§ 157.067 § 157.077 NOISE.....	190
§ 157.068 § 157.079 REQUIRED LICENSE OBTAINED.....	190
ADMINISTRATION AND ENFORCEMENT	190
§ 157.069 ADMINISTRATIVE OFFICER.....	190
§ 157.070 LAND USE DECISION TIMELINES.....	191
§ 157.071 ZONING BOARD OF APPEALS.....	194
§ 157.072 APPEALS.....	194
§ 157.073 ADMINISTRATIVE REVIEW AND APPROVALS	195
§ 157.074 AMENDMENTS.....	196
§ 157.075 CONDITIONAL USE PERMITS.....	197
§ 157.076 INTERIM USE PERMITS.....	199
§ 157.077 COMPREHENSIVE PLAN AMENDMENT	201
§ 157.078 ZONING MAP AMENDMENT	202
§ 157.079 VARIANCES.....	205
§ 157.080 PUBLIC HEARINGS.....	207
§ 157.081 ADMINISTRATIVE FEES.....	207
§ 157.999 PENALTY.....	208

GENERAL PROVISIONS

§ 157.001 TITLE AND APPLICATION.

- A. Title.** This chapter shall be known as the "Owatonna Zoning Ordinance," except as referred to herein, where it shall be known as "this chapter."
- B. Intent and purpose.** The intent of this chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use. This chapter divides the city into zoning districts and regulates the location and use of land, buildings, and structures, including the impacts of those activities. This chapter shall divide the city into use districts and establish regulations in regard to locations, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating compatibility of different land uses; to promote the character and preserve and enhance the stability of properties and areas within the city; to protect against fire, explosion, noxious fumes and pollution of the environment; to promote a visually pleasing environment throughout the community; to provide for administration of this chapter; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the city staff, the Board of Adjustment and Appeals, the Planning Commission and the City Council in relation to this chapter. These regulations are adopted to implement the City's land use policy under Minnesota law, to provide clear standards for development, and to ensure compatibility of uses. Such regulations are established to protect such use areas; to promote orderly development; to provide adequate light, air, and access; to prevent congestion in the public right-of-way; to avoid overcrowding of land and undue concentration of structures; to protect public safety and the environment; to promote the character and preserve and enhance the stability of properties and areas within the city; to protect against fire, explosion, noxious fumes and pollution of the environment; to support a visually pleasing environment throughout the community; to provide for administration of this chapter; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the city staff, the Zoning Board of Appeals, Board of Adjustment and Appeals, the Planning Commission and the City Council in relation to this chapter. This chapter is intended to be interpreted and applied in a manner consistent with Minn. Stat. §§ 462.351 to 462.365.

C. Relation to Comprehensive Municipal Plan. It is the policy of the city that the enforcement, amendment, and administration of this chapter be accomplished with due consideration of the recommendations contained in the Comprehensive Municipal Plan as developed and amended from time to time by the Planning Commission and City Council. The Council recognizes the Comprehensive Municipal Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

D. Standard; requirement. Where the conditions imposed by any provisions of this chapter are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the city, the ordinance, rule or regulation which imposes the more restrictive condition, standard or requirements shall prevail.

E. Minimum requirements. In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety and welfare.

F. Conformance.

1. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this chapter.
2. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this chapter.

B. Uses not provided for within zoning districts. Any use not specifically listed as a permitted, accessory, interim, or conditional use in a zoning district is prohibited unless authorized through a similarity determination under this section.

C. Administrative similarity determination.

1. **Authority.** The Zoning Administrator may determine that an unlisted use is substantially similar in character, scale, and impact to a listed permitted, accessory, interim, or conditional use in the same zoning district.
2. **Effect.** The unlisted use shall be regulated as the comparable listed use, including any conditions, performance standards, or approvals required.
3. **Referral.** The Zoning Administrator may refer any determination to the Planning Commission for a recommendation.
4. **Documentation.** All similarity determinations must be in writing, include findings supporting the decision, and be kept on file.
5. **Appeal.** An applicant or affected party may appeal a similarity determination according to the appeal procedures in this chapter.

C.D. Legislative action. The City Council or Planning Commission may, at any time, initiate a text amendment to add an unlisted use to the code or to clarify or revise use classifications.

D.A. D. No precedent. A similarity determination applies only to the specific use and circumstances evaluated and does not establish a precedent for future determinations.

E.B. Relationship to other approvals. If the comparable listed use requires conditional use or interim use approval, the unlisted use shall follow the same review and approval procedures. ~~Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the staff study, shall, if appropriate, initiate an amendment to this chapter to provide for the particular use under consideration or shall find that the use is not compatible for development within the city.~~

F.

G.C. Authority. This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minn. Stat. §§ 462.351 to 462.365, as they may be amended from time to time. This chapter also draws upon the City's general police power and other applicable Minnesota statutes providing for local land use regulation.

H.D. Separability. It is hereby declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following.

1. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(Ord. 827, passed 4-19-1983)

§ 157.002 RULES AND DEFINITIONS.

A. Rules. The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction.

1. The singular number includes the plural, and plural the singular.
2. The present tense includes the past and the future tenses, and the future the present.
3. The word "shall" is mandatory while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.

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

A

ABOVE GROUND TANKS. A storage tank located entirely above grade, including any associated piping or appurtenances. Tanks regulated as aboveground storage tanks under Minnesota. Rules ChapterCh. 7151 when containing petroleum or hazardous substances are included under this definition. Applicability, exemptions, and operational requirements shall be as provided in MRMinn. Rules Ch. 7151, utesMinn. Stat. Ch.apter 115, and related MPCA regulations.

ACCESSORY BUILDING. An uninhabited structure having a roof supported by walls or columns which is subordinate to and located on the same lot as the principal use. An ACCESSORY BUILDING shall be considered an integral part of the principal building by a covered passageway..

ACCESSORY BUILDING. A building that is subordinate to and customarily incidental to the principal building or principal use on the same lot, and which is permanently constructed with a roof supported by walls. Accessory buildings include, but are not limited to, detached garages, storage sheds, workshops, and similar enclosed structures. An accessory building shall not be used as a dwelling unless expressly permitted as such.

ACCESSORY DWELLING UNIT _-(ADU). A subordinate dwelling unit, either attached to or detached from a primary single-family dwelling, that provides independent living facilities, must include areas for sleeping, cooking, and bathing. An ADU is incidental and subordinate to the principal dwelling and may not be subdivided, sold, or otherwise separated in ownership from the primary residence. For purposes of this definition:

Bathing facilities include a shower, bathtub, or combination shower/tub located within a room designed for personal hygiene that also contains a toilet and sink. Kitchen facilities include, at minimum:

- a countertop for food preparation,
- a sink with hot and cold running water,

- permanent cooking appliances designed for residential use, served by natural gas, propane, or a 220-volt electrical connection, and a refrigerator of customary household size. ~~A subordinate dwelling unit incorporated within a single-family structure. Accessory units may not be subdivided or otherwise segregated in ownership from the primary residence structure. Detached **ACCESSORY DWELLING UNITS** are not permitted.~~



ACCESSORY BUILDING ~~INDG~~: Anything which is built, constructed, erected or joined together in some definite manner excluding buildings, which is subordinate to and located on the same lot as the principal use. A building that is subordinate to and customarily incidental to the principal building or principal use on the same lot, and which is permanently constructed with a roof supported by walls. Accessory buildings include, but are not limited to, detached garages, storage sheds, workshops, and similar enclosed structures. An accessory building shall not be used as a dwelling unless expressly permitted as such.

ACCESSORY STRUCTURE. A structure that is subordinate to and customarily incidental to the principal building or principal use on the same lot, but that is not enclosed by walls on all sides and does not constitute a building. Accessory structures include, but are not limited to trellises, gazebos, pergolas, fences, decks, patios, antennas, swimming pools, playground equipment, and similar constructed features.

ACCESSORY USE. A use which is subordinate to and associated with a principal use and which is located on the same lot as the principal use.

ADULT DAY CARE. As regulated by Minnesota State Statutes Chapter 245A, a program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care. Adult day care, adult day services, and family adult day services do not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals. **ADULT DAY-CARE.** ~~A service that provides adult day care for functionally impaired adults during part of the day (less than 24 hours a day). No overnight accommodations are provided and adults are delivered and removed daily.~~

AGRICULTURE USES. Agricultural uses include activities commonly associated with the production of crops and livestock. Typical agricultural uses include field crop

farming; pastures and hay production; fruit and vegetable growing; tree, plant, shrub, or flower nurseries (not including retail buildings); truck gardening; and seasonal roadside stands selling products grown on the premises. Livestock raising and feeding are included except for commercial animal feedlots, slaughter facilities, meat processing operations, fur farms, and kennels. All agricultural activities must comply with applicable Minnesota Pollution Control Agency (MPCA) standards and state regulations. These uses commonly associated with the growing of produce on farms. These include: field crop farming, pasture for hay, fruit growing; tree, plant, shrub or flower nursery without building; truck gardening; roadside stand for sale in season of products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feed lots and kennels. Uses are subject to state pollution control standards.

AIRPORT. Facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, air traffic control facilities, informational facilities and devices, terminal buildings, passenger and cargo facilities, and airport auxiliary facilities.

ANIMAL PROCESSING & MEAT PACKING FACILITIES. An industrial use where animals/poultry are slaughtered and/or carcasses processed (cutting, curing, rendering, packaging). Licensed/inspected under Minn. Stat. cCh. 31A; subject to MPCA permitting under Minn. Rules cChs. 7001, 7007, 7050, 7053, and 7035. Custom personal-use processing under Minn. Stat. § 31A.15 excluded.

ALLEY. A public or private right-of-way or access easement primarily intended to provide secondary vehicular access. A public right-of-way less than 30 feet in width which affords secondary access to abutting property.

ANIMAL SHELTER. An establishment supported by charitable contributions that provides a temporary home for dogs, cats, and other domesticated animals that are offered for adoption. The shelter shall not house more than 50 dogs at one time and shall not exceed a total of 100 animals at once. Such facility must located a minimum of 1,000 feet from a residentially zoned property. All outdoor exercise runs are permitted provided they are enclosed on all sides by a sight obscuring fence or wall at least six feet in height.

ARCHITECTURAL ELEMENTS. Components of a building that may protrude slightly from the main building, including but not limited to chimneys and flues, bay windows, window wells, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters.

ARTISAN FABRICATION. Small-scale, craft-based production using hand tools or light machinery to create or assemble custom goods (such as metal, wood, glass,

ceramics, leather, textiles, or similar materials). Regulated as a low-intensity manufacturing use under the Minnesota State Building Code and applicable MPCA requirements.

ASSISTED LIVING FACILITY. A facility that provides sleeping accommodations and assisted living services to one or more adults, as regulated under Minnesota Stat. Chapter 144G.

APARTMENT. A room or suite of rooms which is designed for, intended for or occupied as a residence by a single family or an individual, and is equipped with bathing and cooking facilities. Includes dwelling unit and efficiency apartment.

AUTOMOBILE DEALERSHIP. A business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles.

AUTOMOBILE DETAILING. Automobile-related services such as applying paint protectors, interior and exterior cleaning and polishing, and installation of after-market accessories. Does not include automobile repair.

AUTOMOBILE REPAIR-MAJOR. General repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job; vehicle steam cleaning.

AUTOMOBILE REPAIR-MINOR. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under "~~automobile repair-major.~~" **AUTOMOBILE REPAIR-MAJOR.**

B

BAKERY. A place dedicated to the on-site preparation and retail sale of baked goods.

~~BASEMENT.~~ ~~A portion of a building located partially underground but having less than one-half its floor-to-ceiling height below the average land grade. A basement is a story that lies below the grade plane and therefore does not qualify as a story above grade plane, or as defined in the Minnesota Residential Code.~~

BED AND BREAKFAST. A small lodging establishment that provides short-term overnight accommodations and breakfast to guests within an owner-occupied primary residence. A bed and breakfast must be licensed by the Minnesota Department of Health as required under Minn. Stat. ~~§Ch. 157.15~~ for lodging establishments renting guest rooms for less than one week. Food service is limited to

~~breakfast for overnight guests unless the residence has a licensed commercial kitchen and any required zoning approvals. An owner-occupied lodging establishment that does not provide breakfast is regulated as a short-term rental, not a bed and breakfast. Lodging establishments providing short term guest accommodations within the primary residence of the applicant. Such facility must be licensed by the State Department of Health. The commercial serving of food shall be limited to breakfasts served to overnight guests only. In addition to meeting the parking requirement for a residence, one additional hard surfaced, off-street parking space per guest room shall be provided in the rear yard adequately screened from adjacent residences. Conditional uses issued for **BED AND BREAKFAST ESTABLISHMENTS** shall be issued specifically to the applicant and are not transferable with the property. Initial approval shall be provisional, subject to a one-year review in accordance with the rules and procedures of § 157.101 of this chapter. At such time, the conditional use may be issued; issued subject to additional conditions or not issued if official evidence of nuisance such as police citations is presented that such use presents a negative impact on the surrounding neighborhood.~~

BOARDING HOUSE. ~~A building other than a hotel where, for compensation by rearrangement for definite periods, meals or lodging and meals are provided to three or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten persons. A building, other than a hotel, in which lodging or lodging and meals are provided for compensation to three or more persons who are not members of the principal family residing in the building. Such accommodations are provided only by prior arrangement and not to the general public. Establishments of this type fall under Minnesota's lodging licensing framework for facilities offering sleeping accommodations to more than one person and must be licensed by the Minnesota Department of Health as a lodging establishment or hotel/motel, depending on the number of units and the duration of stays. If meals are provided, the facility must comply with applicable MDH food service requirements, including any commercial kitchen standards that may be triggered when serving meals beyond limited service. This definition does not include buildings providing lodging or lodging and meals for more than ten persons, which may fall under separate MDH classifications such as board-and-lodge with special services or other licensed residential facilities.~~

BOOK AND VIDEO SALES. ~~The sale of books, magazines and videos.~~

BOTTLING ESTABLISHMENT. ~~A facility where beverages or consumable liquids are processed and packaged into bottles or containers. Regulated as a food processing~~

operation under Minnesota Statutes Chapter 31 Stat. ch. 31 and the Minnesota Food Code (Minnesota: R. ch. Administrative Rules 4626).

BREWER. ~~A person who manufactures malt liquor for sale.~~

BREWERY. A facility that manufactures via fermentation, not distillation, malted or grain liquor for sale via fermentation, not distillation.

BREW PUB. ~~A brew pub is a brewer who also holds one or more retail on-sale intoxicating liquor or 3.2 percent malt liquor licenses for a restaurant operated on the same premises where the malt liquor is manufactured. A brew pub may manufacture no more than 3,500 barrels of malt liquor per year at any one licensed premises. The malt liquor produced on site may be sold for on-sale consumption on licensed premises owned by the brewer, and may also be sold for off-sale from the same licensed premises as permitted under Minn. Stat. § 340A.24, subd. 2, subject to statutory limits on packaging and hours of sale. A brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minn. Stat. § 340A.24, Subd. 2. See~~
CRAFT BEVERAGE PRODUCTION.

BREWER SMALL / MICROBREWERY. ~~A facility licensed under Minn. Stat. § 340A.301 to manufacture malt liquor. See~~ **CRAFT BEVERAGE PRODUCTION.**

BREWER TAPROOM. ~~A facility on the premises of or adjacent to the premises owned by a brewer, licensed under Minn. Stat. § 340A.301, Subd. 6(c), (i) or (j), intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minn. Stat. § 340A.26. See~~ **CRAFT BEVERAGE PRODUCTION** and **CRAFT BEVERAGE SALES.**

BROADCASTING STUDIO. Commercial and public communication uses including radio and television broadcasting and receiving stations and studios, or studios for the audio or video recording or filming of musical performances, radio, or television programs or motion pictures. This term does not include a transmission tower.

BUFFER. A vegetative feature as defined by Minnesota Statutes, Section 103F.48.

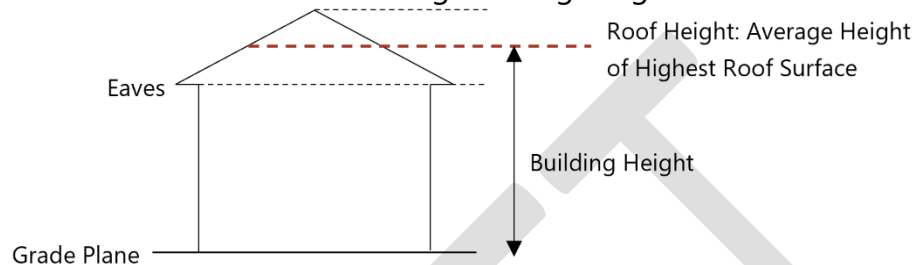
BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure having a roof supported by ~~columns or~~ walls used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT. Except in the Shoreland Overlay District, building height is the vertical distance measured from the mean grade surrounding the building to:

1. the highest point of a flat roof,
2. the midpoint between the eaves and the ridge of a pitched or hip roof, or
3. the deck line of a mansard roof.

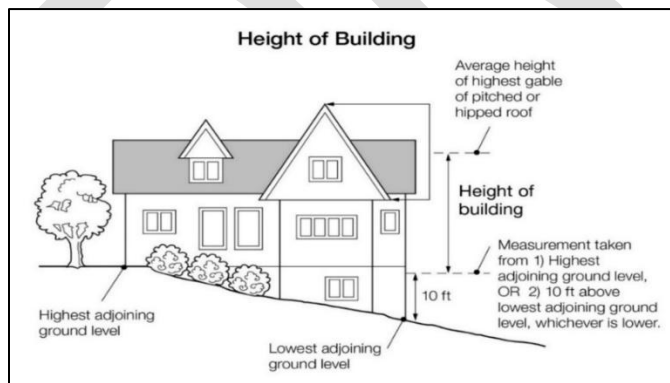
FIGURE 1. Method for Measuring Building Height



In the Shoreland Overlay District, building height is the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 1).

FIGURE 2. Method for Measuring Building Height in the Shoreland Overlay District

A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.



BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING MATERIALS & INDUSTRIAL PRODUCT MANUFACTURING. A facility engaged in the manufacturing, fabrication, processing, assembly, or packaging of building materials or industrial products, including but not limited to lumber

products, millwork, concrete or masonry products, asphalt or aggregate materials, metal or plastic components, prefabricated building systems, and related structural or construction materials. Activities may include the storage of raw materials and finished products, accessory repair or maintenance operations, and indoor or screened outdoor storage as permitted by this Ordinance. Such facilities are typically classified as industrial uses under the Minnesota Building Code, including but not limited to Factory Industrial (F-1 or F-2) occupancy groups, depending on whether the products present a moderate or low hazard. Operations are subject to any applicable Minnesota Pollution Control Agency (MPCA) permitting requirements and must comply with all state and federal safety, emissions, and environmental regulations.

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

BUSINESS INCUBATOR. A shared-tenant facility that is designed to nurture small, startup commercial and/or light industrial businesses. Such facilities can be operated on a profit or not for profit basis and typically provide tenants with below market rental rates, negotiable lease/space arrangements and other services to assist new businesses through start up operations.

BULK CHEMICAL & FUEL STORAGE FACILITIES. A facility used for the bulk storage, handling, or transfer of fuels, petroleum products, or chemical substances in above-ground or underground tanks exceeding normal on-site use. Such facilities are regulated under Minnesota Pollution Control Agency requirements, including tank standards in MinnesotaMinn. Rules ChapterCh. 7151 and applicable permitting under ChaptersCh.s 7001, 7007, 7050, and 7035, and must comply with hazardous materials and fire-safety provisions of the Minnesota State Building Code.

C

CAMPGROUND. An area used for temporary accommodation of tents, recreational motor vehicles, or park trailers. Does not include a manufactured home or manufactured housing community.

CANNABIS CULTIVATION. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and

perform other actions approved by the Office of Cannabis Management, pursuant to Minn. Stat. § 342.01.

CANNABIS MANUFACTURER. As described in Minn. Stat. § 342.31.

CANNABIS RETAIL BUSINESSES. A retail location and the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers pursuant to Minn. Stat. Ch. 342 Minn. Stat. ch. 342 and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CANNABIS RETAILER. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form pursuant to Minn. Stat. Ch. 342 Stat. ch. 342 and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CANNABIS WHOLESALE. As described in Minnesota State Statute 342.33 pursuant to Minnesota Stat. Ch. 342 Minn. Stat. ch. 342 and applicable rules and guidance issued by the Minnesota Office of Cannabis Management. and pursuant to Minnesota Stat. Ch. 342 Minn. Stat. ch. 342 and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CANNABIS EVENT, TEMPORARY. An event lasting no more than four days at which cannabis products, cannabis flower, lower-potency hemp edibles, and hemp-derived consumer products may be sold and consumed and for which the organizer has a cannabis event organizer license issued by the Office of Cannabis Management and pursuant to Minnesota Stat. Ch. 342 Minn. Stat. ch. 342 and applicable rules and guidance issued by the Minnesota Office of Cannabis Management.

CAR WASH. A facility where motor vehicles are cleaned using automatic, mechanical, or hand-washing equipment, including self-service bays. A car wash is classified as a commercial vehicle-service use and must comply with applicable Minnesota State Building Code requirements and any MPCA water, wastewater, and stormwater regulations.

CARPORT. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three sides. All anchoring systems shall be designed to resist uplift, lateral, and overturning forces in accordance with the latest adopted Building Code.

CELLAR. The portion of a building having more than one-half of the floor to ceiling height below the average land grade.

CEMETERY. A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, and mausoleums.

CHARITABLE GAMBLING. Lawful gambling conducted by a nonprofit organization in accordance with Minnesota Stat. Ch. 349, including bingo, pull-tabs, tipboards, paddlewheels, and raffles. Charitable gambling shall be permitted only in premises and locations authorized by state law and remains subject to local zoning regulations applicable to the principal use of the site, provided such regulations do not conflict with state law (Minn. Stat. § 349.12; § 349.213). ~~A use involving the conduct of lawful gambling activities operated by a licensed charitable organization, as regulated under Minnesota Statutes Chapter 349.~~

~~This includes activities such as pull-tabs, bingo, raffles, and linked electronic games conducted in accordance with state licensing and oversight.~~

CHEMICAL MANUFACTURING. ~~An industrial use involving the production, formulation, or compounding of chemical substances, including storage and handling of raw materials, subject to applicable MPCA permitting under Minnesota Rules Ch. 7001 and 7007 and fire-safety provisions of the Minnesota State Building Code.~~

CHILD CARE. The care of a child outside the child's own home on a regular basis, for any part of a 24-hour day.

DAY CARE CENTER. A facility in which a child care program is operated, licensed as a day care center under Minn. Rules Ch. 9503.

FAMILY CHILD CARE. Child care licensed as family day care under Minn. Rules Ch. 9502.

GROUP FAMILY CHILD CARE. Child care licensed as group family day care under Minn. Rules Ch. 9502.

CHURCH. ~~A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.~~

CLUB or LODGE. A non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises; providing, adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed; providing, such serving is secondary and incidental to the operation of the dining room for the purpose of serving food

and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

COMMERCIAL FUELING STATION. A principal or accessory business that provides only self-service fueling for automobiles and trucks through a pre-arranged agreement such as a numbered credit account. There shall be no other retail sales associated with the business, except by vending machine. There shall also be no fueling attendants on duty or any such facilities that will encourage overnight or extended parking.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMUNICATIONS INFRASTRUCTURE. A structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services. Also includes fiber hubs and wireless equipment.

COMMUNITY CENTER. A public facility used as a place of meeting, recreation, or social activity generally open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE MUNICIPAL PLAN. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs, including air space and subsurface areas necessary for mined underground space development, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution. A **COMPREHENSIVE PLAN** represents the city's recommendations for the future development of the community.

CONDITIONAL USE. An activity or use of the land, which because of special problems of control intrinsic in the use, requires reasonable but special, unusual and extraordinary limitations for the protection of the public welfare and the integrity of the municipal land use plan.

CONDITIONAL USE PERMIT. A permit, issued by the City Council in accordance with procedures specified in this chapter, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

CONDOMINIUM. A multiple dwelling containing individually owned dwellings units and jointly owned and shared areas and facilities, which dwelling is subject to applicable provisions of state statutes.

CONSTRUCTION YARDSHOP AND OFFICE. A parcel or facility operated by a construction-related business for the outdoor storage and staging of materials, equipment, vehicles, and machinery used in construction, repair, or maintenance activities. The use may include accessory structures and offices incidental to the primary operation but does not include manufacturing or bulk material processing. A dedicated workspace for the storage, maintenance, and use of construction materials, tools, and equipment.

CONTROLLED HEAT PROCESS FACILITIES. Kilns or other heat processes fired by means other than electricity.

CONVENIENCE FOOD ESTABLISHMENT. An establishment contained in a building which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises. Includes, but is not limited to, coffee shops, delicatessens, doughnut shops, and ice cream parlors.

CONVENIENCE STORE. A small retail establishment offering a limited line of groceries and household items.

CONVENTION CENTER. A commercial facility used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions.

COSMETICS, PHARMACEUTICAL & FOOD PRODUCT MANUFACTURING. A facility engaged in the formulation, mixing, processing, or packaging of cosmetics, personal-care products, pharmaceuticals, nutraceuticals, or food products. These uses are classified as light-industrial or industrial food/chemical processing and must comply with applicable Minnesota Department of Health and Department of Agriculture regulations, the Minnesota Food Code, and any MPCA permitting requirements.

CUSTOM FABRICATION. A small-scale production use involving the creation, assembly, or modification of products to customer specifications using hand tools or light machinery. Includes woodworking, metalwork, prototypes, and similar low-intensity fabrication activities.

CRAFT BEVERAGE PRODUCTION. A facility licensed under Minnesota Stat. Ch. 340A for the small-scale production of alcoholic beverages, such as a distillery, brewery, or cidery. May include on-site tasting rooms, retail sales, and tours.

CRAFT BEVERAGE SALES. Retail sale of craft-produced alcoholic or non-alcoholic beverages—such as beer, cider, wine, spirits, kombucha, or similar products—manufactured on-site or off-site. This use does not include on-site consumption unless separately permitted under local alcohol-licensing regulations.

CRUSHING OPERATIONS. Mechanical processing of rock, aggregate, concrete, asphalt, or similar materials using crushers, screens, or related equipment, including temporary or permanent operations.

D

DAY-CARE HOME. Restricted to a family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided during part of the day (less than 24 hours) with no overnight accommodations or facilities and children are delivered and removed daily. The number to be cared for in one day-care home shall not exceed 12, not including the family's own children, and all licenses shall be obtained.

DAY-CARE CENTER (GROUP). A service provided to the public, which children of school or pre-school age are cared for during established business hours. No overnight accommodations are provided and children are delivered and removed daily. At least 50 square feet of fenced play area per pupil shall be provided.

DAY CARE. See **CHILD CARE** or **ADULT DAY CARE.**

DATA CENTER. A facility used for the storage, processing, management, and distribution of digital data and information, consisting of servers, networking equipment, and supporting infrastructure such as cooling systems, backup power generation, and electrical equipment. Classification shall be based on the maximum planned electrical capacity (MW) at full build-out, regardless of phasing or number of buildings. May include: administrative offices, electrical substations and switchyards, backup generators and fuel storage, cooling systems (mechanical or liquid), security and maintenance facilities.

DATA CENTER -ENTERPRISE. A data center operated by a single organization or multiple tenants to support internal business operations or provide leased space for data storage and computing services. Includes Colocation data centers. Capacity Threshold: Up to 50 megawatts (MW) of total designed IT load.

DATA CENTER -HYPERSCALE. A large-scale data center designed for high-volume cloud computing, artificial intelligence, and digital infrastructure operations, typically operated by major technology companies. Capacity Threshold: Greater than 50 MW of total designed IT load (often expanding to 100+ MW over time).

DECK. An accessory open and uncovered structure that is constructed more than one foot above the height of the exterior finished grade elevation at any point along its perimeter which is attached to or abutting the principal use and is intended for recreational use. Within the shoreland overlay districts, any deck that at any point

extends more than three feet above ground shall comply with shoreland requirements.

DETOXIFICATION FACILITY (SUB ACUTE). A short-term health care and evaluation center designed for the safe, supervised withdrawal from alcohol and drugs, the evaluation of the patient's involvement and possible dependency on chemical substances and to refer patient to appropriate programs.

TABLE 1. Types of Detoxification Facilities

<u>Level of Care</u>	<u>Key Characteristics</u>
<u>Acute</u>	<u>Hospital-level care; severe or unstable conditions</u>
<u>Sub-acute</u>	<u>24-hour supervised care; stable conditions; no emergency services</u>
<u>Outpatient</u>	<u>No overnight stays; limited clinical oversight</u>

DISTRICT. A section or sections of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class or use permitted herein.

DOG BOARDING (COMMERCIAL). A commercial facility that houses and cares for dogs overnight for others. Not considered a residential kennel. Subject to local zoning and animal-control rules; state kennel licensing applies only to facilities handling impounded/stray/owner-surrendered animals under Minn. Stat. §§ 347.31–347.40.~~DOG KENNEL. Any place where five dogs or more over six months of age are commercially boarded, bred and/or offered for sale, excluding a veterinary clinic.~~

DOG BOARDING (RESIDENTIAL). A home-based occupation that houses and cares for dogs for others for a period of greater than 24 hours. Not considered a residential kennel. Subject to local zoning and animal-control rules; state kennel licensing applies only to facilities handling impounded/stray/owner-surrendered animals under Minn. Stat. §§ 347.31–347.40.

DOG KEEPING (PRIVATE RESIDENTIAL). The keeping of domestic dogs within a residential household for personal, non-commercial use. No household shall keep more than three (3) dogs over five (5) months of age, in accordance with the City's animal control regulations. Dog number limits and licensing requirements shall be governed by Chapter 90 of the City Code.~~DOG BOARDING. A facility providing temporary housing for another person's domestic dogs overnight.~~

DRIVE-IN RESTAURANT. A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons. Services are effected principally while patrons remain in their vehicles.

DRIVE-IN-THROUGH ESTABLISHMENT. An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

DUPLEX. A dwelling on a single lot having two units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DWELLING. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels and boarding houses.

DWELLING, MANUFACTURED (MOBILE) HOMES. A detached residential structure transportable in one or more sections which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that, the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the State of Minnesota and complies with the standards established under Minn. Stat. Ch. 327, ~~§ 327.31,~~ as it may be amended from time to time.

DWELLING, MULTIPLE-FAMILY (APARTMENT). A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits.

DWELLING, SINGLE-FAMILY ATTACHED. Two single-family dwellings with a zero lot line on one side sharing a common wall, with the common wall and all jointly owned or jointly utilized facilities including, but not limited to, decks, utility lines and driveways being governed under a declaration of covenants and restrictions approved by the city, and filed with the County Recorder.

DWELLING, SINGLE-FAMILY DETACHED. A detached dwelling unit designed exclusively for occupancy by one family.

~~DWELLING, TWO-FAMILY.~~ ~~A dwelling designated exclusively for occupancy by two families living independently of each other.~~

~~DWELLING UNIT.~~ ~~A self-contained unit providing independent living facilities for one household, including permanent provisions for living, sleeping, cooking, and sanitation. A dwelling unit does not include hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes, or recreational vehicles. A residential building or portion thereof intended for occupancy by a family, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers~~

E

EARTH SHELTERED BUILDING. A building ~~so~~ constructed so that more than 50% of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth, and all applicable Building Code Standards are satisfied. Partially completed buildings shall not be considered **EARTH SHELTERED**.

EMERGENCY RESPONSE SERVICE. A facility for the dispatch, storage, and maintenance of emergency vehicles, including but not limited to ambulances and fire trucks.

ENFORCEMENT OFFICER. See **ZONING ADMINISTRATOR.**

ESSENTIAL SERVICES. Overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems operated by public utilities, municipal or other governmental agencies or under franchise from government.

EV CHARGING STATIONS. A facility that allows electric vehicles to connect to an external power source in order to charge the vehicle battery.

EXPANSION. Any increase in a dimension such as number of units or size, area, volume, or height of an existing structure or accessory structure or facility.

EXPLOSIVES & HAZARDOUS MATERIAL MANUFACTURING AND STORAGE. The manufacture, processing, handling, or storage of explosives or hazardous materials that, due to their quantity or characteristics, pose a potential risk to public health, safety, or the environment and are regulated by federal or state law. This term does not include incidental or accessory storage of hazardous materials customarily associated with permitted uses and conducted in compliance with applicable building, fire, and environmental codes.

F

FAMILY. One or more persons each related to the other by blood, marriage, adoption or foster care, or a group of not more than five persons not so related maintaining a common household and using common cooking and kitchen facilities.

FAMILY CHILD CARE / GROUP FAMILY DAY CARE. A child care program licensed by the State of Minnesota and conducted in a dwelling, serving children in accordance with state licensing requirements. In accordance with Minn. Stat. § 245A.14, subd. 1, a licensed family child care or group family day care program serving fourteen (14) or fewer children shall be considered a permitted singlefamily residential use for purposes of zoning and other land use regulations and shall not be subject to conditional use permits, interim use permits, or spacing or separation requirements.

FENCES. are herein defined as anAn above-grade artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land and may be erected, placed or maintained along or adjacent to a lot line.

FISHING PIER OR ACCESS DOCK. A noncommercial or public structure extending into a water body for fishing, viewing, or passive recreational use, not designed for the mooring of multiple watercraft.

FITNESS CENTER. A facility that provides equipment or space for the purpose of physical exercise, including gyms and indoor swimming pools.

FLAG LOT. A lot with limited or no frontage on a public or private street, where vehicular access is provided by a narrow access strip connecting the main, buildable portion of the lot to the street. The access strip is intended solely for access purposes and shall not be counted as lot frontage for the purpose of meeting minimum frontage, width, yard, or setback requirements, unless otherwise specified in this code.

FOOD VENDING VEHICLE. Every motor vehicle in which foods of any kind are carried for the purposes of selling, at retail sale, on the city streets or other public right-of-way.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FUNERAL HOME. An establishment engaged in undertaking services such as preparing the dead for burial, display of the deceased, arranging and managing funerals, and associated rituals connected with burial or cremation. Also includes mortuaries.

G

GARAGE. See **PARKING GARAGE** and **PRIVATE GARAGE.**

GARAGE-PRIVATE. ~~An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business or industry is carried on.~~

GARAGE-PUBLIC. ~~A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles or where any such vehicles are kept for remuneration or hire, and in which any sale or gasoline, oil and accessories is only incidental to the principal use.~~

GARAGE SALE. A **GARAGE SALE** shall include rummage sales, basement sales, yard sales, porch sales and all other periodic sales at a residential location intended for the limited purpose of isolated or occasional sales for the selling of used goods or home-crafted items by the residents thereof.

GAS STATION. An area used for the storage, dispensing and/or retail sale of automobile fuels, oils, and accessories.

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

GRAIN MILLING & DISTILLING FACILITIES. Facilities engaged in the processing of grain or other agricultural products for the production of flour, meal, malt, ethanol, spirits, or similar products, including associated milling, fermentation, distillation, storage, and packaging activities. This term does not include on-farm or small-scale processing accessory to agricultural use, or retail establishments where manufacturing is incidental to sales.

GREENHOUSE. A climate-controlled building used for the growing of plants, which may be grown for personal use or sold.

GROCERY STORE. A retail establishment where most of the floor area is devoted to the sale of food products for home preparation and consumption. Typically also offers other home care and personal care products. May host other uses such as a bakery, deli, or restaurant within the establishment.

GROSS FLOOR AREA. The sum of the gross horizontal area of the several floors of a building or buildings measured from the exterior walls, but not including any space where the floor-to-ceiling height is less than six feet.

H

HABITABLE SPACE. Space within a building designed and intended for human occupancy, living, working, or assembly, and that is typically conditioned and enclosed. Habitable space includes, but is not limited to, living rooms, bedrooms, kitchens, dining rooms, offices, retail areas, classrooms, and similar occupied areas.

NON-HABITABLE SPACE (or UNINHABITABLE SPACE). Space within a building not designed for human occupancy, living, or regular use, and not intended to be continuously occupied. Non-habitable space includes, but is not limited to, garages, parking areas, mechanical rooms, utility rooms, storage areas, stairwells, elevator shafts, corridors, crawl spaces, attics, basements without finished habitable space, and similar areas.

HEAVY MANUFACTURING. The processing or fabrication of products with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

HELIPORT. A helicopter landing area and base of operations including such facilities as maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, passenger and cargo facilities, and other necessary buildings and open spaces.

HEMP MANUFACTURING. The processing, extraction, conversion, or manufacturing of industrial hemp or hemp products as defined and regulated by Minnesota Minn. Stat. Statutes § 342.45, including activities involving hemp-derived cannabinoids, fibers, or oils. This term does not include cultivation of hemp, retail sales, or activities conducted solely for personal or non-commercial use. As described in MN State Statute 342.45.

HOME OCCUPATIONS. Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises. **Permissible HOME OCCUPATIONS shall not include the conducting of a retail business other than by mail, manufacturing business or a repair shop of any kind on the premises, except television, shoe and small appliance repair, and no stock in trade shall be kept or sold, except that which is clearly accessory to the principal use. No other than persons residing on the premises shall be employed and no mechanical equipment shall be employed that is not customarily found in the home and no more than one room may be devoted to home occupation use. Such HOME OCCUPATION shall not require internal or external alterations to involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, no exterior signs, except as allowed in the sign regulations for the zoning district in which such home occupation is located. There shall be no exterior storage of**

~~equipment or materials used in the home occupations. No **HOME OCCUPATION** shall be permitted which results in or generates more traffic than one car for off-street parking at any one given point in time. Permissible **HOME OCCUPATIONS** include, but are not limited to, the following: beauty shops; art studio; dressmaking; special offices of a clergy member, lawyer, architect, engineer, accountant or real estate agent or appraiser, when located in a dwelling unit occupied by the same; and teaching, with musical, dancing, and other instruction limited to one pupil at a time.~~

HOSPITAL. An institution providing health services and medical or surgical care, primarily for inpatients, to individuals suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions. Includes as an integral part of the institution related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL. Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six or more guest rooms, used, designated or intended to be used, let or hired out to be occupied, or which are occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly.

I

IMPERVIOUS SURFACE. A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

IMPROVEMENT. Making an existing structure or accessory structure or facility of better quality, more efficient, or more aesthetically pleasing, that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

INDOOR RECREATION. See **RECREATION.**~~A facility that provides completely enclosed space dedicated to leisure activities, including dance halls, roller rinks, arcades, theaters, bowling alleys, golf simulators, indoor mini golf, axe throwing, and similar facilities.—~~

INDUSTRIAL SERVICE BUSINESS. Certain business establishments where providing a service or services to industrial concerns or their employees accounts for a significant portion of the total operation. Such business must not in any way restrict or negatively impact on the conduct of existing or potential industrial operations. In addition to the standards for granting conditional use permits in § 157.099075 of this chapter, review of each proposed use under this section shall include the assessment of potential impact on industrial operations including, but not limited to,

environmental permitting or licensing and the generation of additional traffic into the industrial area; and that the proposed use does legitimately provide a service or services to industrial firms or their employees at such a significant portion of total operation as to justify the location of the business in an industrial district as a matter of convenience and efficient provision of services to industrial clientele and their employees. Denial of the application for conditional use for **INDUSTRIAL SERVICE BUSINESS** may be based entirely on the applicant's failure to reasonably satisfy the Planning Commission and City Council as to these standards.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

J

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

L

LABORATORY. A facility for scientific analysis of natural resources, medical resources, and manufactured materials. This category includes but is not limited to environmental laboratories, medical or veterinary laboratories, forensic laboratories, and research laboratories.

LAND RECLAMATION. The reclaiming of land by depositing of materials so as to elevate the grade. Any lot or parcel upon which 400 cubic yards or more of fill is to be deposited shall come under the controls of land reclamation.

LARGE-SCALE LAUNDRY & TEXTILE CARE FACILITIES. A commercial or industrial establishment engaged in the washing, drying, finishing, repair, or conditioning of textiles or linens for off-site customers or multiple facilities, using commercial or industrial equipment. Operations may include receiving, sorting, processing, storage, and distribution of textiles and associated service or delivery vehicles. This use does not include self-service laundromats or small-scale personal laundry or dry-cleaning establishments.

LICENSED NON-RESIDENTIAL PROGRAMS. A facility that provides care, supervision, rehabilitation, training or habilitation outside of an individual's home for fewer than 24 hours per day, as licensed under Minn. Stat. Ch. 245A. This category includes adult day care programs and substance abuse treatment programs. This category does not include child care.

LIGHT MANUFACTURING. The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

LIGHT FABRICATION. Foundry casting, lightweight, non-ferrous metals, or electric foundry not causing noxious fumes or odors.

LIQUOR STORE. A business engaged in the sale of alcoholic beverages for off-premises consumption.

LOT (OF RECORD). A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the city as a lot subsequent to such date and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings and such open spaces as required by this chapter and having its principal frontage upon a street.

LOT. A lot meeting the requirements of this chapter for development and which must be legally created in accordance with the subdivision regulations. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area required by this chapter for a building site in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approved by the Council.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

LOT DEPTH. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way (chord) within the lot boundaries.

FLAG LOT, FLAG. A lot with limited or no frontage on a public or private street, where vehicular access is provided by a narrow access strip connecting the main, buildable portion of the lot to the street. The access strip is intended solely for

access purposes and shall not be counted as lot frontage for the purpose of meeting minimum frontage, width, yard, or setback requirements, unless otherwise specified in this code.

LOT FRONTAGE. The front of a lot shall be for the purposes of complying with this chapter, that boundary abutting a public right-of-way having the least width. The owner of a corner lot may select either street line as the front lot line; providing, the resulting setbacks will be compatible with the existing or future setbacks of the adjoining properties subject to approval by the Building Inspector or Zoning Administrator. The other street line is treated as the lot line for the second front yard.

LOT, INTERIOR. A lot, other than a corner lot, including through lots.

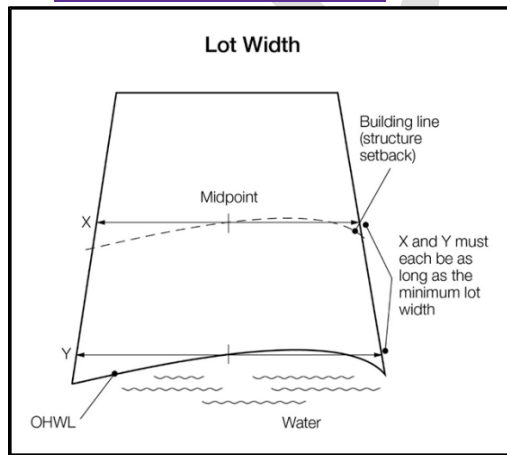
LOT LINE. A property boundary line of any lot held in single or separate ownership; except that, where any portion of the lot extends into the abutting street or alley, the **LOT LINE** shall be deemed to be the street or alley right-of-way.

LOT, THROUGH. A lot fronting on two substantially parallel streets.

LOT WIDTH. The horizontal distance between the side lot lines measured at the building setback line. In the Shoreland District, lot width is measured as the minimum distance between:

- Side lot lines measured at the midpoint of the building line; and
- Side lot lines at the ordinary high water level, if applicable (see Figure 3).

FIGURE 3. Lot Width



M

MACHINE SHOP. An industrial or commercial establishment engaged in the fabrication, machining, shaping, cutting, or finishing of metal, plastic, or similar materials using machine tools such as lathes, mills, grinders, presses, or computer-numerical-controlled (CNC) equipment. Operations may include material

storage, assembly, and incidental welding. This use does not include minor repair or fabrication activities accessory to another permitted use.

MAINTENANCE AND REPAIR. Upkeep or preservation of an existing structure or accessory structure or facility against normal wear and tear or degradation over time that does not change exterior dimensions. Examples include the rehabilitation or replacement of windows, siding, a roof, or exterior finishes such as paint or stain.

MAINTENANCE GARAGE. A building or facility used for the servicing, repair, inspection, or maintenance of vehicles or equipment owned or operated by a public agency, utility, business, or institution, and not available to the general public. Activities may include mechanical repair, fueling, washing, storage, and parts inventory. This use does not include commercial vehicle sales or general public auto repair services.

MANUFACTURED HOME. A manufactured home that complies with the federal Manufactured Home Construction and Safety Standards (HUD Code) adopted pursuant to Minn. Stat. ~~Ch.~~ 327. A manufactured dwelling that complies with the HUD Code pursuant to Minn. Stat. ~~Ch.~~ 327 shall be considered a single-family detached dwelling when placed on a permanent foundation and meeting the applicable dimensional, setback, and site standards of the zoning district. Modular or industrialized dwellings constructed pursuant to ~~Minnesota~~ Minn. Rules Ch. 1361 shall be regulated as site-built dwellings.

MOBILE-MANUFACTURED HOME PARK. A parcel of land under common ownership or control that contains two or more manufactured home sites for rent or occupancy, used for the placement of manufactured homes for residential purposes, and regulated under ~~Minnesota Statutes, Chapter~~ Minn. Stat. Ch. 327C, and applicable Minnesota Department of Health rules. Utility connections, service buildings, and sanitary facilities shall be provided as required by applicable state regulations.

~~**DEPENDENT.** An approved mobile manufactured home park which has underground utility service to each site and also restroom and washing facilities as specified by the state.~~

~~**MOBILE MANUFACTURED HOME PARK, INDEPENDENT.** An approved mobile manufactured home park which has underground utility service to each site and only permits independent mobile homes.~~

MINI STORAGE FACILITIES. A commercial service that provides individual storage units for rent or lease to the general public. Also known as self-storage.

MINING. The use of land for the surface or subsurface extraction, excavation, or removal of sand, gravel, rock, soil, or other naturally occurring mineral materials,

whether temporary or permanent, and whether or not such materials are processed on-site, for commercial or off-site use. Mining does not include excavation or grading conducted solely for the construction of a permitted building, structure, roadway, or other improvement on the same site. ~~the extraction of sand, gravel or other material from the land in the amount of 400 cubic yards or more and removal thereof from the site without processing. Does not include excavation for construction of a building.~~

MOTEL/MOTOR HOTEL. A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, which garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

MOTOR FREIGHT TERMINAL (TRUCK TERMINAL). A building in which freight brought in by motor truck is assembled and sorted for routing in intra-state and inter-state shipment.

MOTOR FUEL STATION. A place where gasoline (stored only in underground tanks) kerosene, motor oil and lubricants are retailed directly to the public in premises.

MOTOR FUEL STATION may include sale of vehicle related minor accessories and minor auto repair, but not automobile major repair.

N

NON-CONFORMING STRUCTURE OR USE. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written. Any structure or use which on the effective date of this chapter does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this chapter.

NON-HABITABLE STRUCTURES. An accessory building, accessory structure, or portion of a primary building that is not intended to serve as a dwelling. **NON-HABITABLE STRUCTURES** include but are not limited to attached garages, detached garages, gazebos, and sheds.

NURSERY. An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

NURSING HOME (REST HOME). ~~A building having accommodations where care is provided for two or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.~~**NURSING HOME.** A facility or that part of a facility which provides nursing care to five or more persons, as regulated under Minn. Stat. Ch. 144A.

O

OFF-STREET LOADING SPACE. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OFF-STREET PARKING. Space dedicated to the temporary storage of operable motor vehicles in locations other than public streets. Includes parking lots, garages, private driveways.

OFFICE. A room, set of rooms, or building used as a place where a commercial or professional service is performed or consultation given. An office may include space dedicated to a doctor, dentist, lawyer, real estate agent, insurance agent, accountant, or similar type of professional.

OPEN SALES LOT. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

OPEN AND OUTDOOR STORAGE. The storage of materials, equipment, vehicles, supplies, or merchandise outside of a fully enclosed building, whether on a temporary or long-term basis. Open and outdoor storage may include bulk materials, construction equipment, fleet vehicles, or inventory associated with an on-site or off-site use. This use does not include parking of operable personal vehicles or outdoor display accessory to a permitted principal use unless expressly allowed.

OPEN SPACE. Land or area on a lot that is open and unobstructed to the sky, designed for outdoor use, and available for the benefit of occupants of the development. Open space may be landscaped, naturalized, paved, or otherwise improved and may include lawns, gardens, courtyards, patios, plazas, play areas, or similar outdoor areas. Open space is intended to provide opportunities for recreation, relaxation, or visual relief and may be private, common, or shared, as provided by this chapter. Parking lots are not considered as "open space".

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that

point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUTDOOR RECREATION. See RECREATION. An outdoor facility that provides space dedicated to leisure activities, including golf or mini golf courses, clubhouses, country clubs, swimming pools, playgrounds, athletic fields, fairgrounds, and similar facilities.

P

PARK. An area of land dedicated to public recreational use, which may be kept in its natural state or contain facilities that support recreation.

PARKING GARAGE. A structure designed and used primarily for the parking or storage of motor vehicles, whether operated as a principal use or as an accessory to another permitted use, and which may be enclosed, partially enclosed, or open.

PARKING RAMP. An accessory structure designed and used for the storage of motor vehicles at, below and/or above grade.

PARKING SPACE. An area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one automobile which has adequate access to a public street or alley and permitting satisfactory ingress for an automobile.

PATIO. An accessory open and uncovered structure or hard surfacing that is no more than one foot above the height of the exterior finished grade elevation at any point along its perimeter which is attached to or abutting the principal use and is intended for recreational use.

PERMITTED USE. A use which may be lawfully established in a particular district or districts; provided, it conforms with all requirements, regulations and performance standards (if any) of such districts.

PERSON. Any individual, firm, partnership, association, corporation, trust, or other legal entity. ~~An individual, firm, partnership, association, corporation or organization of any kind.~~

PERSONAL SERVICES. Establishments primarily engaged in providing individual services generally related to personal needs, such as a salon, spa, or barber shop.

PLACE OF WORSHIP. A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLANNED UNIT DEVELOPMENT. A tract of land developed as a unit rather than as individual development wherein buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries. The **PLANNED UNIT DEVELOPMENT** must be developed in compliance with § 157.052-058 of this chapter.

SHORELAND COMMERCIAL PLANNED UNIT DEVELOPMENTS. In the Shoreland Overlay District, developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

SHORELAND RESIDENTIAL PLANNED UNIT DEVELOPMENT. In the Shoreland Overlay District, a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

POST-SECONDARY SCHOOL. An institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges or vocational schools that grant certificates of completion in business or technical fields.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which the building is located.

PRINCIPAL USE. The main use of land or buildings as distinguished from subordinate or accessory uses. A **PRINCIPAL USE** may be either permitted or conditional.

PRIVATE GARAGE. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business or industry is carried on.

PRODUCTION PHASE WECS. Professionally designed wind machines that are built in significant numbers on a continuing basis after testing. Wind machines made from professionally designed kits will be considered **PRODUCTION PHASE WECS.**

PUBLIC USES. Uses owned or operated by municipal, school districts, county, state or other governmental units.

PUBLIC UTILITIES. Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water.

PUBLIC WATERS. Any water as defined in Minn. Stat. § 103G.005, Subd. 15, 15a.

Q

QUAD. A dwelling on a single lot having four units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

R

RECREATION, INDOOR. A facility that provides completely enclosed space dedicated to leisure activities, including dance halls, indoor batting cages, go karts, roller rinks, arcades, theaters, health and recreation clubs, bowling alleys, and similar facilities.

RECREATION, OUTDOOR. An outdoor facility that provides space dedicated to leisure activities, including outdoor golf courses, go karts, batting cages, clubhouses, country clubs, swimming pools, playgrounds, athletic fields, fairgrounds, and similar facilities.

RECREATIONAL VEHICLE (RV). A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE (RV) CAMPGROUND. A lot developed with facilities for temporarily accommodating recreational vehicles for recreational, camping, or travel uses.

RECYCLING CENTER. A facility that is not a junkyard, in which recoverable resources such as newspapers, cardboard, glassware and metal cans are collected, separated, and ~~processed packaged for prior to~~ shipment to others who will use those materials to manufacture new products. ~~"Processing" is defined as~~ This does not include the preparation of material ~~for efficient shipment by~~ such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding and cleaning. ~~The facility must meet State Pollution Control Agency requirements for recycling facilities. In B-2 Districts, outbound truck shipments may be limited to an average of two per day and there shall be no shredding, compacting, baling or other processing of ferrous metals other than food and beverage containers. Under all~~

~~circumstances, precautions shall be taken to ensure the containment of recyclable resources while at the center.~~

RECYCLING, WASTE/GARBAGE DISPOSAL & MATERIALS RECOVERY FACILITIES.

Facilities primarily engaged in the collection, transfer, processing, sorting, treatment, recycling, or disposal of solid waste, recyclables, or recoverable materials. This term does not include incidental waste collection or recycling activities accessory to another permitted use and conducted within enclosed buildings or designated service areas.

REPAIR SHOP. An establishment primarily engaged in the provision of repair services to individuals and households, but excluding automotive repair. Typical uses include small appliance, shoe, watch or jewelry, bicycle, or musical instrument repair.

REPLACEMENT AND RESTORATION. Reconstruction of part or all of an existing structure or accessory structure or facility that closely matches or replicates the preexisting structure or facility.

RESIDENTIAL FACILITY. A dwelling licensed or registered by the State of Minnesota under ~~Minnesota Statutes Chapters~~ Minn. Stat. Ch.s 245A, 245D, 144G, or other applicable state law, to provide housing, with or without supportive services, to individuals or families. Residential facilities include, but are not limited to, adult or child foster homes, community residential settings, residential treatment programs, maternity shelters, group residential programs, and other similar state-licensed or state-registered residential programs. In accordance with ~~Minnesota Statutes~~ Minn. Stat. § 245A.11, subdivision. 2, a residential facility with a licensed capacity of six (6) or fewer persons shall be considered a permitted single-family residential use in any zoning district where single-family dwellings are allowed. Such facilities shall not be subject to spacing, separation, dispersal, or concentration requirements, nor to occupancy or ownership restrictions that differ from those imposed on other single-family dwellings.

Residential facilities licensed to serve seven (7) or more persons may be reviewed under zoning standards applicable to comparable institutional or multi-unit residential uses, provided that all such standards are neutral, impact-based, and consistent with state law, the federal Fair Housing Act, and reasonable accommodation requirements. —.

~~Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Institutions~~

~~under the control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children, such facility shall be at least 1,320 feet from an existing residential facility.~~ **RESIDENTIAL EVENT RENTAL.** The temporary rental of an outdoor portion of a residential lot, such as a yard, pool, patio, or similar amenity, to persons not residing on the premises for recreational, social, or event use. This use is accessory to the principal residential use and does not include overnight lodging.

RESTAURANT. An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

RESTRICTED MANUFACTURING. ~~Business engaged in the manufacture from predominantly previously prepared materials, of finished products or parts, including fabrication, assembly, packaging and internal storage. Such proposed use shall be found to be compatible with surrounding land uses and specifically shall be reviewed for impacts related to sound, vibration, odor, fumes, truck traffic and chemical and manufacturing processes that could potentially pose a health hazard or nuisance to the surrounding neighborhood. Such an operation shall be limited to a building square footage of 15,000 square feet and a minimum lot size of 40,000 square feet. Outside storage shall be prohibited. Denial of the application for conditional use may be based entirely on the applicant's failure to reasonably satisfy the Planning Commission and City Council as to compatibility and appropriateness of the business at the proposed location.~~

RETAIL SALES ESTABLISHMENT. A commercial enterprise dedicated to selling commodities or goods directly to the consumer.

REVERSE VENDING MACHINE. ~~An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip. A **REVERSE VENDING MACHINE** may sort and process containers mechanically; provided that, the entire process is enclosed within the machine. Such devices must be accessory to a principal use. Machines shall not occupy parking spaces intended for the primary use that would reduce available parking below that is required by this chapter, nor shall such machines interfere with pedestrian and vehicular traffic or restrict visibility. Signage shall be restricted to a location on the machine. Such machines must be located at least three feet off the lot line.~~

RIDING STABLES (COMMERCIAL). An commercial establishment where horses are kept, boarded, trained, leased, or provided for riding instruction, recreation, or events for a fee. This use may include indoor or outdoor riding arenas, stables, paddocks, corrals, accessory buildings, and limited retail or instructional activities directly related to equestrian operations. Commercial riding stables are characterized

by regular customer traffic and organized programs and do not include agricultural livestock operations or accessory residential horse keeping.

RIDING STABLE (Residential). The keeping of horses on a residential property as an accessory use to a principal dwelling, intended for personal, family, or noncommercial use. This use may include small scale stables, shelters, paddocks, or riding areas customarily incidental to residential occupancy. Residential riding stables shall not include boarding, training, riding lessons, events, or other activities conducted for compensation or open to the general public.

S

SEMIPUBLIC USE. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENIOR CITIZEN HOUSING. Multiple dwelling building with open occupancy generally limited to persons over 60 years of age. Not more than 10% of those living in **SENIOR CITIZEN HOUSING** can be under 60. Elevator service must be provided to each floor. Useable open space which at the minimum is equal to 20% of the gross lot area is required. Such housing should be readily accessible to shopping and medical facilities or arrangements for adequate transportation to and from such facilities should be available to the residents.

SETBACK. The minimum horizontal distance required between a building and street or lot line. Distances are to be measured from the most outwardly ~~extend~~extended portion of the structure at ground level. In the Shoreland Management Section §§ 157.015 through 157.023 of this chapter, setback shall refer to the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SETBACK LINE. A line which represents the required setback on a lot.

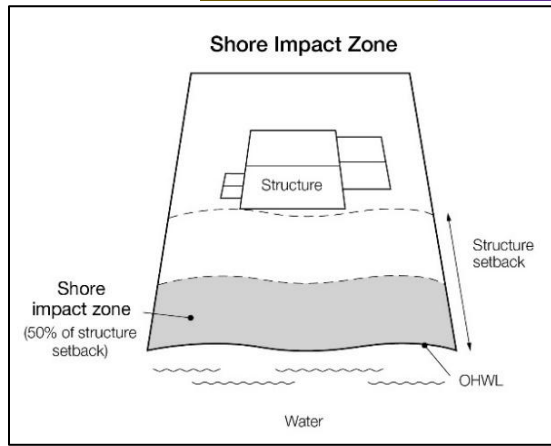
SEWAGE TREATMENT SYSTEM. "Sewage treatment system" has the meaning given under Minn. Rules Ch. 7080.1100, Subp. 82.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHOPPING CENTER. A grouping of retail business and service uses on a single site with common parking facilities.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 4).

FIGURE 2.FIGURE 4. Shore Impact Zone

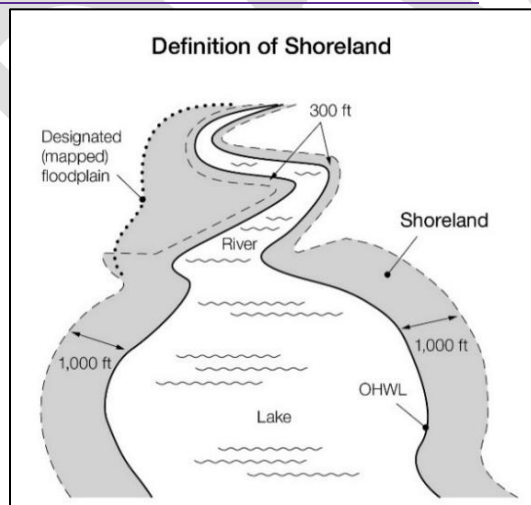


SHORE RECREATION FACILITIES. Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

SHORELAND. "Shoreland" means land located within the following distances from public waters:

- 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
- 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater (see Figure 5).

FIGURE 5. Definition of Shoreland



SHORT-TERM RENTAL (STR). A dwelling unit or portion thereof rented to transient guests for a period of less than 30 consecutive days. STRs may include entire homes, accessory dwelling units, or individual rooms. STRs are subject to local licensing.

inspection, and occupancy regulations, and must comply with applicable provisions of Minn. Stat. Ch. 504B regarding landlord-tenant –responsibilities, building codes and any other applicable laws.–

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SMALL-SCALE LOGISTICS & DELIVERY HUBS. A facility used for the short-term sorting, staging, and dispatch of goods for local or regional delivery, typically served by vans or light-duty trucks. This use does not include large freight terminals, distribution centers with long-term storage, or heavy truck yards.

SINGLE-FAMILY ATTACHED DWELLING. ~~Two single-family dwellings with a zero lot line on one side sharing a common wall, with the common wall and all jointly owned or jointly utilized facilities including, but not limited to, decks, utility lines and driveways being governed under a declaration of covenants and restrictions approved by the city, and filed with the County Recorder.~~

SOIL PROCESSING. The operation of processing sand, gravel and other material mined from the land.

SOLAR COLLECTION SYSTEM. Any device that absorbs and accumulates solar radiation for use as a source of energy.

SOLAR COLLECTION SYSTEM, ROOF-MOUNTED. A solar array fixed to a building's roof intended to use sunlight to generate electricity for on-site use.

STORAGE SHED. ~~An accessory structure enclosed with enclosed walls and a roof that is used solely for the storage of inanimate objects~~**STEEP SLOPE.** Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

STORY. The portion of a building included beneath the upper surface of a floor and upper surface of floor next above; except that, the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar or unused underfloor space is more than six feet above grade as defined herein for more than 50% of the total perimeter is more than 12 feet above grade as

defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a **STORY**.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated.

STRUCTURE (SHORELAND DISTRICT). In the Shoreland Overlay District, any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

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

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

SUITABILITY ANALYSIS. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

SWIMMING POOL. Any structure, chamber, or tank containing an artificial body of water designed primarily for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

T

TAVERN. An establishment primarily engaged in the on-site sale and consumption of alcoholic beverages, which may include incidental food service, and is licensed under applicable Minnesota alcohol-control laws.

TAXI SERVICES. A commercial service providing on-demand passenger transportation using licensed vehicles and drivers for hire. Taxi services may include

dispatch operations and vehicle staging but do not include vehicle storage yards or repair facilities.

TENT. A temporary structure or shelter constructed of fabric, plastic, canvas, or similar pliable material supported by poles, frames, cables, or ropes, and not permanently affixed to the ground. A tent is not intended for permanent occupancy and is typically erected for temporary events, storage, sales, or recreational purposes.

TERMINAL. A facility dedicated to the loading, unloading, and temporary storage of freight; or the loading and unloading of passengers.

THREE- OR FOUR-SEASON PORCH. An enclosed, partially transparent, roofed structure attached to the main floor level of the principal structure. Such structure is constructed a minimum of 12 inches above the ground in which it is located and is supported on pier style footings.

TOBACCO SALES. A retailer whose business involves the sale of tobacco products or related goods.

TOWNHOUSES. Structures housing three or more dwelling units ~~of not more than two stories each and~~ contiguous to each other only by the sharing of one common wall, such structures to be of the town or row house type as contrasted to multiple-dwelling apartment structures. ~~No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrances.~~

TREE FARM. Any parcel of land used to raise or harvest trees for wood products such as lumber, posts and poles, fuel wood, and Christmas trees where forest products are sold on-site or transported to market.

TRIPLEX. A dwelling on a single lot having three units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

U

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

USEABLE OPEN SPACE. Open space that is ~~accessible to occupants~~ of a development and designed for outdoor use. Usable open space may be improved or unimproved and may include landscaped areas, courtyards, patios, or similar outdoor spaces. Areas devoted solely to vehicular access, parking, or service functions do not qualify as usable open space.

~~A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by only persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute USEABLE OPEN SPACE~~

VARIANCE. The waiving by ~~City Council~~ the Zoning Board of Appeals action of the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration, pursuant to Minn. Stat. § 462.357, Subd. 6, as it may be amended from time to time.

W

~~**WAREHOUSING.** The storage of materials or equipment within an enclosed building as a principal use~~ **WAREHOUSING, LOGISTICS, & DISTRIBUTION FACILITIES.** A facility used for the storage, handling, sorting, or distribution of goods, including receiving and shipping operations, typically served by trucks or freight vehicles. This use may include limited packaging or assembly incidental to storage and distribution but does not include retail sales to the general public or manufacturing as a primary activity.

WASTE INCINERATION & REDUCTION FACILITIES. A facility designed to thermally treat, combust, gasify, pyrolyze, or otherwise process solid waste, municipal solid waste, industrial waste, medical waste, or similar materials for the purpose of volume reduction, destruction, or energy recovery. This term includes waste-to-energy facilities and other waste processing operations involving heat-based treatment, but does not include recycling facilities, transfer stations, composting operations, or incidental on-site waste disposal accessory to a permitted principal use. Waste incineration and reduction facilities are subject to applicable permitting and operational requirements of the Minnesota Pollution Control Agency (MPCA) and other state and federal agencies. Zoning approval does not substitute for any required environmental permits

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios, and detached

decks. Boathouses and boat storage structures given the meaning under Minn. Stat. § 103G.245 are not a water-oriented accessory structures.

WATER-DEPENDENT USE. The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of uses typically found in shoreland areas.

WEATHER SHELTER. A building designed to provide protection from adverse conditions, such as storms, floods, extreme temperatures, or tornadoes.

WETLAND. “Wetland” has the meaning given under Minn. Rule, part 8420.0111.

WHOLESALE SHOWROOMS & OFFICE SUPPORT. Commercial use primarily engaged in business-to-business sales, display, and support functions, including product showrooms, sample rooms, catalogs or demonstration spaces, administrative offices, and related sales or customer-service activities, where sales are made primarily to retailers, contractors, or institutional buyers and not to the general public for on-site retail purchase. This use may include limited accessory storage of inventory but does not include retail storefront sales, warehousing as a primary use, distribution centers, or freight terminals.

WILDLIFE REFUGE. A designated area that is closed to hunting and trapping wild animals, except for specific permitted activities.

WIND ENERGY CONVERSION SYSTEM (WECS). Any device such as a wind charger, windmill or wind turbine which converts wind energy to a form of useable energy. A device, -structure, turbine, tower, and associated equipment designed to convert wind energy into electrical energy for onsite use or distribution.

SMALL WIND ENERGY CONVERSION SYSTEM (SMALL WECS). ∴ A WECS with a rated generating capacity of 20 kilowatts (kW) or less, intended primarily to serve the energy needs of the principal use on the same lot and customarily incidental to that use.

LARGE WIND ENERGY CONVERSION SYSTEM (LARGE WECS). ∴ A WECS with a rated generating capacity greater than 20 kilowatts (kW), including systems intended for commercial, institutional, agricultural, or utility-scale energy production.

PRODUCTION PHASE WECS. Professionally designed wind machines that are built in significant numbers on a continuing basis after testing. Wind machines made from professionally designed kits will be considered **PRODUCTION PHASE WECS.**

Y

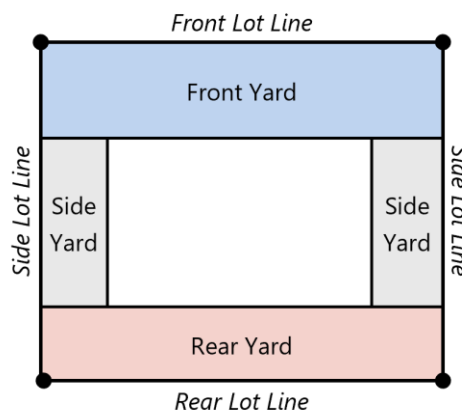
YARD. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A **YARD** extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

YARD, FRONT. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the principal building.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE. A yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the lot to the rear yard.

FIGURE 6. Location of Front, Side, and Rear Yards



Z

ZONING ADMINISTRATOR (CODE ENFORCEMENT OFFICER). The individual designated by the City to administer, interpret, and enforce this Ordinance and all applicable land use regulations. The Zoning Administrator shall have the authority to conduct inspections, issue permits, provide written interpretations, and initiate enforcement actions. The titles **ZONING ADMINISTRATOR** and **CODE ENFORCEMENT OFFICER** are deemed equivalent and may be used interchangeably throughout this Code.

(Ord. 827, passed 4-19-1983; Ord. 1052, passed 2-4-1992; Ord. 1061, passed 6-16-1992; Ord. 1087, passed 2-28-1994; Ord. 1090, passed 5-17-1994; Ord. 1113, passed 5-16-1996; Ord. 1139, passed 6-4-1996; Ord. 1145, passed 8-6-1996; Ord. 1147, passed 8-20-1996; Ord. 1168, passed 8-19-1997; Ord. 1255, passed 5-1-2001; Ord. 1487, passed 8-1-

2012; Ord. 1491, passed 1-8-2013; Ord. 1504, passed 7-2-2013; Ord. 1518, passed 2-17-2015; Ord. 1543, passed 9-20-2016; Ord. 1546, passed 10-18-2016; Ord. 1578, passed 4-3-2018; Ord. 1596, passed 9-3-2019)

§ 157.003 NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

- A. Purpose and intent.** The purpose of this section is to provide for the regulation of lawful nonconforming buildings, structures, lots, and uses in a manner consistent with Minnesota law. This section recognizes the legal right to continue, maintain, repair, replace, restore, and improve lawful nonconformities, while allowing the City to regulate expansions and alterations that would increase the degree of nonconformity. This section is intended to be administered in accordance with Minn. Stat. § 462.357, subd. 1e, as amended.
- B. Lawful nonconformities.** Any building, structure, lot, or use that was lawfully established prior to the effective date of this chapter or subsequent amendment and that does not conform to current regulations shall be deemed a lawful nonconformity.
- C. Continuation.** A lawful nonconforming use or structure may be continued in the form and manner lawfully existing at the time it became nonconforming, subject to the provisions of this section.
- D. Maintenance, repair, and safety.** Nothing in this chapter shall prevent the ordinary maintenance or repair of a lawful nonconforming building or structure, including work required to place or maintain the structure in a safe condition or to comply with the Minnesota State Building Code or Minnesota State Fire Code. Such work shall not, by itself, be construed as increasing the degree of nonconformity.
- E. Alteration and improvement.** A lawful nonconforming building or structure may be altered or improved, including interior or exterior improvements, provided that the alteration does not increase the degree of nonconformity in violation of this chapter.
- F. Change to conforming or less nonconforming use.** When a lawful nonconforming use is changed to a conforming use, it shall not thereafter be changed back to a nonconforming use. A lawful nonconforming use may be changed to a use that is less nonconforming, but once changed, shall not be altered to increase the degree of nonconformity.
- G. Movement.** No lawful nonconforming building or structure shall be moved to another lot or to a different location on the same parcel unless, after the move, the building or structure complies with all applicable provisions of this chapter.
- H. Damage or destruction.**

1. A lawful nonconforming building or structure that is damaged or destroyed by fire, flood, wind, or other casualty may be repaired, rebuilt, replaced, or restored, provided that reconstruction is commenced within one hundred eighty (180) days of the date of damage or destruction.

2. If the cost of restoring the building or structure exceeds fifty (50) percent of its assessed market value at the time of damage, as determined by the County Assessor, the structure shall be brought into compliance with current zoning regulations, unless otherwise permitted under Minn. Stat. § 462.357, subd. 1e.

I. Abandonment. A lawful nonconforming use shall be considered abandoned only if the use has ceased for a continuous period of at least one hundred eighty (180) days and there is evidence of intent to abandon the use. Temporary cessation due to repairs, permits, casualty, seasonal operation, or other similar circumstances shall not constitute abandonment.

J. Residential nonconforming structures – limited expansion. Existing residential buildings with lawful nonconforming side-yard setbacks may be expanded in line with the existing nonconforming wall, provided that all of the following conditions are met:

1. A minimum three-foot (3') side-yard setback is maintained;

2. A minimum five-foot (5') separation is maintained between the proposed addition and any structure on the immediately adjacent lot, and the addition complies with applicable fire-resistance and exterior wall opening requirements of the Minnesota State Building Code;

3. The addition does not extend the length of the nonconforming wall by more than seventy-five percent (75%) of the original length of that wall;

4. The expansion does not create or increase any condition deemed hazardous by the building official or fire code official;

5. The expansion does not include or create an attached garage unless the garage complies with all current building and fire code requirements.

K. Vested rights. Any structure for which a building permit has been lawfully issued prior to the effective date of this chapter and that would otherwise become nonconforming may be completed in accordance with the approved plans, provided construction is commenced and continued in accordance with state law. Upon completion, such structure shall be considered a lawful nonconformity.

~~**A.** It is the purpose of this section to provide for the regulation on non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be~~

operated and maintained. This chapter establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this section that all non-conforming uses shall be eventually brought into conformity.

- ~~B. Any structure or use lawfully existing upon the effective date of this chapter shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date, except as hereinafter specified, or subsequently amended.~~
- ~~C. Nothing within this chapter shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector providing the necessary repairs shall not constitute more than 50% of fair market value of such structure. Said value shall be determined by the County Assessor.~~
- ~~D. No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time of this chapter adoption unless such movement shall bring the non-conformance into compliance with the requirements of this chapter.~~
- ~~E. When a lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.~~
- ~~F. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been so changed, it shall not thereafter be so altered to increase the non-conformity.~~
- ~~G. If at any time a non-conforming building, structure or use shall be destroyed to the extent of more than 50% of its fair market value, said value to be determined by the County Assessor, then without further action by the Council, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the current regulations specified by these zoning regulations for the district in which such land and buildings are located, except a single-family dwelling may be restored or reconstructed to its former extent provided it has the same footprint, the same square footage and is in the same location as the original non-conforming dwelling. Any building which is damaged to an extent of less than 50% of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Building Inspector.~~
- ~~H. Whenever a lawful non-conforming use of a structure or land is discontinued for a period of six months, following written notice from an authorized agent of the city,~~

~~any future use of said structure or land shall be made to conform with the provisions of this chapter.~~

- ~~I. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.~~
- ~~J. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof; provided, they will not increase the number of dwelling units or size or volume of the building; except that, existing residential structures with non-conforming side yard setbacks may be expanded in line with the existing structure; provided that, there is at least a three-foot side yard setback; at least six feet is maintained between the proposed addition and any structure on the immediately adjacent lot; the addition does not increase the non-conforming building line by more than 75% of the original length of the building; and expansion does not involve an attached garage.~~
- ~~K. Any proposed structure which will, under this chapter, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this chapter, may be completed in accordance with the approved plans; provided construction is started within 60 days of the effective date of this chapter, is not abandoned for a period of more than 120 days, and continued to completion within two years. Such structure and use shall thereafter be a legally non-conforming structure and use.~~

~~(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1168, passed 8-19-1997; Ord. 1285, passed 7-16-2002) Penalty, see § 157.999~~

§ 157.004 NON-CONFORMING LOTS OF RECORD.

- ~~A. A lot of record that was lawfully created and in separate ownership on the effective date of this chapter, but which does not meet current minimum lot area or width requirements of the applicable zoning district, may be used for the construction of a single-family detached dwelling or two-family (duplex) dwelling, provided that:~~
 - ~~1. All other applicable requirements of this chapter, including setbacks, height, and coverage, are met; or~~
 - ~~1.2. Relief from such requirements is granted in accordance with the variance provisions of this chapter.~~~~A lot of record existing upon the effective date of this chapter in a residence district which does not meet the requirements of this chapter as to area or width may be utilized for single-family detached dwelling purposes or two-family, duplex dwelling purposes; provided, adequate zoning~~

~~currently exists; and, provided, the measurements of such area or width are within 75% of the requirements of this chapter~~

(Ord. 827, passed 4-19-1983)

§ 157.005 DWELLING UNIT RESTRICTIONS.

- A.** No ~~cellar, basement (except multiple-family dwellings and dwellings that are of earth sheltered construction as defined in § 157.002 of this chapter),~~ garage, tent or accessory building shall, at any time, be used as an independent residence or dwelling unit, temporarily or permanently.
- B.** Legally permitted ~~b~~basements may be used as living quarters or rooms as a portion of residential dwellings.
- C.** Tents, play houses or similar structures may only be used for play or recreational purposes.
- D.** Notwithstanding any other provisions of this chapter, in all zoning districts where single-family residences are permitted, ~~except in the MH Mobile Home District,~~ the following design criteria shall apply for all single-family detached dwellings:
- 1.** A minimum width of 24 feet not including any attached garage, except tiny homes as defined in the building code appendix Q;
 - 2.** A minimum length of 24 feet not including any attached garage, except tiny homes as defined in the building code appendix Q;
 - 2.3.** A minimum total square footage of ~~4600~~ square feet not including overhangs and other projections;
 - 3.4.** ~~Roof shall have a minimum pitch of 3:12 for at least 60% of the total roof area~~Roof coverings shall consist of approved roofing materials that comply with the Minnesota State Building Code and applicable ASTM, UL, or other nationally recognized testing standards for the intended roof assembly. Roofing materials shall be installed in accordance with manufacturer specifications and approved construction documents. Roof finishes shall be non-glare, unless otherwise approved, and shall be compatible with the architectural character of the surrounding neighborhood. Repairs, patches, or alterations shall substantially match the primary roof in material, color, and appearance. Roof must be covered with shingles, tile, shakes or metal seam and batten roofing manufactured with a factory-applied finish except a galvanized finish; and
 - 4.5.** Exterior walls shall be placed upon and secured to a permanent foundation of concrete, masonry or treated wood construction and shall include frost footings, all in accordance with the State Residential Building Code.

(Ord. 827, passed 4-19-1983; Ord. 1255, passed 5-1-2001; Ord. 1304, passed 1-7-2003) Penalty, see § 157.999

§ 157.006 PLATTED AND UNPLATTED PROPERTY.

- A.** Any person desiring to improve property shall submit to the Zoning Administrator a survey site plan of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments and any other information which may be necessary to ensure conformance to city ordinance.
- B.** All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.
- C.** Except in the case of planned unit development, as provided for in § 157.052-058 of this chapter, not more than one principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning, in case of doubt or on any question of interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Zoning Board of Appeals and City Council.
- D.** On a through lot (a lot fronting on two substantially parallel streets), the rear lot line shall be defined as the arterial street, where access is prohibited, and the minimum setback shall be 20 feet for applying the yard and parking regulations of this chapter.
- ~~**E.** Except in the Central Business District (B-3), no building shall be located closer than 20 feet from any street right-of-way.~~
- ~~**F.** No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or 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. No required open space shall be included as part of any open space required for other structures.~~
- ~~**G.** Every single and two-family residential structure hereafter erected shall be so located on the lot so that at least a two-car garage or carport, either attached or detached, or parked in the driveway without blocking egress can be located on said lot.~~

(Ord. 827, passed 4-19-1983; Ord. 1145, passed 8-6-1996) Penalty, see § 157.999

§ 157.007 GENERAL DISTRICT PROVISIONS AND PURPOSE; ESTABLISHMENT OF DISTRICTS.

The following zoning classifications are hereby established within the city.

A. Residential districts.

1. R-1, Single-Family Residential District. The purpose of the "R-1" Single-Family District is to provide for low density single-family detached residential dwelling units and directly related, complementary uses.

1.2. R-2, Medium Density Single-Family Residential District. The purpose of the "R-2" Medium Density Single-Family Residential District is to provide for low and moderate density single-family detached dwellings, single-family attached dwellings up to four units, and directly related, complementary uses.

2. R-2, Medium Density Single-Family Residential District. The purpose of the "R-2" Medium Density Single-Family Residential District is to provide for medium density single-family detached residential dwelling units, and directly related complementary uses.

3. R-3, Single- and Two-Family Residential District. The purpose of the "R-3" Single- and Two-Family Residential District is to provide for low and moderate density one- and two-unit dwellings and directly related, complementary uses.

3. R-3, Medium Density Multi-Family Residential District. The purpose of the "R-3" Medium Density Multi-Family Residential District is to provide for medium density housing in single-family detached or attached dwellings, townhouses, and multi-family dwellings ranging up to and including 12 units, and directly related, complementary uses.

4. R-4, Townhouse District. The purpose of Townhouse Residential District is to provide for townhouses or one- and two-unit dwellings.

5. R-5, Medium Density Residential District. The purpose of the "R-5" Medium Density Residential District is to provide for medium density housing in multiple family structures ranging up to and including 12 units and directly related, complementary uses.

4. R-4, High Density Residential District. The purpose of the "R-4" High Density Multi-Family Residential District is to provide for high density residential units, including multi-family apartments of any size, and directly related, complementary uses.

6. R-6, High Density Residential District. The purpose of the "R-6" High Density Residential District is to provide for high density residential uses and directly related, complementary uses.

B. R-B, Residential-Business District. The purpose of the "R-B" Residential Business District is to provide for high density residential use and for the

~~transition in land use from residential to low intensity business allowing for the intermixing of such uses.~~

C.B. Business Districts.

~~1. B-1, Neighborhood Business District. Deleted. The purpose of the "B-1" Neighborhood Business District is to provide for the establishment of local centers for convenient, limited office rental or service outlets which deal directly with the customer for whom the goods for services are furnished. These centers are to provide services and goods only for the surrounding neighborhoods and are not intended to draw customers from the entire community.~~

2.1. B-2, Community Business District. The purpose of the "B-2" Community Business District is to provide for ~~medium density~~ retail or service activities on a community and regional market scale and to provide goods and services to transient motor vehicle traffic. Such districts should be located in areas well served by collectors or arterial street facilities.

3.2. B-3, Central Business District. The purpose of the "B-3" Central Business District is to provide for the development and redevelopment of high intensity commercial and service activities, gaining economic advantage from a concentration of complementary uses and drawing from and serving customers from the entire market area.

C. Mixed Use Districts.

1. MU-N, Neighborhood Mixed Use District. The purpose of the "MU-N" Neighborhood Mixed-Use District is to create small-scale, walkable nodes within residential areas that provide convenient access to daily needs without requiring long trips. This district should integrate a balanced mix of commercial, residential and public spaces. These nodes should integrate local-serving uses—such as neighborhood grocery stores, cafés, personal services, and small offices—within a context that complements surrounding residential development. Buildings should generally be low-rise, with active ground-floor uses and residential or office space above where appropriate. Public spaces, such as pocket parks or plazas, should be incorporated to foster community interaction.

4.2. MU-D, Downtown Mixed Use District. The purpose of the "MU--D" Downtown Mixed Use District is to create a vibrant, walkable neighborhood that serves as the community's center. This district is intended to integrate a balanced mix of commercial, residential, civic, light industrial, and public gathering uses within a pedestrian oriented, human scale urban environment. Residential development may be permitted at densities of up to 40 dwelling units per acre, allowing a diverse range of housing types including apartments, townhomes, live-work units,

and upper-story residential uses, Light industrial uses appropriate to the MU--D District include, but are not limited to, artisan manufacturing, small scale fabrication, food production, repair services, studios, workshops, and similar low impact production uses, provided such uses do not generate excessive noise, vibration, odor, dust, traffic, or outdoor storage inconsistent with a downtown environment. It is the policy intent of the City that heavy industrial uses and operations incompatible with mixed-use development be phased out of the MU-D District over time. The purpose of the "MU-D"

D. Industrial Districts.

- 1. I-1, Light Industrial District.** The purpose of the "I-1" Light Industrial District is to provide areas for warehousing, logistics, distribution, service, research, and light industrial development that support employment opportunities while maintaining compatibility with nearby commercial, institutional, and mixed-use areas. Uses in the I-1 District are intended to involve limited external impacts, including controlled noise, odor, vibration, emissions, traffic, and outdoor storage, and to be capable of operating primarily within enclosed buildings. The district is designed to accommodate modern industrial and employment uses that do not require extensive separation from non-industrial land uses. The purpose of the "I-1" Light Industrial District is to provide for the establishment of warehousing and light industrial development.
- 2. I-2, Heavy Industrial District.** The purpose of the "I-2" Heavy Industrial District is to provide areas for heavy industrial, manufacturing, processing, fabrication, and resource-intensive activities which, due to the nature of the product, scale of operations, or character of activity, may generate greater impacts such as noise, vibration, odor, emissions, traffic, or outdoor storage. Uses permitted in the I-2 District typically require physical separation or buffering from residential and commercial uses to protect public health, safety, and welfare. The I-2 District is intended to accommodate long-term industrial operations essential to the city and regional economy that may not be appropriate in lighter industrial or mixed-use environments. The purpose of the "I-2" Heavy Industrial District is to provide for the establishment of heavy industrial and manufacturing development and use which, because of the nature of product or character of activity, requires isolation from residential or commercial use.

E. ~~Special Agricultural~~Civic and Open Space Districts.

- 1. I-P, Industrial Park District.** The purpose of the "I-P" Industrial Park District is to provide for the establishment of industrial development that is compatible with surrounding or abutting districts and to encourage high level performance standards. Development in the Industrial Park District is limited to administrative,

~~wholesaling, manufacturing and related compatible uses, with suitable open spaces, landscaping and parking areas.~~

- 1. A-O, Agriculture-Open Space District.** The "A-O" Agriculture-Open Space District is intended to provide a district which will allow suitable areas of the city to be retained and utilized in open space for park and/or agricultural uses, prevent scattered non-farm uses from developing improperly, and secure economy in government expenditures for public utilities and service.
- 2. C-P, Civic-Public District.** The "C-P" Civic / Public Zoning District is intended to provide areas for public, and civic uses that serve the educational, governmental, cultural, health, and recreational needs of the community. This district accommodates facilities that are publicly owned or operated, or that provide essential public services, and that contribute to the community's civic life, identity, and overall quality of life. Typical uses may include, but are not limited to, government offices, public safety facilities, libraries, schools, public utilities, parks and recreational facilities, cultural institutions, and similar civic or institutional uses that serve the public interest.

F. Overlay Districts.

- 1. FP, General Floodplain DistrictOverlay.** A district to provide for the protection and preservation of water channels and those portions of the adjoining floodplains which are reasonably required to carry and discharge a regional flood that are subject to inundation by regional floods. It is intended that this district apply to those areas which, if left unrestricted, could result in loss of life and property, health and safety hazards, disruption of commerce, utilities and governmental services, extraordinary public expenditures for floodplain protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. This district is furthermore created and applied in compliance with requirements of Minn. Stat. Ch. s 103A, 103F and 462, as they may be amended from time to time. The General Floodplain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in § 154.005 of this city code.

~~**Purpose and intent.** The Floodplain Overlay District is established to protect and preserve watercourses and flood-prone lands that are reasonably required to carry and discharge the regional flood. Lands within this district are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.~~

~~**Statutory authority and applicability.** This Floodplain Overlay District is adopted pursuant to the authority granted by Minnesota Statutes, Chapters 103F and 462, and shall be administered in compliance with Minnesota Rules, parts 6120.5000 through 6120.6200, as amended. These rules establish minimum floodplain management standards for local zoning ordinances and are adopted herein by reference.~~

~~**Relationship to underlying zoning districts.** The Floodplain Overlay District is superimposed over all zoning districts and applies to all lands identified as floodplain areas on the Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA), as adopted and amended by the City. Where the provisions of this Floodplain Overlay District conflict with those of the underlying zoning district, the more restrictive provision shall apply.~~

~~**Administration and development standards.** All development, land use, subdivision activity, and land alteration within the Floodplain Overlay District shall comply with the applicable floodway, flood fringe, general floodplain, and nonconformity standards set forth in Minnesota Rules, parts 6120.5700 through 6120.6000, as amended, and with the applicable requirements of the National Flood Insurance Program (44 C.F.R. parts 59 through 78).~~

~~**Variances.** Variances from floodplain management standards shall be granted only in accordance with Minnesota Rules, part 6120.6100. No variance shall be granted that would result in increased flood heights, increased flood damages, threats to public safety, extraordinary public expense, or conflict with state or federal floodplain management requirements. In addition, Minn. Rules, part 6115.0150 through 6115.0280, as may be amended, shall be consulted in administering and applying this district.~~

2. FW, Floodway Overlay. The "FW" Floodway Overlay includes those areas designated as floodway on the Flood Insurance Rate Map adopted in § 154.005 of this city code.

3. FF, Flood Fringe Overlay. The "FF" Flood Fringe Overlay includes those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in in § 154.005 of this city code as being within Zones AE, but being located outside of the floodway.

~~**SL, Shoreland Overlay.**~~ insert Robin's language here after this standards language from her 3-18-26 email.

4. Purpose and intent. The Shoreland Overlay District is established to preserve and enhance the quality of surface waters, conserve natural shoreline areas,

protect aquatic and wildlife habitat, and promote the public health, safety, and general welfare by regulating development adjacent to lakes, rivers, and streams.

~~**Statutory authority and applicability.** This Shoreland Overlay District is adopted pursuant to the authority granted by Minnesota Statutes, Chapters 103F and 462, and shall be administered in compliance with Minnesota Rules, parts 6120.2500 through 6120.3900, as amended. These rules establish minimum shoreland management standards for local zoning ordinances and are adopted herein by reference.~~

~~**Relationship to underlying zoning districts.** The Shoreland Overlay District is superimposed over all zoning districts and applies to all lands within the designated shoreland jurisdiction as defined by Minnesota Rules and identified on official shoreland maps adopted by the City. Where the provisions of this Shoreland Overlay District conflict with those of the underlying zoning district, the more restrictive provision shall apply.~~

~~**Administration and development standards.** All development within the Shoreland Overlay District shall comply with the applicable dimensional standards, setbacks from the ordinary high water level, vegetation alteration limits, bluff and steep slope protections, nonconformity provisions, and variance standards set forth in Minnesota Rules, parts 6120.3300 through 6120.3900, as amended.~~

~~a. Insert robin's language for standards....~~

G. PUD, Planned Unit Development District. The purpose of this district is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approaches to development. This section-district is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities through conditional use provisions. It is further intended that planned unit developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities and a harmonious selection and efficient distribution of uses.

~~**H. MH, Mobile Home Park.** The purpose of the "MH" Mobile Home Park is to provide for manufactured housing and mobile homes and directly related uses.~~

I.H. Map. The location and boundaries of the districts established by this chapter are hereby set forth on the Zoning Map entitled "Zoning Map of Owatonna," dated ~~4-19-1983~~, and amended from time to time thereafter. Said map, on file with the Zoning Administrator and hereinafter referred to as the "zoning map", which map

and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein, is hereby made a part of this chapter by reference.

J.I. Annexed territory. Annexed territory shall be in the A-O District unless otherwise stipulated in the annexation ordinance or Municipal Board annexation order.

K.J. Zoning district boundaries. Zoning district boundary lines of this chapter follow lot lines, railroad right-of-way lines, the center of watercourses or the corporate limit lines, all as they exist upon the effective date of this chapter.

1. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Zoning Board of Appeals. ~~Board of Adjustment and Appeals.~~
2. When any street, alley or other public right-of-way is vacated by official action of the city, the zoning district abutting the centerline of said alley or other public right-of-way shall not be affected by such proceeding.

(Ord. 827, passed 4-19-1983; Ord. 1255, passed 5-1-2001)

§ 157.008 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage and publication.

(Ord. 827, passed 4-19-1983)

DISTRICT REGULATIONS

Editor's note:

*Permitted, accessory and conditional uses for the general districts and overlay districts are listed in the tables of §§ 157.009, 157.010, 157.011, 157.012 and 157.013 of this chapter. The letter "P" indicates a permitted use; "C" a conditional use, and "I" an interim use. **Any use left blank is not allowed in that district.** Procedures and standards for granting conditional uses are found in § 157.075 of this chapter. All uses are subject to general performance standards as provided for in §§ 157.061 through 157.068 of this chapter. Uses listed in the tables are also subject to applicable regulations in §§ 157.046 through 157.060 of this chapter. Additional regulations and clarification of selected uses are also found in §§ 157.024 through 157.045 of this chapter.*

§ 157.009 AGRICULTURAL USES.

TABLE 1, TABLE 2. Allowed Agricultural Uses

AGRICULTURAL USE	DISTRICT															
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹
AGRICULTURAL PRODUCTION																
Agriculture uses	P	P	P	P					P					P	P	P
Cannabis cultivation*							P	P								P
Greenhouse (commercial)					C	C	P	P	P							
Nurseries and tree farms							P	P	P					P	P	P
AGRICULTURAL ACCESSORY USES & STRUCTURES																
Greenhouse (non-commercial)	P	P	P	P								P	P			
Living quarters of persons employed on the premises									P							
Storage of vehicles, equipment and machinery which are incidental to a primary A-O use									P							

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's permitted uses listed in §§ 154.056 through of this chapter and the standards for all flood fringe uses listed in § 154.059 of this chaptercity code.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

DRAFT

§ 157.010 COMMERCIAL USES.

TABLE 2. TABLE 3. Allowed Commercial Uses

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
CARE SERVICES																	
Adult day care	C	C	C	C	C	C						C	C				C
Family child care serving up to 12 children ²	P	P	P	P							P	P	P				P
Family child care serving 13-16 children ²			C	C							C	C	C				C
Group family child care serving 12 or fewer children ²	P	P	P	P							P	P	P				P
Group family child care serving more than 12 children ²	C	C	C	C							C	C	C				C
Child care center		C	C	C	C	C											C
Licensed nonresidential programs with licensed capacity of 12 or fewer persons	P	P	P	P								P					P
Licensed nonresidential programs serving more than 12 persons		C	C	C	C	C					C	C	C				C
Detoxification facility					C	C											C
HEALTH & WELLNESS																	
Fitness center			C	C	P	P						P	P				C
Hospital					C	C						C	C				C
RECREATION																	
Campground*									C								C
Recreational Vehicle (RV) Campground*									C								C
Riding stables*									C								C
Community centers					P	P						P	P				C
Convention centers					C	C						C	C				C
Indoor recreation					P	P	P					P	P				C
Outdoor recreation			C	C	P	P	P		C			P	P	P	P		C
Recreational vehicles either on individual lots of														C			

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of § 154.115 of this chapter																	
RETAIL & SERVICES																	
Shopping center or retail sales establishment under 30,000 square feet					P	P						P	P				C
Shopping center or retail sales establishment 30,000 square feet or greater					C	C						C	C				C
Animal shelters*					C		C	P	C				C				C
Dog boarding (residential), 4-10 animals*	C	C	C	C									C				C
Dog boarding (commercial), more than 10 animals*					C	C	C		C				C				C
Special events (temporary)	I	I	I	I	I	I			I			I	I				C
Cannabis events (temporary)*					I	I	I	I	I								
Cannabis retail business*					P	P											
Cannabis wholesale*							P	P									
Mini-storage facilities					C		P	P									
Open sales lot					C								C				
Personal services					P	P						P	P				C
Construction yard					P	P	P	P	P			P	P				C
Business incubator					P	P	P	P					C				C
Offices					P	P	P	P				P	P				C
Broadcasting studio					P	P							P				C
AUTO-ORIENTED RETAIL & SERVICES																	
Automobile detailing					P	P						C	P				C
Automobile repair (major)					C	C	P	P				C	C				C
Automobile repair (minor)					P	P						C	C				C
Automobile dealerships					P								P				
Car wash					C	C						C	C				C
Commercial fueling station							C	C									C

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Gas stations (principal or incidental)					<u>C</u>	<u>C</u>	<u>C</u>					<u>C</u>	<u>C</u>				<u>C</u>
Drive-through establishment					<u>C</u>	<u>C</u>						<u>C</u>	<u>C</u>				<u>C</u>
<u>FOOD & BEVERAGE, NOT ALCOHOL-RELATED</u>																	
Bakery					<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				<u>C</u>
Convenience food establishment					<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				<u>C</u>
Convenience stores					<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				<u>C</u>
Food vending vehicle					<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>				<u>C</u>
Grocery store under 8,000 sf					<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				<u>C</u>
<u>ALCOHOL-RELATED FOOD & BEVERAGE</u>																	
Liquor store					<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				<u>C</u>
Craft beverage sales					<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>				<u>C</u>	<u>C</u>				<u>C</u>
Clubs and lodges					<u>P</u>	<u>P</u>						<u>C</u>	<u>C</u>				<u>C</u>
Restaurants, taverns					<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				<u>C</u>
<u>TRANSPORTATION</u>																	
Heliport					<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>								<u>C</u>
Airport							<u>P</u>										<u>C</u>
Parking garages					<u>P</u>	<u>P</u>							<u>C</u>				<u>C</u>
Off-site parking facilities for adjacent commercial or multi-family residential				<u>C</u>	<u>C</u>	<u>C</u>						<u>C</u>	<u>C</u>				<u>C</u>
Taxi or bus terminal					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>									<u>C</u>
Taxi services					<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>					<u>I</u>				<u>C</u>
<u>MIXED USE</u>																	
Mixed-use building					<u>P</u> <u>C</u>	<u>P</u> <u>C</u>						<u>P</u>	<u>P</u>				<u>C</u>
<u>PUD</u>																	
Commercial PUD (refer to § 157.058)					<u>C</u>	<u>C</u>						<u>C</u>	<u>C</u>				<u>C</u>
<u>COMMERCIAL ACCESSORY USES & STRUCTURES</u>																	
Charitable gambling					<u>I</u>	<u>I</u>						<u>I</u>	<u>I</u>				<u>C</u>
Data Center- Enterprise					<u>C</u>	<u>C</u>											
Day care center					<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>				
Garage					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>				<u>C</u>

COMMERCIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Heliport					<u>C</u>	<u>C</u>											
Home occupations	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>								<u>C</u>
Open sales lot					<u>C</u>		<u>C</u>	<u>C</u>					<u>C</u>				<u>C</u>
Communications infrastructure							<u>P</u>	<u>P</u>									<u>C</u>
Food vending vehicle					<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>									<u>C</u>
Storage sheds	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>				<u>C</u>
Off-street loading			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>C</u>
Off-street parking					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>C</u>

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

² Occupancy thresholds are subject to state licensing and may be modified by variance or waiver; zoning classification remains tied to statutory thresholds.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

§ 157.009—§ 157.011 INDUSTRIAL USES.

TABLE 3. TABLE 4. Allowed Industrial Uses

INDUSTRIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
LIGHT INDUSTRIAL																	
Craft beverage production					<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>				<u>C</u>	<u>C</u>				
Bottling establishments							<u>P</u>	<u>P</u>									
Cannabis manufacturer*							<u>P</u>	<u>P</u>									
Hemp manufacturer							<u>P</u>	<u>P</u>									
Small-scale logistics & delivery hubs							<u>P</u>	<u>P</u>									
Artisan & custom fabrication (optical, jewelry, crafts)					<u>C</u>	<u>C</u>							<u>P</u>				
Engraving, printing, and publishing							<u>P</u>						<u>P</u>				
Light fabrication							<u>P</u>	<u>P</u>					<u>P</u>				
Industrial service business							<u>C</u>	<u>C</u>					<u>C</u>				
Controlled heat process facilities								<u>C</u>									
Laboratories							<u>P</u>	<u>P</u>									
Machine shops							<u>P</u>	<u>P</u>					<u>P</u>				
Stationery, bookbinding and other types of manufacturing of paper and related products, but not processing of raw materials for paper production							<u>P</u>	<u>P</u>									
HEAVY INDUSTRIAL																	
Chemical manufacturing (including acids, fertilizers, and industrial chemicals)								<u>C</u>									
Data Center- Enterprise							<u>C</u>	<u>C</u>									
Data Center- Hyperscale							<u>C</u>	<u>C</u>									
Metal fabrication & welding services							<u>C</u>	<u>P</u>					<u>P</u>				
Large-scale laundry & textile care facilities							<u>C</u>	<u>P</u>					<u>P</u>				
Animal processing & meat packing facilities								<u>C</u>									
Waste incineration & reduction facilities								<u>C</u>									

INDUSTRIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
<u>Recycling, waste/garbage disposal & materials recovery facilities*</u>					<u>C</u>		<u>C</u>	<u>P</u>									
<u>Signage & display fabrication</u>							<u>C</u>	<u>P</u>					<u>P</u>				
<u>Land reclamation*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				
<u>Extraction and storage of sand, gravel, and other materials*</u>									<u>I</u>					<u>I</u>			
<u>Crushing operations*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				
<u>Mining*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				
<u>Soil processing*</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>				
<u>Building materials & industrial product manufacturing (cement, concrete, glass, ceramics, rubber, plastics, coatings)</u>							<u>C</u>	<u>P</u>									
<u>Cosmetics, pharmaceutical & food product manufacturing</u>							<u>C</u>	<u>P</u>									
<u>Grain milling & distillation facilities</u>								<u>C</u>					<u>C</u>				
<u>Bulk chemical & fuel storage facilities (>12,000 gallons)*</u>							<u>C</u>	<u>C</u>									
<u>Explosives & hazardous material manufacturing/storage</u>								<u>C</u>									
<u>LOGISTICS, STORAGE & WHOLESALE</u>																	
<u>Junk yard</u>								<u>C</u>									
<u>Open and outdoor storage*</u>							<u>C</u>	<u>C</u>						<u>C</u>			
<u>Warehousing, logistics & distribution facilities</u>							<u>P</u>	<u>P</u>									
<u>Wholesale showrooms & office support</u>							<u>P</u>	<u>P</u>					<u>P</u>				
<u>Cannabis wholesale</u>							<u>P</u>	<u>P</u>									
<u>Bus, railroad, motor freight or trucking maintenance garage</u>							<u>P</u>	<u>P</u>									
<u>ENERGY PRODUCTION</u>																	

INDUSTRIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
Solar energy production system*							P	P	P								C
Utility transmission lines and pipelines	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P		P
INDUSTRIAL ACCESSORY USES & STRUCTURES																	
Accessory buildings and structures							P	P					P	C			
Above Ground Tanks: Crude oil, gasoline or other liquid storage tanks incidental to the principal use and ≤6,000 gallons per tank or ≤18,000 gallons aggregate for Class I liquids (or 10,000/30,000 for Class II)*							P	P					P				
Utilities and accessory equipment	C	C	C	C	P	P	P	P	P		C	C	C	C			
Communications Infrastructure (antennas, fiber hubs, wireless equipment)							P	P				P	P	C			
Solar collection system, roof-mounted*	P	P	P	P	P	P	P	P	P		P	P	P				
Wind Energy Conversion Systems (WECS) Small ≤ 20kW*	P	P	P	P	P	P	P	P	P		P	P	P	C			
Wind Energy Conversion Systems (WECS) Large > 20kW*					C	C	C	C	C		C	C	C	C			
EV charging stations	P	P	P	P	P	P	P	P	P		P	P	P				

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

§ 157.012 PUBLIC/CIVIC USES.

TABLE 4. TABLE 5. Allowed Public and Civic Uses

PUBLIC/CIVIC USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF¹	O-SL
GOVERNMENT FACILITIES																	
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P				C
Government and public utility offices, buildings and structures	C	C	C	C	P	P	P	P	C	P		C	P				C
HEALTH & WELLNESS																	
Emergency response service facility	C	C	C	C	C	C	P	P	P	P	P	C	C				C
EDUCATION																	
Post secondary schools and vocational or career training facilities					C	C	P					C	C				C
Public or private schools	C	C	C	C	C	C				C		C	C				C
RECREATION																	
Public parks	P	P	P	P	P	P	P	P	P	P	P	P	P				C
Fishing pier or access dock									P	P				C			P
Forest management																	P
Forest land conversion																	C
Wildlife refuge									P								C
Community center, public indoor recreation				C	P	P				P		C	C				C
RELIGIOUS FACILITIES																	
Places of worship	C	C	C	C	C	C						C	C				C
CEMETERIES & BURIAL																	
Cemetery	C	C	C	C					P	C		C					C
Funeral home					C	C						C					C
TRANSPORTATION																	
Taxi or bus terminal					P	P	P	P									C
Railroad, motor freight or trucking terminals							P	P									C
Taxi services					I	I	I	I									C
PUBLIC/CIVIC ACCESSORY USES AND STRUCTURES																	
Shelters, gazebos, shade structures	P	P	P	P	P	P	P	P	P	P	P	P	P				C
Public off-street parking	C	C	P	P	P	P	P	P			P	P	P				C
Public restrooms					P	P	P	P	P		P	P	P				C

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

DRAFT

§ 157.013 RESIDENTIAL USES.

TABLE 5. TABLE 6. Allowed Residential Uses

RESIDENTIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
<u>PRIMARY RESIDENCES</u>																	
<u>Single-family detached dwelling</u>	C	C	P	P								P					C
<u>Single-family attached dwelling</u>		P	P	P								P					P
<u>Multi-family dwelling, 2-4 units</u>		P	P	P								P	P				2
<u>Multi-family dwelling, 5-12 units</u>			P	P	P	P						P	P				
<u>Multi-family dwelling, over 12 units</u>				P	P	P						P	P				
<u>Conversion of single-family dwelling to no more than 4 unit multi-family dwelling</u>		C	P	P								P	P				
<u>Manufactured home park*</u>		C	C	C	C	C						C	C				
<u>GROUP & ASSISTED LIVING</u>																	
<u>Residential facilities (services 1-6)*</u>	P	P	P	P							P	P	P				P
<u>Residential facilities (services 7-16)*</u>		C	C	C	C	C						C					
<u>Group housing and nursing homes (service more than 16)</u>				C	C							C	C				
<u>Senior housing, 12 units or fewer</u>			P	P	P	P						P	P				
<u>Senior housing, over 12 units</u>				P	P	P						C	C				
<u>SHORT-TERM RESIDENTIAL</u>																	
<u>Bed and breakfast establishments, not to exceed 3 guest rooms</u>	C	C	P	P								C					
<u>Bed and breakfast establishments, not to exceed 5 guest rooms</u>			P	P								C					
<u>Boarding house (no more than 10 persons)</u>			P	P								P	P				
<u>Motels and hotels</u>					P	P						P	P				
<u>Short-term rental</u>	P	P	P	P	P	P			P		P	P	P				
<u>PUD</u>																	
<u>Residential PUD</u>	C	C	C	C							P	C	C				

RESIDENTIAL USE	DISTRICT																
	R-1	R-2	R-3	R-4	B-2	B-3	I-1	I-2	A-O	C-P	PUD	MU-N	MU-D	O-FW	O-FP	O-FF ¹	O-SL
TRANSPORTATION																	
<u>Parking ramp for adjacent multi-family residential</u>						C											
<u>Off-site parking facilities for adjacent commercial or multi-family residential</u>				C	C	C						C	C				
RESIDENTIAL ACCESSORY USES & STRUCTURES																	
<u>Attached accessory dwelling unit (ADU)*</u>	P	P	P	P							P	C	C				
<u>Detached accessory dwelling unit (ADU)*</u>	C	C	P	P								C	C				P
<u>Accessory structures: Pergola, trellis, patios, fences*</u>	P	P	P	P	P	P	P	P	P		P	P	P	C			
<u>Boarding or renting of rooms</u>	P	P	P	P	P	P					P	P	P				
<u>Home occupations*</u>	P	P	P	P	P	P			P			P	P				
<u>Residential lawn</u>	P	P	P	P	P	P						P		P	P		
<u>Non-commercial recreation facilities associated with residence</u>	P	P	P	P								P		P	P		
<u>Swimming pools operated for exclusive use by residents and their guests</u>	P	P	P	P	P						P	P	P	C			
<u>Private garages, carports and off-street parking associated with residential uses</u>	P	P	P	P	P	P					P	P	P	P	P		
<u>Storage of recreational vehicles and equipment</u>	P	P	P	P					P		P						
<u>Storage sheds</u>	P	P	P	P	P	P	P	P	P		P	P	P	C			
<u>Weather shelter</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C		C

¹ Flood Fringe District (O-FF): Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District; provided, such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District's uses listed in §§ 154.056 through 154.059 of this city code.

² Multi-family dwellings of 2 to 4 units are permitted (P) in areas of the O-SL Shoreland Overlay District designated as Agriculture River and are conditional (C) in areas of the O-SL Shoreland Overlay District designated as Natural Environment.

* In addition to the general standards found in §§ 157.046 through 157.068 of this chapter, uses marked with an asterisk are subject to use-specific regulations found in §§ 157.024 through 157.045.

DISTRICT REGULATIONS

Editor's note:

Permitted, accessory and conditional uses for the "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" and "R-B" Districts; B-1, B-2 and B-3 Districts; and I-1 and I-2 Districts are listed in the tables of §§ 157.020, 157.021 and 157.022 of this chapter. The letter "P" indicates a permitted use; "A" an accessory use; and "C" a conditional use. Procedures and standards for granting conditional uses are found in § 157.099 of this chapter. All uses are subject to general performance standards as provided for in §§ 157.070 through 157.080 of this chapter. Uses listed in the tables are also subject to applicable regulations in §§ 157.040 through 157.058 of this chapter. Additional regulations and clarification of selected uses are also found in § 157.002 of this chapter.

§ 157.020 RESIDENTIAL DISTRICTS.

Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-B
3-4 unit multi-family dwelling				P	P	P	P
5-12 unit multi-family dwelling					P	P	P
Adult day-care	C	C	C	C	C	C	C
Agricultural uses	P	P	P	P	P	P	P
Ambulance service							C
Bed and breakfast establishments not to exceed 6 guests and 3 guest rooms (must provide at least 1 additional off-street parking space for each guest room)	C	C	C	C	P	P	P
Bed and breakfast establishments not to exceed 10 guests and 5 guest rooms (must provide additional off-street parking spaces for each guest room)					P	P	P
Boarding house (no more than 10 persons)					P	P	P
Boarding or renting of rooms to no more than 1 person	A	A	A	A	A	A	A
Buildings combining residential and non-residential uses permitted or conditional in R-B District(2)							C
Cemeteries, mausoleums and crematory	C	C	C	C	C	C	C
Club or lodge with food and drink incidental							C
Conversion of single-family dwelling to no more than 4 unit multi-family dwelling			C	P	P	P	P
Day-care center (group) (services more than 12)	C	C	C	C	C	C	C
Day-care home (services no more than 12)	P	P	P	P	P	P	P
Essential services	P	P	P	P	P	P	P
Funeral homes, mortuaries							C
Governmental and public utility buildings and structures	C	C	C	C	C	C	C

Group housing-nursing homes (service more than 16)						C	C
Home occupations	A	A	A	A	A	A	A
Hospitals, clinics, professional or commercial offices							C
Multi-family (over 12 units)						P	P
Non-commercial greenhouses	A	A	A	A	A	A	A
Non-commercial recreation facilities associated with residence	A	A	A	A	A	A	A
Off-site parking facilities for adjacent commercial or multi-family residential						C	C
Off-street loading					A	A	A
Private garages, carports and off-street parking (associated with residential uses)	A	A	A	A	A	A	A
Public or private educational institutions	C	C	C	C	C	C	C
Public parks and playgrounds	P	P	P	P	P	P	P
Recreational buildings, community centers, churches and other religious institutions	C	C	C	C	C	C	C
Residential facilities (services 1-6)	P	P	P	P	P	P	P
Residential facilities (services 7-16)					C	C	C
Residential PUD (see § 157.052)	C	C	C	C	C	C	C
Retail sales associated and incidental to hospitals, clinics, professional offices or to meet the everyday needs of the building's tenants or residents(1)							C
Senior citizen housing							C
Single-family attached dwelling			P	P	P	P	P
Single-family detached dwelling	P	P	P	P	P	P	P
Storage of recreational vehicles and equipment	A	A	A	A	A	A	A
Tool houses, sheds, storage building (non-commercial associated with residence)	A	A	A	A	A	A	A
Townhouse			C	P	P	P	P
Two-family dwelling			P	P	P	P	P

NOTES TO TABLE:

(1) Accessory Retail Use

Retail sales are permitted as an accessory use when located within a building whose primary use is not retail, subject to the following:

The retail area shall occupy no more than 15% of the gross floor area of the building.

Retail activity is permitted within residential or mixed-use buildings only when intended to serve

~~residents of the building or the surrounding neighborhood, and shall be limited to small neighborhood-serving uses, such as convenience retail, personal services, or similar low-impact uses.~~

~~All retail activity shall be conducted wholly within the building, and no exterior signs, posters, or displays advertising products or services may be visible from the exterior unless otherwise permitted by the sign regulations of this chapter. Merchandise is sold at retail. The retail activity is located within a structure whose principal use is not commercial sales. The retail activity shall not occupy more than 15% of the gross floor area of the building. The retail activity is not located within a structure whose principal use is residential, except if the retail goods and services provided are intended to meet the needs of the residents of the building and surrounding neighborhood. Such use shall be limited to convenience grocery stores, self-service laundromats, barber shops and beauty shops. No signs or posters of any type advertising products for sale shall be visible from the outside of the building.~~

~~(2) Residential and non-residential uses cannot be on the same floor and shall in no way conflict with each other.~~

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1113, passed 5-16-1996; Ord. 1168, passed 8-19-1997)

§ 157.021 BUSINESS DISTRICTS.

~~Uses~~	~~B-1(1)~~	~~B-2~~	~~B-3~~
~~Adult day-care~~	~~€~~	~~€~~	~~€~~
~~Amusement places (dance halls, roller rinks, arcades, theaters, health and recreation clubs, bowling alley and the like)~~		~~P~~	~~P~~
~~Auto-accessory~~		~~P~~	~~P~~
~~Auto-repair (major)~~		~~€~~	~~€~~
~~Auto-repair (minor)~~		~~P~~	~~P~~
~~Automobile dealerships, motor vehicle and recreation equipment and accessory garages~~		~~P~~	~~P~~
~~Bakery with baking for retail sales on-site~~	~~P~~	~~P~~	~~P~~
~~Barbershops, beauty parlors~~	~~P~~	~~P~~	~~P~~
~~Bicycle sales and repair~~	~~P~~	~~P~~	~~P~~
~~Boat and marine sales~~		~~P~~	~~€~~
~~Book and video sales~~	~~P~~	~~P~~	~~P~~
~~Brewery~~		~~€~~	~~€~~
~~Brew-Pub~~		~~€~~	~~€~~
~~Brew-Taproom~~		~~€~~	~~€~~
~~Building materials~~		~~P~~	~~P~~
~~Building, structure or use accessory to principal use~~	~~A~~	~~A~~	~~A~~

Business incubator		P	P
Camera and photographic supplies	P	P	P
Car wash	€(3)	€	€
Churches	€	€	€
Clothing sales and tailoring	P	P	P
Clubs and lodges	€	P	P
Commercial greenhouse		€	€
Commercial PUD (refer to § 157.052)	€	€	€
Convenience food (on or off-site consumption— such as coffee shops, delicatessens, doughnut shops and ice cream parlors)	P	P	P
Convenience stores	P	P	P
Custom manufacturing (optical, arts, crafts, watches, jewelry, dental)		€	€
Department, discount and furniture stores		P	P
Detoxification facility		€	€
Drive up or drive through facilities from which business is transacted directly with customers located in a motor vehicle during such business transactions	€	€	€
Drug stores	P	P	P
Dry cleaning and laundromats	P	P	P
Essential services	P	P	P
Financial institutions	P	P	P
Florist shop	P	P	P
Food vending vehicle			€
Gas stations (principal or incidental)	€(4)	€	€
Government and utility offices	P	P	P
Grocery, fruit or vegetable stores		P	P
Group day-care centers	€	€	€
Hardware store	P	P	P
Implement sales/service, feed store		€	€
Major appliances, sales and repair		P	P
Mini-storage facilities		€	€
Motels/hotels		€	P
Multi-family housing		P	P

Off-street loading	A	A	A
Off-street parking (not including semi-trailer truck)	A	A	A
Open and outdoor service, sales and rentals as a principal or accessory use, including sales in or from motorized vehicles, trailers or wagons(5)	C	C	
Paint and wallpaper sales	P	P	P
Parking ramp			C
Personal services	P	P	P
Plumbing, heating and electrical		P	P
Post-secondary educational and vocational or career training facilities		C	C
Printing, newspaper, communications		P	P
Professional and commercial offices (medical, dental, lawyer, real estate, insurance, travel agent, accountant and the like)	P	P	P
Public garages		P	P
Radio/tv station without transmitting tower		P	P
Recycling center		C	
Restaurants, taverns, off-sale liquor		P	P
Restricted manufacturing		C	
Retail sales of art, art supplies, school and office supplies, and stationery	P	P	P
Retail store 30,000 square feet or greater		C	C
Reverse vending machines	C	C	C
Shopping center over 30,000 square feet		C	C
Shopping center under 30,000 square feet	P	P	P
Small appliances, sales and repair	P	P	P
Taxi or bus terminal		P	P
Variety, notions, handicraft, jewelry, hobby and gift	P	P	P

NOTES TO TABLE:

(1) Principal building size shall not exceed 30,000 square feet.

(2) (Deleted)

(3) Limited to self-service mini-car wash, no more than 2 washing bays; and design of facility shall limit its use to automobiles and small trucks (not to exceed a gross weight of 9,000 pounds).

(4) Gas sales must be associated with convenience grocery stores and number of fuel dispensing units does not exceed 2.

(5) Does not constitute more than 30% of the lot area, and not more than 50% of the gross floor

area of the principal use.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1090, passed 5-17-1994; Ord. 1113, passed 5-16-1996; Ord. 1121, passed 9-5-1995; Ord. 1160, passed 4-15-1997; Ord. 1168, passed 8-19-1997; Ord. 1286, passed 7-16-2002; Ord. 1295, passed 10-15-2002; Ord. 1504, passed 7-2-2013; Ord. 1543, passed 9-20-2016)

§ 157.022 INDUSTRIAL DISTRICTS.

Uses	I-1	I-2
Acid manufacture		€
Airports and accessory uses that support airport operations	P	
Animal shelters	€	P
Blacksmith, welding or other metal shop	P	P
Brewery	P	P
Brew-Pub	P	P
Brewer-Taproom	P	P
Bus, railroad, motor freight or trucking terminals and maintenance garage	P	P
Business incubator	P	P
Commercial and industrial laundry services	P	P
Commercial building, structure or use accessory to the principal use(1)	A	A
Commercial fueling station	€	€
Commercial stock yards and slaughtering of animals		€
Creosote plant		€
Crude oil, gasoline or other liquid storage tanks incidental to the principal use	A	A
Essential services	P	P
Fertilizer, fuel briquettes, chemical manufacturing		€
Foundry casting; lightweight, non-ferrous metals or electric foundry not causing noxious fumes or odors	P	P
Governmental and public utility buildings and structures	P	P
Heliport	€	€
Incineration or reduction of waste material other than customarily incidental to a principal use		€
Industrial service business	€	
Junk yard (open storage), similar uses		€
Kilns or other heat processes fired by means other than		€

electricity		
Laboratories	P	P
Machine shops	P	P
Manufacture of dairy products, cold storage, distribution, bottling plant	P	P
Manufacture of musical instruments, novelties and molded rubber	P	P
Manufacture of pottery, ceramic products using only previously pulverized clay and electric or gas kilns	P	P
Manufacture or assembly of electrical appliances, instruments and the like	P	P
Manufacture/repair electrical signs, advertising devices and the like	P	P
Manufacture/repair light sheet metal products	P	P
Manufacturing, assembly or treatment of previously prepared products (cloth, leather, paper, plastic, metals, stone, wood and the like)	P	P
Manufacturing, compounding, assembly, packaging, treatment or storage of products including: cement, concrete, stone cutting, brick, glass, batteries, ceramic products, mill working, metal polishing and plating, paint, vinegar works, rendering of fats and oils, rubber products, plastic, asphalt and similar uses		P
Manufacturing, processing, packaging or cosmetics, pharmaceuticals and food products	P	P
Milling, distillation and similar uses, grain elevators		C
Motor vehicle and/or major repair	P	P
Off-street loading	A	A
Off-street parking (including semi-trailer trucks)	A	A
Offices associated with principal use	A	A
Oil, gasoline, liquid fertilizer, propane or other chemical storage tanks (principal or accessory use), storage capacity exceeds 12,000 gallons	C	C
Open and outdoor storage	C	C
Open or outdoor service sale and rental as an accessory use, and including sales in or from motor vehicles, trailers or wagons(1)	C	C
Radio and television transmission towers and stations	P	P

Recycling-center	P	P
Refuse-and-garbage-disposal		C
Research-laboratories	P	P
Storage,utilization-or-manufacture-of-materials-or-products which-could-decompose-by-detonation		C
Warehouses-and-wholesaling	P	P
NOTES TO TABLE: (1) Limited to 30% of the gross floor area of the principal use.		

~~L. (Ord. 827, passed 4-19-1983; Ord. 1052, passed 2-4-1992; Ord. 1087, passed 2-28-1994; Ord. 1118, passed 8-1-1995; Ord. 1160, passed 4-15-1997; Ord. 1365, passed 4-19-2005; Ord. 1372, passed 7-5-2005; Ord. 1407, passed 2-6-2007; Ord. 1543, passed 9-20-2016 ; Ord. 1546, passed 10-18-2016)~~

M. § 157.023 IP INDUSTRIAL PARK DISTRICT.

N. Permitted uses. The following are permitted uses in an "IP" District:

- ~~1. Bottling establishments;~~
- ~~2. Building material sales and storage;~~
- ~~3. Broadcasting antennas, television and radio;~~
- ~~4. Camera and photographic supplies manufacturing;~~
- ~~5. Cartage and express facilities;~~
- ~~6. Stationery, bookbinding and other types of manufacturing of paper and related products, but not processing of raw materials for paper production;~~
- ~~7. Dry cleaning establishments and laundries;~~
- ~~8. Electric light or power generating stations, electrical and electronic products manufacture, electrical service shops;~~
- ~~9. Engraving, printing and publishing;~~
- ~~10. Jewelry manufacturing;~~
- ~~11. Medical, dental and optical laboratories;~~
- ~~12. Storage or warehousing;~~
- ~~13. Wholesale business office establishments; hardware manufacture;~~
- ~~14. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products providing no noxious or offensive trade or activity shall be carried on, nor shall anything be done thereon which may be or become an annoyance or a nuisance or constitute a hazardous or dangerous condition or activity by reason of unsightliness or the excessive emission of odors, dust, fumes, smoke or noise, vibrations or otherwise;~~
- ~~15. Business incubator;~~

- ~~16. Post-secondary schools;~~
- ~~17. Brewery;~~
- ~~18. Brew pub; and~~
- ~~19. Brewer taproom.~~

~~O. Permitted accessory uses.~~ The following are permitted accessory uses in an "IP" District:

- ~~1. Buildings and structures for a use accessory to the principal use;~~
- ~~2. Offices accessory to the principal use;~~
- ~~3. Off-street parking as regulated by § 157.053 of this chapter;~~
- ~~4. Off-street loading as regulated by § 157.054 of this chapter; and~~
- ~~5. Signs as regulated by Ch. 153 of this code of ordinances.~~

~~P. Procedures and design standards.~~ All petitions for developing in an "IP" District shall comply with the provisions of § 157.052 of this chapter, in addition to the following requirements.

- ~~1. All petitions for developing an Industrial Park, and for rezoning to establish or expand an "IP" Industrial Park District, must follow subdivision platting procedures and a preliminary plat with all supporting data required must be filed with the city.~~
- ~~2.~~
 - ~~a. Upon finding by the Planning Commission that the proposed "IP" Industrial Park and preliminary plat constitutes an industrial district of sustained desirability, will be consistent with long range Comprehensive Plans for the city and will meet with the specifications of this section, and all performance standards and landscaping provisions of this chapter, the City Council may establish an "IP" Industrial Park District on the property included in the preliminary plat.~~
 - ~~b. Any change to the submitted plat will require submittal to and approval by the Planning Commission and City Council.~~
- ~~3. All public rights-of-way within the "IP" Industrial Park District shall be designed and constructed in accordance with city standards and shall be approved by the City Engineer.~~

~~Q. Building design and construction.~~ In addition to other restrictions of this chapter and the requirements of the Uniform Building Code, as amended, all buildings constructed or proposed to be constructed in the "I-P" District shall conform to the following requirements:

- ~~1. All exterior wall finishes on any building shall be of one or more of the following:~~
 - ~~a. Face brick;~~
 - ~~b. Natural stone;~~
 - ~~c. Professionally designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture;~~

~~d. Factory fabricated and finished metal framed panel construction, if the panel materials be any of those listed in divisions (D)(1)(a), (D)(1)(b) or (D)(1)(c) above, glass, prefinished metal (other than unpainted galvanized iron) or plastic, in accordance with the Building Code requirements; and~~

~~e. Other materials as may be approved by the Council.~~

~~2. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming with the original architectural design and general appearance.~~

~~R. Building permit requirements.~~ ~~No development of any lot or combination of lots in the "IP" District shall be commenced and no building permits will be issued therefor until all of the following requirements have been met.~~

~~1.~~

~~a. A complete site plan and building plans and specifications shall be submitted as prepared by a registered architect.~~

~~b. The architect shall certify that the plans were prepared specifically for the subject site.~~

~~c. The site plan shall include location of buildings, driveways, driveway intersections with streets, parking areas, loading areas, sidewalks, curbs and screening as required by this chapter.~~

~~2. Site grading plans shall be submitted, indicating existing and proposed grades and provisions for surface drainage.~~

~~3. Proposed design, location, size and lighting of all signs, if any shall be submitted.~~

~~4. Detailed landscaping plans prepared and signed by a landscape architect shall be submitted.~~

~~5. The applicant shall submit any additional plans and specifications requested by the city to ascertain compliance with this chapter.~~

~~6. Performance bond provided for in § 157.099 of this chapter must be on file.~~

~~S. Off-street parking and loading areas.~~

~~1. Provisions for off-street parking and loading shall comply with §§ 157.053 and 157.054 of this chapter.~~

~~2. No loading berth shall be constructed at the front of any building.~~

~~T. Landscaping and screening.~~

~~1. Provisions for landscaping and screening shall comply with §§ 157.051 and 157.070 of this chapter.~~

~~2. The owner shall have a continuing responsibility to maintain such landscaping and any required screening in reasonable condition.~~

~~3. No fences other than those designed to serve as screening or decorative effect are permitted in the "IP" District.~~

~~**U. Storage restriction.** No open storage or materials shall be allowed in the "IP" District, except vehicles and road maintenance equipment. No open sales lots or salvage yards shall be allowed.~~

~~**V. Lot requirements and setbacks.** The following minimum requirements shall be observed in an "IP" District, subject to additional requirements, exceptions and modifications set forth in this chapter:~~

~~1. Lot area: 10,000 square feet;~~

~~2. Lot width: 100 feet; and~~

~~3. Setbacks:~~

~~a. Front yard: 50 feet;~~

~~b. Side yard: 20 feet; and~~

~~c. Rear yard: 30 feet.~~

~~**W. Building requirements; height.** No structure shall exceed three stories or 45 feet, whichever is greater, except structures in excess of three stories or 45 feet may be permitted as a conditional use subject to the requirements and procedures of § 157.099 of this chapter; and, provided that, for each additional story over three stories or for each additional ten feet above the 45 feet, front and side yard setback requirements shall be increased five feet.~~

~~**X.** (Ord. 827, passed 4-19-1983; Ord. 1110, passed 5-2-1995; Ord. 1168, passed 8-19-1997; Ord. 1233, passed 5-16-2000; Ord. 1543, passed 9-20-2016)~~

Y. § 157.024 A-O AGRICULTURAL-OPEN SPACE DISTRICT.

~~**Z. Permitted uses.** The following are permitted uses in an "A-O" District:~~

~~1. Agriculture, including farm dwellings and agricultural related buildings and structures subject to state pollution control standards, but not including commercial feed lots or other commercial operations;~~

~~2. Public parks, recreational areas, wildlife areas and game refuges;~~

~~3. Nurseries and tree farms; and~~

~~4. Essential services.~~

~~**AA. Permitted accessory uses.** The following are permitted accessory uses in an "A-O" District:~~

~~1. Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district;~~

~~2. The boarding or renting of rooms to not more than two persons;~~

~~3. Boarding, renting of room or Living quarters of persons employed on the premises; and~~

~~4. Home occupations.~~

BB. Conditional uses. The following are conditional uses in an "A-O" District (requires a conditional use permit based upon procedures set forth in and regulated by § 157.099 of this chapter):

- ~~1. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that: when abutting a residential use in a residential use district, the property is screened and landscaped in compliance with § 157.051 of this chapter;~~
- ~~2. Commercial outdoor recreational areas including golf courses and clubhouse, country clubs, swimming pools and similar facilities; provided that:
 - ~~a. The principal use, function or activity is open, outdoor in character;~~
 - ~~b. Not more than 5% of the land area of the site be covered by buildings or structures;~~
 - ~~c. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with § 157.051 of this chapter; and~~
 - ~~d. The land area of the property containing such use or activity meets the minimum established for the districts.~~~~
- ~~3. Commercial riding stables, dog kennels and similar uses; provided that:
 - ~~a. Animal building, holding and exercise areas shall be located a minimum of 1,000 feet from any residential, commercial or industrial use district;~~
 - ~~b. The land area of the property containing such use or activity meets the minimum established for the district; and~~
 - ~~c. All applicable requirements of the State Pollution Control Agency are complied with.~~~~
- ~~4. Recreational, travel vehicle camp sites (not including mobile homes); provided that:
 - ~~a. The land area of the property containing such use or activity meets the minimum established for the district;~~
 - ~~b. The site be served by a major or arterial street capable of accommodating traffic which will be generated;~~
 - ~~c. All driveways and parking areas be surfaced;~~
 - ~~d. Plans for utilities and waste disposal shall be reviewed by the City Engineer and shall be subject to his or her approval, and all applicable requirements of the State Pollution Control Agency are complied with;~~
 - ~~e. Not more than 5% of the land area of the site be covered by buildings or structures;~~
 - ~~f. The location of such use be a minimum of 100 feet from any abutting residential use district; and~~
 - ~~g. All signing and informational or visual communication devices shall be in compliance with Ch. 153 of this code of ordinances and shall not impact adjoining or surrounding residential uses.~~~~

~~CC. Lot requirements and setbacks.~~ The following minimum requirements shall be observed in an "A-O" District, subject to additional requirements, exceptions and modifications set forth in this chapter:

- ~~1. Lot area: 20,000 square feet;~~
- ~~2. Lot width: 100 feet; and~~
- ~~3. Setbacks:~~
 - ~~a. Front yards: not less than 50 feet;~~
 - ~~b. Side yards: 30 feet; and~~
 - ~~c. Rear yards: 50 feet.~~

~~DD. Building requirements; height.~~ No structure shall exceed two and one-half stories or 25 feet, whichever is the lesser; except that, structures in excess of two and one-half stories or 25 feet are permitted as conditional uses as regulated by § 157.099 of this chapter.

~~(Ord. 827, passed 4-19-1983; Ord. passed 5-15-1990)~~

~~§ 157.010 – § 157.025 FP FLOODPLAIN DISTRICT.~~

~~See Ch. 154 of this code of ordinances.~~

~~(Ord. 827, passed 4-19-1983)~~

~~§ 157.011 – § 157.026 PUD PLANNED UNIT DEVELOPMENT DISTRICT.~~

~~A. Permitted uses.~~ The following are permitted uses in a "PUD" District: all uses allowed §§ 157.020, 157.021, 157.022, 157.023, 157.024 and 157.027 of this chapter.

~~B. Permitted accessory uses.~~ The following are permitted accessory uses in a "PUD" District: all accessory uses allowed in §§ 157.020, 157.021, 157.022, 157.023, 157.024 and 157.027 of this chapter.

~~C. Conditional uses.~~

- ~~1. The following are conditional uses in a "PUD" District: all conditional uses allowed in §§ 157.020, 157.021, 157.022, 157.023, 157.024 and 157.027 of this chapter.~~
- ~~2. This requires a conditional use permit based upon procedures set forth in and regulated by § 157.099 of this chapter.~~

~~D. Special procedures.~~ The establishment of a "PUD" Planned Unit Development District shall be subject to the amendment requirements as outlined in § 157.098 of this chapter and the procedures and conditions imposed by planned unit development procedures in § 157.052 of this chapter.

~~(Ord. 827, passed 4-19-1983; Ord. 1255, passed 5-1-2001)~~

~~§ 157.012 – § 157.027 MH MOBILE HOME-MANUFACTURED HOUSING DISTRICT.~~

~~A. Permitted uses.~~ The following are permitted uses in an "MH" District: mobile home park (independent or dependent).

~~1. General provisions.~~

- ~~a. No mobile home for residential purposes shall be permitted on any site within the city unless said site is part of an approved mobile home court or unless it is located on land purchased by the mobile home owner served by utilities as required by state law, and such land has been, prior to passage of this chapter, specially developed and formally platted for the placement of mobile homes.~~
- ~~b. Mobile homes shall not be used for residential purposes in the city if they:~~
 - ~~1) Do not conform to the requirements of Minn. Stat. §§ 327.14 et seq., 327B.01 et seq. and 327C.01 et seq.;~~
 - ~~2) Are in an unsanitary conditions or have an exterior in bad repair;~~
 - ~~3) Are structurally unsound and do not protect the inhabitants against all elements; and~~
 - ~~4) Do not have adequate sewage facilities as required by the City Council in accordance with State Pollution Control Agency regulations.~~
- ~~c. All land areas shall be:~~
 - ~~1) Adequately drained;~~
 - ~~2) Landscaped to control dust;~~
 - ~~3) Clean and free from refuse, garbage, rubbish or debris;~~
 - ~~4) No tents shall be used for other than recreational purposes in a mobile home park;~~
 - ~~5) There shall be no outdoor camping anywhere in a mobile home park;~~
 - ~~6) No public address or loudspeaker system shall be permitted in such park;~~
 - ~~7) Dogs and animals shall not run at large within the mobile home park;~~
 - ~~8) Access to mobile home parks shall be as approved by the city;~~
 - ~~9) The operator of every mobile home park shall maintain a registry of the mobile home park showing:~~
 - ~~(a) The name and address of each resident mobile home owner;~~
 - ~~(b) The make, type and license number of each mobile home and automobile;~~
 - ~~(c) Forwarding address of all mobile units leaving the park; and~~
 - ~~(d) Date of arrival and departure of each mobile home.~~
 - ~~10) All structures (storage, cabana, or other) shall require a building permit from the City Building Inspector;~~
 - ~~11) The area beneath a mobile home coach shall be enclosed; except that, such enclosure must have access for inspection;~~

- ~~12) No more than 10% of all trailer sites in a dependent mobile park shall be occupied by transient (less than seven days' occupancy) coaches;~~
- ~~13) No building, cabana, carport, awning, storage closet, cupboard or other structure shall be permitted on a transient trailer site except plumbing and electrical service connections;~~
- ~~14) Where the mobile home court is dependent, it shall have an adequate central community building with the following features:~~
 - ~~(a) Laundry drying areas and machines;~~
 - ~~(b) Laundry washing machines;~~
 - ~~(c) Showers; and~~
 - ~~(d) Public toilets and lavatories.~~
 - ~~(e) Such buildings shall have central heating and be maintained in a safe, clean and sanitary condition.~~
- ~~15) In parks exceeding 50 lots, an attendant, caretaker or responsible park employee shall be readily available at all times; and~~
- ~~16) A plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions shall be developed.~~

~~2. Site plan requirements.~~

- ~~a. Legal description and size in acres of the proposed mobile home court;~~
- ~~b. Location and size of all mobile home sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites and all setback dimensions (parking spaces, exact mobile home sites and the like);~~
- ~~c. Detailed landscaping plans and specifications;~~
- ~~d. Location and width of sidewalks;~~
- ~~e. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service and gas service;~~
- ~~f. Location and size of all streets abutting the mobile home park and all driveways from such streets to the mobile home park;~~
- ~~g. Road construction plans and specifications;~~
- ~~h. Plans for any and all structures;~~
- ~~i. Such other information as required or implied by these mobile home court standards or requested by public officials;~~
- ~~j. Name and address of developer or developers;~~
- ~~k. Description of method of disposing of garbage and refuse;~~
- ~~l. Detailed description of maintenance procedures and grounds supervision; and~~

~~m. Details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.~~

~~3. Design standards.~~

~~a. Site.~~

- ~~1) Each mobile home site shall contain at least 4,000 square feet of land for the exclusive use of the occupant:~~
 - ~~(a) Width: no less than 40 feet; and~~
 - ~~(b) Depth: no less than 100 feet.~~
- ~~2) Each mobile home site shall have frontage on an approved roadway and the corner of each mobile home site shall be marked and each site shall be numbered.~~
- ~~3) The minimum lot area for a mobile home court shall be 48,000 square feet.~~

~~b. Setbacks.~~

- ~~1) No unit shall be parked closer than five feet to its side lot lines nor closer than 20 feet to its front lot line, nor closer than ten feet to its rear lot line.~~
- ~~2) No unit, off-street parking space or building shall be located within 30 feet for the exterior boundary of any mobile home court.~~

~~c. Parking.~~

- ~~1) Each mobile home site shall have off-street parking space for two automobiles.~~
- ~~2) Each mobile home site shall maintain a hard surfaced, off-street parking lot for guests of occupants in the amount of one space for each five coach sites.~~
- ~~3) Access drives off roads to all parking spaces and coach sites shall be hard surfaced.~~

~~d. Utilities.~~

- ~~1) All mobile homes shall be connected to a public water and sanitary sewer system or a private water and sewer system approved by the State Department of Health.~~
- ~~2) All installations for disposal of surface storm water must be approved by the city.~~
- ~~3) All utility connections shall be as approved by the city.~~
- ~~4) The source of fuel for cooking, heating or other purposes at each mobile home site shall be as approved by the city.~~
- ~~5) All utilities shall be underground; there shall be no overhead wires or supporting poles, except those essential for street or other lighting purposes.~~

~~e. Internal roads and streets.~~

- ~~1) Roads shall be hard surfaced as approved by the city.~~
- ~~2) All roads shall have a hard surfaced (mountable, roll type) curb and gutter.~~

~~3) All streets shall be developed with a roadbed of not less than 24 feet in width. If parking is permitted on the streets, then the roadbed shall be at least 36 feet in width.~~

~~f. Recreation. All mobile home courts shall have at least 10% of the land areas developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green and the like), developed and maintained at the owner/operator's expense.~~

~~g. Landscaping.~~

~~1) Each site shall be properly landscaped with trees, hedges, grass, fences, windbreaks and the like.~~

~~2) A compact hedge, redwood fence or landscaped area shall be installed around each mobile home park and be maintained in first class condition at all times as approved.~~

~~3) All areas shall be landscaped in accordance with landscaping plan approved by the City Council.~~

~~h. Lighting.~~

~~1) Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.~~

~~2) The mobile home park grounds shall be lighted as approved by the city from sunset to sunrise.~~

~~**B. Permitted accessory uses.** The following are permitted accessory uses in an "MH" District:~~

~~1. Garages, carports, storage sheds, recreational vehicles and equipment, home occupations, essential services; and~~

~~2. Weather shelter, community center/swimming pools and other recreational facilities which are operated for the exclusive use by residents and their guests.~~

~~(Ord. 827, passed 4-19-1983)~~

§ 157.014 ~~§ 157.028~~ DENSITY AND INTENSITY REGULATIONS. ¹

TABLE 6. ~~TABLE 7.~~ Density and Intensity Regulations

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>B-2</u>	<u>B-3</u>	<u>I-1</u>	<u>I-2</u>	<u>A-O</u>	<u>MU-N</u>	<u>MU-D</u>
<u>Minimum Area (square feet)</u>	<u>9,000 s.f.</u>	<u>7,800 s.f.</u>	<u>5,000 s.f.</u>	<u>4,400 s.f.</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>20,000 s.f.</u>	<u>none</u>	<u>none</u>
<u>Minimum Lot Area per Unit (square feet)</u>	<u>9,000 s.f.</u>	<u>5,000 s.f.</u>	<u>3,000 s.f.</u>	<u>1,500 s.f.</u>	Multi-family dwelling: <u>1,000 s.f. per unit</u> Motels/ hotels: <u>500 s.f. per unit</u> All other uses: <u>none</u>	Multi-family dwelling: <u>1,000 s.f. per unit</u> Motels/ hotels: <u>500 s.f. per unit</u> All other uses: <u>none</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>2,000 s.f.</u>	<u>none</u>
<u>Minimum Lot Width (feet)</u>	<u>75'</u>	<u>65'</u>	<u>55'</u>	<u>40'</u>	<u>100'</u>	Multi-family dwelling: <u>100'</u> All other uses: <u>no minimum</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>50'</u>	<u>none</u>
<u>Front Yard/ Road Setback (feet)</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>No minimum</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>	<u>10'</u>	<u>0'</u>

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>B-2</u>	<u>B-3</u>	<u>I-1</u>	<u>I-2</u>	<u>A-O</u>	<u>MU-N</u>	<u>MU-D</u>
<u>Side Yard Setback (feet)²</u>	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	Recreational, places of worship, or institutional: 50' Single-family dwelling: • 20' if abutting public R-O-W • 10' elsewhere Other uses: 20'	If directly abutting a residential district: 20' Elsewhere: 10'	If directly abutting a residential use or residential district: 10' Elsewhere: none	30'	30'	30'	If abutting residential use or district: 10' Elsewhere: 5'	None; 10' if abutting residential district; 10' if abutting residential district: 10' plus at least one green landscaping option identified in § 157.052 Elsewhere: 5'
<u>Rear Yard Setback (feet)</u>	30'	30'	30'	30'	20'	Multi-family dwelling: 20' Elsewhere: 12'	40'	50'	50'	20'	12' None; 15' if abutting residential district
<u>Maximum Height³</u>	3 stories	3 stories	3 stories	3 stories	3 stories	Accessory buildings, uses and structures: 3 stories All other uses: 6 stories	50'	50'	3 stories	3 stories	68 stories

¹ Shoreland regulations and standards established in §§ 157.015 through 157.023 override all dimensions provided above.

² In residential districts, non-habitable structures including attached garages are permitted to encroach on the side yard setback following the standards established in § 154.047.

³ Primary structures taller than the maximum height are permitted as conditional uses. For each additional story over the maximum height, front and side yard setback requirements shall be increased 5 feet.

***** Shoreland regulations, and standards override all dimensions provided above.

Residential districts.

Uses	Minimum Lot Size (sq. ft.)	Minimum Lot Width	Minimum Setback in Feet Front Setback	Maximum Height (Greater)			Minimum Lot Area per Unit	Minimum Useable Open Space
				Front Rear	Rear Side	Side Maximum Height (Greater)		
Club or lodge with food, drink, incidental (R-B)	20,000	100 ft.	30	30	20	35 ft. or 3 stories		
Essential services, government, public utilities (R-1 through R-B)			30	30 30	30 10(2)	10(2) 25 ft. or 2-1/2 stories	25 ft. or 2-1/2 stories	
Hospitals, clinics (R-B)	20,000	100 ft.	30	30	20	35 ft. or 3(6) stories		
Multiple-family (3-4 unit) (R-4)		100 ft.	30	30	20	25 ft. or 2-1/2 stories	4,000	500-sq. ft. per unit
Multiple-family (over 12 units) (R-6)	20,000	100 ft.	30	30	20	3(6) stories	1,700(5)	500-sq. ft. per unit
Multiple-family (to 12 units) (R-5)	13,000	100 ft.	30	30	20	25 ft. or 2-1/2 stories	1,700	500-sq. ft. per unit
Nursing homes, group housing (over 16) (R-6 to R-B)	20,000	100 ft.	30	30	20	35 ft. or 3(6) stories		
Professional or leased offices (R-B)	20,000	100 ft.	30	30	20	35 ft. or 3(6) stories		
Recreational, religious, institutional			30	30	Lesser of 1.5x	35 ft. or 3(6)		

(R-1 through R-B)					height or 50 ft.	stories		
Residential facilities (1-6 served) (R-1 through R-B)	9,000	75 ft.	30	30	10(2)	25 ft. or 2-1/2 stories		
Residential facilities (1-6 served) (R-2)	7,800	65 ft.	30	30	10(2)	25 ft. or 2-1/2 stories		
Residential facilities (7-16 served) (R-5 through R-B)	13,000	100 ft.	30	30	20	25 ft. or 2-1/2 stories		
Senior citizen housing (R-B)	20,000	100 ft.	30	30	20	35 ft. or 3(6) stories	1,000	20% gross lot area
Single-family attached (R-3 through R-B)	5,000	40 ft.	30(3,4)	30	10(2)	25 ft. or 2-1/2 stories	5,000	
Single-family converted to multi- family (R-3)	13,000	80 ft.	30	30	10			
Single-family detached (R-1, 3, 4, 5, 6 and R-B)	9,000	75 ft.	30(3,4)	30	10(1,2)	25 ft. or 2-1/2 stories	9,000	
Single-family detached (R-2)	7,800	65 ft.	30(3,4)	30	10(1,2)	25 ft. or 2-1/2 stories	7,800	
Townhouses (R-3 through R-B)	4,000	100 ft.	30	30	20	25 ft. or 2-1/2 stories	4,000	
Two-family dwelling (R-3 through R-B)	10,000	80 ft.	30(3,4)	30	10(2)	25 ft. or 2-1/2 stories	5,000	

NOTES TO TABLE:

(1) If adjacent to an attached garage only, may be reduced to 5 feet; except that, setback may be reduced to 3 feet as a conditional use subject to the requirements and procedures of § 157.099 of this chapter; and, provided that, the following conditions are met:

- ~~—1) Reduction in setback will permit the expansion of an existing attached garage or construction of a new attached garage with a maximum width of 22 ft. and maximum depth of 30 ft.~~
- ~~—2) Distance between proposed garage addition and a garage on adjacent property is a minimum of 6 feet and/or 10 feet to living quarters.~~
- ~~—3) Proposed garage is not adjacent to street right-of-way or would extend into a utility easement.~~
- ~~—4) Proposed garage will not adversely impact neighboring properties as regards to, but not limited to, drainage, light, visibility, landscaping and aesthetics.~~
- ~~(2) Side yard abutting a public right-of-way (street) shall be not less than 20 ft. from the right-of-way.~~
- ~~(3) In a block where a lot fronts on a side street next to a lot which has its side facing the same street, the setback on each lot shall be 20 ft. from the side street.~~
- ~~(4) Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 ft.~~
- ~~(5) Apartment density bonus: a maximum of 10% reduction in sq. ft. in lot area per unit for multiple-family dwellings of 10 units or more as required in division (d) below, based upon the following bonus features and square foot reduction:~~
 - ~~Bonus Feature—Square Foot Reduction Per Unit~~
 - ~~a. Type two construction—100 sq. ft.~~
 - ~~b. Elevator serving each floor—50 sq. ft.~~
 - ~~c. Transit service available within 300 ft. of entrance—50 sq. ft.~~
 - ~~d. 2/3 of the required fee-free parking underground or within the principal structure (not including attached or detached garages)—150 sq. ft.~~
 - ~~e. Indoor recreation and social rooms equal to 25 sq. ft. per unit or 750 sq. ft. total, whichever is greater—50 sq. ft.~~
 - ~~f. Major outdoor recreational facilities such as swimming pools, tennis courts or similar facilities requiring a substantial investment equaling at minimum 5% of the construction cost of the principal structure—20 sq. ft.~~
- ~~(6) Structures in excess of 3 stories or 35 feet are permitted as conditional uses. For each additional story over 3 stories, or for each additional 10 ft. above 35 ft., front and side yard setback requirements shall be increased 5 feet.~~

Business districts.

Uses	Minimum Lot Size (sq. ft.)	Minimum Lot Width	Minimum Setback in Feet(1)			Maximum Height (Greater)
			Front	Rear	Side	

Accessory buildings, uses and structures in B-2 and B-3 Districts (refer to § 157.040)						35 ft. or 3 stories
Accessory buildings, uses and structures in B-1 District (refer to § 157.040)						25 ft. or 2 stories
All other uses, permitted or conditional in the B-2 District	None	100 ft.	30	20	10(2)	35 ft. or 3 stories(3)
All uses, permitted or conditional in the B-3 District	None	No minimum	0	12(5)	0(4)	75 ft. or 6 stories(3)
All uses, permitted or conditional in the B-1 District	8,000	75 ft.	30	20	15(2)	25 ft. or 2 stories
Motels/hotels	500/unit					
Multiple-family in B-2 District	1,000/unit	100 ft.	30	20	10(2)	35 ft. or 3 stories(3)
NOTES TO TABLE: (1) Except in the Central Business District (B-3), no building shall be located closer than 20 ft. from any street right-of-way. (2) A side yard that directly abuts a residential district shall be increased 10 additional feet over the minimum stated. (3) Structures in excess of 3 stories or 35 feet are permitted as conditional uses. For each additional story over 3 stories or for each additional 10 ft. above the 35 ft., front and side yard setback requirements shall be increased 5 ft. (4) A side yard that directly abuts a residential use or residential district shall be increased 10 additional feet over the minimums stated above, and shall be screened and landscaped in compliance with § 157.070 of this chapter. (5) If abutting a residential use or residential district, the rear property line shall be screened and landscaped in compliance with § 157.070 of this chapter.						

Industrial districts:

Uses	Minimum Lot Size (sq. ft.)	Minimum Lot Width	Minimum Setback in Feet			Maximum Height (Greater)(2)
			Front	Rear	Side	

				r	e	
~~Accessory buildings, uses and structures (refer to § 157.040)~~						~~45 ft. or 3 stories~~
~~All uses, permitted or conditional in the I-2 District~~	~~None~~	~~100 ft.~~	~~50~~	~~50~~	~~30~~	~~45 ft. or 3 stories~~
~~All uses, permitted or conditional in the I-1 District~~	~~None~~	~~100 ft.~~	~~50~~	~~40~~	~~30~~	~~45 ft. or 3 stories~~
NOTES TO TABLE: ~~(1) Except in the Central Business District (B-3), no building shall be located closer than 20 ft. from any street right-of-way.~~ ~~(2) Structures in excess of 3 stories or 45 ft. are permitted as conditional uses. For each additional story over 3 stories or for each additional 10 ft. above the 45 ft., front and side yard setback requirements shall be increased 5 ft., except for public housing for the elderly.~~						

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1083, passed 12-7-1993; Ord. 1160, passed 4-15-1997; Ord. 1574, passed 2-5-2018)

SHORELAND MANAGEMENT

§ 157.015 STATUTORY AUTHORIZATION AND POLICY.

A. Statutory authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

B. Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Owatonna.

§ 157.016 GENERAL PROVISIONS.

A. Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in § 157.018A of this chapter, and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city has, by ordinance, extended the application of its zoning regulations as provided by Minnesota Statute, Chapter 462.357 Subd 1. Pursuant to Minnesota Rules, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

B. Enforcement. The (insert name of local government or designated official) is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in § 157.017B of this chapter.

C. Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

D. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

E. Relationship to underlying zoning districts. The Shoreland Overlay District is superimposed over all zoning districts and applies to all lands within the designated shoreland jurisdiction as defined by Minnesota Rules and identified on official shoreland maps adopted by the City. Where the provisions of this Shoreland Overlay District conflict with those of the underlying zoning district, the more restrictive provision shall apply.

F. Administration and development standards. All development within the Shoreland Overlay District shall comply with the applicable dimensional standards, setbacks from the ordinary high water level, vegetation alteration limits, bluff and steep slope protections, nonconformity provisions, and variance standards set forth in Minnesota Rules, parts 6120.3300 through 6120.3900, as amended.

§ 157.017 ADMINISTRATION OF SHORELANDS.

A. Purpose. The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

B. Permits.

1. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by § 157.022(C) of this chapter.
2. A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

C. Application materials. Application for permits and other zoning applications such as variances shall be made to the (insert designated official) on the forms provided. The application shall include the necessary information so that the (insert designated official) can evaluate how the application complies with the provisions of this ordinance.

D. Certificate of Zoning Compliance. The (*insert designated official*) shall issue a certificate of zoning compliance for each activity requiring a permit as specified in § 157.017B of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in §157.016(B) of this ordinance.

E. Variances. Variances may only be granted in accordance with Minnesota Statutes Section 462.357 and are subject to the following:

1. A variance may not circumvent the general purposes and intent of this ordinance; and
2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

F. Conditional uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. There is adequate water supply and on-site sewage treatment; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

G. Mitigation.

1. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - a. Advanced storm water runoff management treatment;
 - b. Reducing impervious surfaces;
 - c. Increasing setbacks from the ordinary high water level;
 - d. Restoration of wetlands;
 - e. Limiting vegetation removal and/or riparian vegetation restoration;
 - f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - g. Other conditions the zoning authority deems necessary.
2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing

vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

H. Nonconformities.

1. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, lowest floor elevations, and other requirements of §§ 157.019 through 157.022 of this chapter. Any deviation from these requirements must be authorized by a variance.

3. Exempt areas.

- a. Purpose.** Certain portions of the city are fully developed with historic, high-intensity land uses that were established prior to the adoption of modern shoreland standards. Strict application of this ordinance in these areas would inhibit reasonable redevelopment and the ability to make improvements that would have environmental benefits.
- b. Exempt areas designated.** Three areas of the city, as depicted on the officially adopted Shoreland Map, are hereby designated as Exempt Areas due to their existing development patterns and built form.
- c. Effect of exemption.** Lands within the designated Exempt Areas are exempt from the shoreland development standards contained in this ordinance.
- d. Applicable requirements.** Notwithstanding this exemption, all redevelopment, expansion, or new development within the Exempt Areas must comply with:
 - 1) all other applicable city zoning regulations;
 - 2) the city's floodplain ordinance;
 - 3) state and local stormwater management requirements; and
 - 4) any other applicable permitting standards.
- e. Intent for redevelopment.** The city, in coordination with property owners and the Minnesota Department of Natural Resources, encourages redevelopment that supports economic vitality while reducing stormwater runoff and improving overall shoreland resource protection to the extent practical.

I. Notifications to the Department of Natural Resources.

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. the City of Owatonna will submit the proposed ordinance amendments to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative at least 30 days before any scheduled public hearings.

2. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
4. Any request to change the shoreland management classification of public waters within the City of Owatonna must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp. 4.
5. Any request to reduce the boundaries of shorelands of public waters within the City of Owatonna must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

J. Mandatory EAW. An Environmental Assessment Worksheet (EAW) consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

§ 157.018 SHORELAND CLASSIFICATION SYSTEM AND LAND USES.

A. Shoreland classification system.

1. **Purpose.** To ensure that shoreland development on the public waters of Owatonna is regulated consistent with the classifications assigned by the Commissioner of the Department of Natural Resources under Minnesota Rules, part 6120.3300.
2. The shoreland area for the waterbodies listed in §§ 157.018(A)(3) through 157.018(A)(5) are shown on the Official Zoning Map.
3. Lakes are classified as follows:

TABLE 8. Natural Environment (NE) Lakes

Natural Environment Lake Name	DNR Public Waters I.D. #
Lake Kohlmier	74001900

4. Rivers and streams are classified as follows:

TABLE 9. Agriculture Rivers and Streams

<u>Agriculture River Name</u>	<u>Legal Description</u>
<u>Straight River</u>	<u>Public Watercourse No. 07040001: Township 107 North, Range 20 West, including, but not limited to, Sections 4 and 33 (T107N/R20W and T108N/R20W)</u>

5. All public rivers and streams shown on the Public Waters Inventory Map for Steele County, a copy of which is adopted by reference, not given a classification in §§ 157.018(A)(4) shall be considered "Tributary."

B. Land uses.

1. **Purpose.** To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

2. Shoreland district land uses listed in §§ 157.018(B)(3) are regulated as:

- a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
- b. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in §§ 157.017(F) of this chapter and any additional conditions listed in this ordinance; and
- c. Not permitted uses (N). These uses are prohibited.

3. **Land uses.** Land uses that are allowed in the shoreland overlay district are shown in the tables in §§ 157.009 through §§ 157.013.

§ 157.019 SPECIAL LAND USE PROVISIONS.

A. Commercial, industrial, public, and semipublic use standards.

1. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

- a. The use complies with provisions of §§ 157.021;
- b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
- c. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:

1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and

2) Signs placed within the shore impact zone are:

(a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and

(b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

2. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Agriculture use standards.

1. Buffers.

a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.

C. Forest management standards. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

§ 157.020 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS.

A. Purpose. To establish dimensional and performance standards that protect shoreland resources from impacts of development.

B. Lot area and width standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in §§ 157.020(B)(5) and 157.020(B)(6), subject to the following standards:

1. Only lands above the ordinary high water level and excluding right-of-way can be used to meet lot area and width standards;
2. Lot width standards must be met at both the ordinary high water level and at the building line;
3. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
4. Residential subdivisions with dwelling unit densities exceeding those in §§ 157.020(B)(5) and 157.020(B)(6) are allowed only if designed and approved as residential PUDs under §§ 157.058 of this chapter; and

5. Lake minimum lot area and width standards:

TABLE 10. Lot Standards for Natural Environment Lakes – Sewer

Lot Type	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	20,000	125
Duplex	35,000	220
Triplex	52,000	315
Quad	65,000	410

- 4.6. River/stream minimum lot width standards.** There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are listed in Table 11.

TABLE 11. Lot Standards for Agriculture Rivers/Streams

Lot Type	Minimum Lot Width (ft)
Single	150
Duplex	225
Triplex	300
Quad	375

C. Special residential lot provisions.

1. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
 - a. Each building must be set back at least 200 feet from the ordinary high water level;
 - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
2. One accessory dwelling unit (ADU) may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in §§ 157.020(B)(5) and 157.020(B)(6), provided the following standards are met:
 - a. For lots exceeding the minimum lot dimensions of duplex lots, the ADU must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;

- b. An ADU must not cover more than 1,000 square feet of land surface and must not exceed 15 feet in height; and
- c. An ADU must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

D. Placement, height, and design of structures.

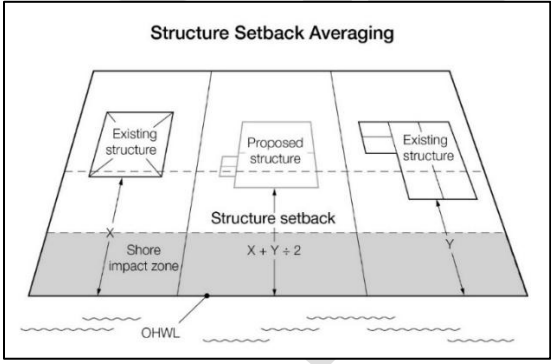
1. OHWL setback for structures and sewage treatment systems. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. **The structure setback standards for sewer**
properties can only be used if publicly owned sewer system service is available.

TABLE 12. OHWL Setback for Structures with Sewer

Waterbody Classification	Setback (ft)
Natural Environment Lakes	150
Agriculture, Urban, & Tributary Rivers	50

- a. OHWL setbacks.** Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with § 157.021(C) of this chapter, may be set back a minimum distance of ten (10) feet from the OHWL:
- b. Setback averaging.** Where principal structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining principal structure setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone (see Figure 7);

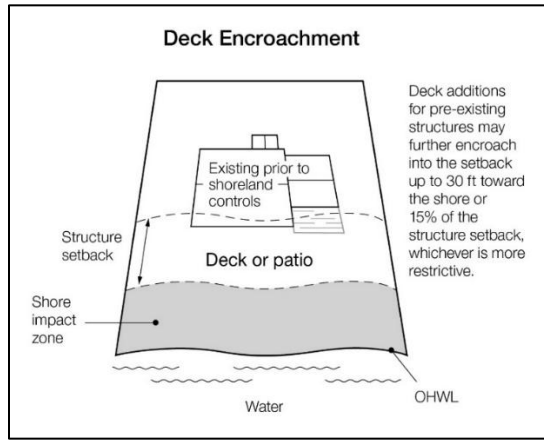
FIGURE 7. Structure Setback Averaging



- c. Setbacks of decks.** Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:
 - 1) The structure existed on the date the structure setbacks were established;**
 - 2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;**

- 3) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
- 4) The deck is constructed primarily of wood, and is not roofed or screened (see Figure 8).

FIGURE 8. Deck Encroachment



d. Additional structure setbacks. Structures must also meet the setbacks listed in Table 13, regardless of the waterbody classification:

TABLE 13. Additional Setbacks for Structures in Shoreland District

Setback from:	Setback (ft)
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

2. Height of structures. All structures in residential districts in cities, except places of worship and nonresidential agricultural structures, must not exceed 25 feet in height.

3. Lowest floor elevation.

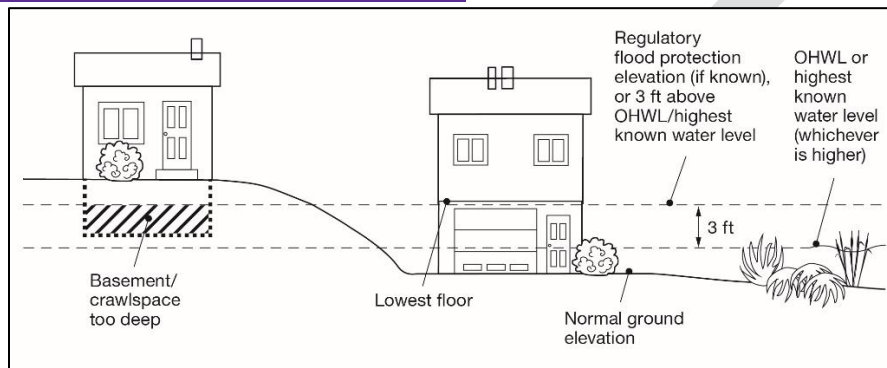
a. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these elevations are not known, the lowest floor, including basement, must be placed or flood-proofed at an elevation determined using the following methodology:

- 1) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 9);
- 2) For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high water level (see Figure 9), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.

b. Methods for placement.

- 1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part A.
- 2) If elevation methods involving fill would result in filling in the SIZ, then structures must instead be elevated through floodproofing methods in accordance with § 157.020(D)(3)(b)(3) below;
- 3) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.

FIGURE 9. Lowest Floor Elevation



4. **Significant historic sites.** No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

E. Water supply and sewage treatment.

1. **Water supply.** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. **Sewage treatment.** Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 – 7081.

§ 157.021 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES.

A. Placement and design of roads, driveways, and parking areas. These facilities must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters. They must be constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local SWCD and comply with the following standards:

1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;

2. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
3. Private watercraft access ramps, approach roads, and access-related parking areas are prohibited.
4. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

B. Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
3. Canopies or roofs are not allowed on stairways, lifts, or landings;
4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of sub items §§ 157.021(B)(1) through 157.021(B)(5) and the requirements of Minnesota Rules, Chapter 1341.

C. Water-oriented accessory structures or facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:

1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
2. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
3. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;

4. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
5. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
6. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
7. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
8. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in § 157.020(D)(3) if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

D. Fences. Fences between principal structures and the waterbody are allowed if fences are:

1. Not higher than seven feet.
2. Not located within the SIZ , except for farm fences.
3. Not located in the regulatory floodplain, except for farm fences.

E. Lighting. Within the OHWL setback:

1. Lighting shall be fully shielded and directed away from the water.
2. Uplighting viewable from the water is prohibited.

§ 157.022 VEGETATION AND LAND ALTERATIONS.

A. Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

B. Vegetation management.

1. A vegetation permit is required prior to vegetative clearing in the shore impact zone and bluff impact zone and on steep slopes. No clearing is allowed until a plan is submitted and approved consistent with these vegetation management provisions.
2. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;

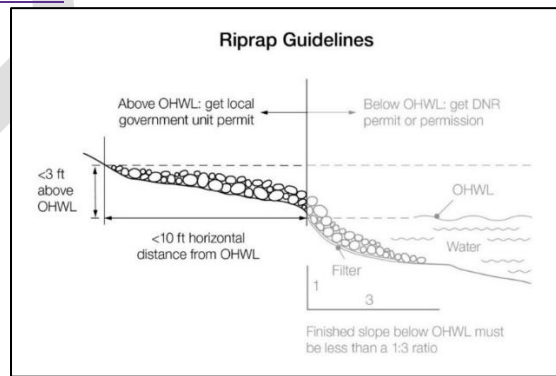
- b. The construction of public roads and parking areas if consistent with § 157.021(A) of this ordinance;
 - c. Forest management uses consistent with § 157.019(C) of this chapter; and
 - d. Agricultural uses consistent with § 157.019(B) of this chapter.
- 3. Intensive vegetation clearing in the shore impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in § 157.019(C) of this chapter.
- 4. Limited clearing and trimming of trees and shrubs in the shore impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - a. Vegetation be maintained to screen-structures, vehicles, or other facilities by at least 50% as viewed from the water, assuming summer, leaf-on conditions. The maximum view corridor shall be less than 50 feet or one-third of the parcel width, whichever is less;
 - b. Existing shading of water surfaces along rivers is preserved;
 - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - d. Perennial ground cover is retained.
- 5. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- 6. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.
- 7. Violations of the vegetation standards shall be subject to a Restoration Order including vegetation restoration plan and a three-year maintenance plan prepared by the land owner and approved by the zoning administrator. Near shore or highly erodible locations are to be restored with a mix of deep-rooted woody and herbaceous vegetation with high stem-density, suitable for the location.

C. Grading and Filling.

- 1. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with § 157.021(A) of this chapter.
- 2. Permit Requirements.
 - a. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in § 157.022(C)(3) of this ordinance must be incorporated into the permit.
 - b. For all other work, including driveways not part of another permit, a grading and filling permit is required for:

- 1) the movement of more than 10 cubic yards of material on steep slopes or within shore impact zones; and
- 2) the movement of more than 50 cubic yards of material outside of steep slopes and shore impact zones.
- 3) placement of retaining walls, including boulder walls within the SIZ provided that:
 - (a) if the project includes work at or below the OHWL, the Commissioner of the Department of Natural Resources has already approved or permitted the project.
 - (b) the structures are used only to correct a documented existing erosion problem and not for aesthetic reasons.
 - (c) the height and length are the minimum necessary to control the erosion problem and are not higher than 4 feet or longer than 10 feet, unless the zoning administrator determines that a larger wall is necessary to correct the erosion problem; and
 - (d) walls are screened by vegetation to not be visible from the waterbody.
- 4) Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket is permitted if:
 - (a) if the project includes work at or below the OHWL, the Commissioner of the Department of Natural Resources has already approved or permitted the project;
 - (b) the finished slope does not exceed three feet horizontal to one-foot vertical;
 - (c) the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - (d) the height of the riprap above the ordinary high water level does not exceed three feet (see Figure 10).
 - (e) A vegetative buffer, consisting of deep rooted and woody vegetation, is to be established at a distance no less than ten feet from the landward extent of the riprap.

FIGURE 10. Riprap Guidelines



3. Grading, filling and excavation activities must meet the following standards:

- a. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
- b. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - 1) Limiting the amount and time of bare ground exposure;
 - 2) Using temporary ground covers such as mulches or similar materials;
 - 3) Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
 - 4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - 5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - 6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - 7) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of the Department of Natural Resources under Minnesota Statutes, Section 103G; and
 - 8) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties

4. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.

D. Stormwater management.

1. General standards:

- a. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
- c. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific standards:

- a.** Impervious surfaces of lots must not exceed 25 percent of the lot area, unless identified as Exempt Area on the Shoreland Map.
- b.** When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.
- c.** New constructed stormwater outfalls to public waters must be consistent with Minn. Rules, part 6115.0231.

§ 157.023 SUBDIVISION/PLATTING PROVISIONS.

A. Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

B. Land suitability. Each lot created through subdivision, including planned unit developments authorized under § 157.058 of this chapter, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

C. Consistency with other controls. Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

D. Water and sewer design standards. All new development must be on public sewer and water.

E. Information requirements.

- 1.** Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;
- 2.** The surface water features required in Minnesota Statutes, section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
- 3.** Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- 4.** Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- 5.** Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

F. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

G. Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (*cities*) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

H. Controlled access lots. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 6.33 of this ordinance.

SPECIAL REGULATIONSUSE REGULATIONS AND STANDARDS

§ 157.024 ~~§ 157.060~~ACCESSORY DWELLING UNITS.

Accessory dwelling units are permitted subject to the following provisions:

- A.** The accessory dwelling unit shall have a minimum square footage of 400 square feet and shall be limited to a maximum square footage of 30% of the primary dwelling unit's total **habitable** square footage (**not including garage**);
- B.** Both units shall be served by the same mailbox and the same mailing address;
- C.** The structure shall have the appearance of a single-family residence from the street and shall not have more than one front door;
- D.** Both units shall be served by the same sanitary sewer service, water service and meter, electric service and meter, and gas service and meter;
- E.** The owner of said structure shall submit a letter to the City Planner annually stating that one of the units is owner-occupied; and
- F.** The structure shall be registered with the city's rental registration program and inspected on a biennial basis or as the program requires.

(Ord. 1596, passed 9-3-2019)

§ 157.025 ~~§ 157.059~~TEMPORARY FAMILY HEALTH CARE DWELLINGS OPT-OUT.

Pursuant to authority granted by Minn. Stat. § 462.3593, Subd. 9, the City of Owatonna opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates temporary family health care dwellings.

(Ord. 1542, passed 9-6-2016)

~~§ 157.060~~ § 157.060 ENERGY PRODUCTION SYSTEMS.

A. Purpose and Intent.

The purpose of this section is to regulate energy production systems in a manner that supports renewable and emerging energy technologies, protects public health and safety, and ensures compatibility with surrounding land uses. This section is intended to be technology neutral and to apply equally to all qualifying energy production systems regardless of the specific equipment or energy source used.

B. Technology Neutral Applicability.

This section applies to any system, device, or combination of equipment designed to generate electricity or thermal energy from renewable or low-impact energy sources, including but not limited to solar, wind, geothermal, energy storage paired with on-site generation, or other similar technologies. Specific references to technologies are illustrative only and shall not be construed to limit application of this section.

C. Classification of Energy Production Systems.

Energy production systems shall be classified for zoning purposes as either accessory or principal uses, based on purpose and scale, as follows:

1. Accessory Energy Production System.

An accessory energy production system is a system that:

- (a) Is located on the same lot as the principal use served;
- (b) Is primarily intended to offset or supply energy for on-site consumption by the principal use; and
- (c) Is customarily incidental and subordinate in scale to the principal use.

Accessory energy production systems shall be permitted as accessory uses in zoning districts where accessory structures or uses are allowed, subject to applicable development and safety standards.

2. Principal Energy Production System.

A principal energy production system is a system that:

- (a) Is designed primarily for the generation of energy for off-site distribution or sale; or
- (b) Is the primary use of the lot or site on which it is located.

Principal energy production systems may be permitted, conditional, or interim uses as designated in the applicable zoning district use tables and shall be subject to site plan review and any applicable conditional or interim use permit requirements.

D. Relationship to Use Tables.

The designation of an energy production system as an accessory or principal use shall govern its treatment under the land use tables. Where an energy production system meets the definition of an accessory use, it shall not be reclassified as a principal use solely due to technology type. Where an energy production system meets the definition of a principal use, it shall not be processed as an accessory use.

E. Development and Safety Standards.

All energy production systems shall comply with the following, as applicable:

1. Zoning district dimensional standards, including setbacks, height, and lot coverage;
2. Applicable provisions of the Minnesota State Building Code, Minnesota State Electrical Code, and Minnesota Fire Code;
3. Utility interconnection and safety requirements;
4. Applicable state and federal permitting requirements, as applicable.

Compliance with zoning approval does not relieve any applicant from obtaining required building, electrical, environmental, or utility permits.

F. Non-Exclusivity.

Nothing in this section shall be interpreted to prohibit or unreasonably restrict the installation of new or emerging energy production technologies that meet the intent and performance standards of this section, even if such technologies are not expressly identified by name.

§ 157.06156

<u>Standard</u>	<u>Small WECS</u>	<u>Large WECS</u>
<u>Minimum Distance from Other Structures</u>	• <u>Minimum 6 feet from any other principal or accessory structure on the same lot</u> • <u>No minimum separation from residential districts or dwellings on other lots beyond required setbacks</u>	• <u>Minimum distance from dwellings on a different lot: equal to total system height</u> • <u>Minimum distance from other structures on the same lot: 1.1 × total system height, unless reduced by engineering certification</u>
<u>Minimum Property Line Setback</u>	• <u>Setbacks shall comply with accessory structure setbacks of the zoning district</u>	• <u>Setback from all property lines shall be not less than the total height of the WECS</u>
<u>Location on Lot</u>	• <u>Rear yard only, unless otherwise approved through a CUP</u> • <u>No part of a WECS shall be located within or over a recorded utility, drainage, or access easement without written approval from the easement holder</u> • <u>Clearance from electrical lines shall comply with the National Electrical Safety Code</u>	• <u>Same as Small WECS</u>
<u>Maximum Rotor Diameter</u>	• <u>No maximum, provided all height and setback standards are met</u>	• <u>Established through CUP review based on site</u>

<u>Standard</u>	<u>Small WECS</u>	<u>Large WECS</u>
		<u>conditions and engineering documentation</u>
<u>Height Requirements</u>	• <u>Maximum height shall not exceed the maximum accessory structure height of the zoning district</u> • <u>Height above district limit may be allowed with a Conditional Use Permit</u>	• <u>Maximum height established through CUP approval, based on engineering certification, site conditions, and compatibility with surrounding land uses</u>
<u>Rotor Clearance</u>	• <u>Systems shall be designed and installed per manufacturer and industry standards</u> • <u>Horizontal axis rotors are not permitted in residential districts</u>	• <u>Minimum clearance and rotor placement shall be established through CUP review and engineering certification</u>
<u>Contribution to Lot Coverage</u>	• <u>The base of the WECS tower shall be included in lot coverage calculations</u> • <u>For guyed systems, the area of guy-wire anchor points shall also be included</u>	• <u>Same as Small WECS</u>
<u>Signage Required</u>	• <u>At least one sign posted at the base of the WECS stating:</u> — <u>No trespassing</u> — <u>Warning of high voltage</u> • <u>No advertising signage permitted</u>	• <u>Same as Small WECS</u>

§ 157.026 HOME OCCUPATIONS.

A. Permissible home occupations shall not include the conducting of a manufacturing business or a repair shop of any kind, or retail business other than by mail. No other than persons residing on the premises shall be employed and no mechanical equipment shall be employed that is not customarily found in the home and no more than one room may be devoted to home occupation use. Such home occupation shall not require internal or external alterations to involve construction features not customarily found in dwellings.

B. Home occupations must meet the performance standards listed in Table 14.

TABLE 14. Home Occupation Performance Standards

<u>Category</u>	<u>Standard</u>
<u>Noise</u>	<u>The home occupation shall not produce noise, vibration, or sounds that are audible beyond the property line or inconsistent with normal residential activity.</u>
<u>Amplified sound</u>	<u>Amplified sound, public address systems, or outdoor music associated with a home occupation are prohibited.</u>
<u>Equipment</u>	<u>No equipment or processes shall be used that generate noise, vibration, glare, fumes, or electrical interference detectable beyond the dwelling.</u>
<u>Traffic generation</u>	<u>The home occupation shall not generate vehicular or pedestrian traffic in excess of normal residential levels.</u>

<u>Category</u>	<u>Standard</u>
<u>Customer visits</u>	<u>No more than one customer or client vehicle shall be present on the site at any one time. Customers may only visit between 7:00 a.m. and 9:00 p.m.</u>
<u>Deliveries</u>	<u>Commercial deliveries, tractor-trailers, or repeated daily service visits are prohibited.</u>
<u>Hours of Operation</u>	<u>Home occupations may operate Monday through Sunday.</u>
<u>Exterior evidence</u>	<u>Except for a small sign in accordance with Chapter 153: Signs, no exterior evidence of the home occupation is permitted, including outdoor displays, exterior storage, or outdoor work areas.</u>
<u>Location of Activity</u>	<u>All home occupation activities shall be conducted entirely within the dwelling or an approved accessory structure.</u>
<u>Nuisance prevention</u>	<u>The home occupation shall not create odors, dust, glare, fumes, smoke, vibrations, or interference detectable beyond the property line.</u>
<u>Residential character</u>	<u>The use shall remain clearly incidental and secondary to the residential use and shall not alter the residential appearance or character of the property.</u>
<u>Compliance</u>	<u>All home occupations shall comply with the city's nuisance ordinance and all applicable state and local regulations at all times.</u>
<u>Conditions & enforcement</u>	<u>The Zoning Administrator may impose additional conditions or revoke approval if a home occupation no longer complies with these standards.¹</u>

¹ **Higher-impact home occupations.** Home occupations that, due to their nature, scale, equipment, animals, or customer interaction, have the potential to exceed these standards may be required to obtain a Conditional Use Permit or Interim Use Permit, which may impose stricter limits on:

- Hours of operation
- Traffic and parking
- Noise and sound
- Number of clients, animals, or visits

§ 157.013 — § 157.027 ANIMAL SHELTERS.

- A. The shelter shall not house more than 50 dogs at one time and shall not exceed a total of 100 animals at once.**
- B. All outdoor exercise runs are permitted provided they are enclosed on all sides by a sight obscuring fence or wall at least six feet in height.**
- C. Such facility must located a minimum of 1,000 feet from a residentially zoned property.**

§ 157.028 RIDING STABLES, COMMERCIAL DOG BOARDING, AND SIMILAR.

- A. All animal keeping and care shall comply with applicable state and local licensing, animal welfare, and public health regulations.**
 - B. Outdoor animal exercise, holding, or boarding areas shall meet required setbacks from property lines and residential uses as established by the zoning district or conditional use permit.**
 - C. Noise, odor, waste, and manure shall be managed to prevent nuisance impacts on adjacent properties.**
 - D. Outdoor enclosures, storage, and activity areas shall be fenced and/or screened as required by the zoning code.**
- The land area of the property containing such use or activity shall meet the minimum established for the district.**

E. Hours of operation, number of animals, and intensity of use may be limited through conditional or interim use permit approval to ensure compatibility with surrounding land uses.

§ 157.029 RESIDENTIAL DOG BOARDING.

- A. Residential dog boarding facilities shall not house more than 10 dogs at one time.
- B. All animal keeping and care shall comply with applicable state and local licensing, animal welfare, and public health regulations.
- C. Outdoor animal exercise, holding, or boarding areas shall meet required setbacks from property lines and residential uses as established by the zoning district or conditional use permit.
- D. Outdoor enclosures, storage, and activity areas shall be fenced and/or screened as required by the zoning code.
- E. Noise, odor, waste, and manure shall be managed to prevent nuisance impacts on adjacent properties.
- F. Hours of operation, number of animals, and intensity of use may be limited through conditional or interim use permit approval to ensure compatibility with surrounding land uses.

§ 157.030 ~~§157.049~~ BULK STORAGE (LIQUID, GAS, GRAIN AND THE LIKE).

- A. Above and below ground storage tanks, bins, elevators and the like shall be regulated in accordance with applicable city, state and federal regulations, including the applicable Building Codes, State Fire Code and regulations of the Pollution Control Agency. All necessary federal, state, and local permits and approvals shall be obtained. The Fire Marshall or Building Official may require that all existing above ground liquid in free state storage tanks having a capacity of 300 gallons or more be diked, and suitably sealed, to hold a leakage capacity equal to 115% of tank capacity, and also have State Fire Marshal approval. Any existing storage tanks either above or below ground that, in the opinion of the State or local Fire Marshall or Building Official, constitutes a hazard to public safety shall be discontinued.
- B. Above ground tanks containing ~~crude oil, gasoline or other liquid storage tanks~~ that are incidental to the principal use shall require a conditional use permit if they exceed the volumes listed below:
 - 1. A conditional use permit shall be required for any Class I liquids that are greater than ~~and~~ $\leq 6,000$ gallons per tank or $\leq 18,000$ gallons aggregate. ~~for Class I liquids~~
 - 2. A conditional use permit shall be required for any Class II liquids that are greater than 10,000 gallons per tank or 30,000 gallons aggregate ~~(or 10,000/30,000 for Class II)~~. Any tank greater than this shall require a CUP.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.031 CANNABIS BUSINESSES.

- A. Cannabis-related uses are regulated pursuant to Minn. Stat. cCh. 342. The City's authority is limited to time, place, and manner regulation, local registration, and reasonable operational standards.

Uses shall not be regulated in a manner that has the purpose or effect of prohibiting the establishment of cannabis businesses. Conditional use permit standards shall not be applied to cannabis businesses in a manner that conflicts with Minn. Stat. cCh. 342 or that has the purpose or effect of prohibiting cannabis businesses authorized under state law. Cannabis businesses shall be subject to local registration, compliance inspections, and enforcement as authorized under Minn. Stat. § 342.22. Registration procedures shall be ministerial and shall not operate as land-use approvals.

B. Minimum buffer requirements. The city shall prohibit the operation of a cannabis business within the minimum distance established in § 157.045. Per Minn. Stat. § 462.357 Subd. 1e, nothing herein shall prohibit an active cannabis business or a cannabis business seeking a renewal registration from continuing operation at the same site if a school, day care, residential treatment facility, or public park regularly used by minors, moves within the minimum buffer zone.

C. Hours of operation. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of:

1. 8:00 a.m. to 10:00 p.m. Monday-Saturday;
2. 10:00 a.m. to 10:00 p.m. Sunday.

B.D. Advertising signs. Cannabis businesses are allowed to erect or place signs on the exterior of the building or property of the business, as permitted by Ch. 153 of this code of ordinances.

§ 157.032 CANNABIS EVENTS, TEMPORARY.

A. Permit required. Any person or organization desiring to hold a temporary cannabis event in the city must first:

1. Be licensed by the state as a temporary cannabis event organizer; and
2. Obtain a temporary cannabis event permit from the city.

B. Temporary cannabis events must comply with the buffer requirements described in § 122.04.

C. Temporary cannabis events must comply with all requirements detailed in Minn. Stat. § 342.40. The application shall include a detailed plan addressing the requirements of Minn. Stat. § 342.40, Subds. 3 through 8.

D. Temporary cannabis event regulations.

1. Location restrictions. Temporary cannabis events are prohibited:

- a. At, in or on any public place or a place of public accommodation, unless allowed by the city. A public place means a public park, ballparks or trails, public event centers or facilities, public street, sidewalk or right-of-ways, alleys, boulevards, publicly owned parking lots, and any other developed or undeveloped city-owned property; or
- b. If held outdoors, on property within 1,000 feet of a school.

2. Hour restrictions. Temporary cannabis events shall only be held between the hours of 8:00 a.m. until 10:00 p.m.

3. On-site consumption of cannabinoid products is permitted in an area designated by the applicant and approved by the city. Access to areas where consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is allowed shall be restricted to individuals who are at least 21 years of age, and the cannabis event organizer shall ensure that consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within a designated consumption area is not visible from any public place.
4. The temporary cannabis event must be in compliance with the city's nuisance ordinance at all times.
5. All temporary cannabis events must follow all requirements of Minn. Stat. §§ 342.01 et seq.
6. Permit revocation. A temporary cannabis event permit may be revoked by the City Administrator at any time for failure to comply with the provisions of this section or Minn. Stat. §§ 342.01 et seq.

(Ord. 1666, passed 12-3-2024) Penalty, see § 122.99

§ 157.033 ~~§157.044~~5 GARAGE SALES.

Garage sales shall be limited to a total of ten calendar days of operation per calendar year at any residential location. (Ord. 1578, passed 4-3-2018)

~~§ 157.014~~ — ~~§ 157.034~~ § 157.080 OUTSIDE OUTDOOR SALES OR STORAGE.

In the case of ~~outside-outdoor~~ storage or sales, the area must be ~~grass or~~ surfaced with a gravel or hard surface to control dust.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

a. ~~OF SHORELANDS 1,000~~

1)-

2)-

§ 157.035 ~~§157.044~~OUTDOOR STORAGE.

A. General standard. In all residential districts, personal property shall be stored within a fully enclosed building or screened from view from adjacent properties and public streets, except as specifically permitted below. Screening may include fencing, walls, landscaping, or other methods that provide year-round opacity.

B. Allowed unscreened outdoor items. In all residential districts, the following items may be stored outdoors without screening, provided they are maintained in a neat and orderly condition and do not create safety, health, or nuisance concerns:

1. Laundry drying equipment, such as clotheslines or drying racks.
2. Recreational equipment, including play structures, lawn games, bicycles, canoes/kayaks, and seasonal outdoor furniture.
3. Construction or landscaping materials and equipment that are actively being used on the premises, provided the project is ongoing and materials do not remain on site for longer than 12 months without active construction activity.
4. Agricultural equipment and materials, when used or intended for use on the premises.
5. Motor vehicles, limited to:
 - a. Licensed passenger automobiles, vans, or pickup trucks, and
 - b. Off-street parking as otherwise permitted by §157.059 of this chapter.
6. Firewood, stored for use on the premises, provided it is stacked safely and kept in an orderly manner.

C. In non-residential districts, outdoor storage shall be regulated as provided for in §§ 157.009 through 157.013 and 157.050 through 157.060 of this chapter.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.036 MANUFACTURED HOME PARK PUDS.

A. General. Manufactured home park PUDs shall comply with this section and all applicable state codes, including the State Building Code.

B. Minimum project size. The tract of land on which a planned unit development - manufactured housing is proposed and permit requested shall contain not less than five acres of land.

C. Required frontage. The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way.

D. Development standards. By definition, a PUD emphasizes a regulatory process rather than regulations; however, certain minimal standards must be met.

1. Density. Six thousand square feet lot area per dwelling unit (the sum of all non-public land within a development, including all land in common ownership through the homeowner's association and land held directly by one individual landowners divided by the number of dwelling units).

2. Building setbacks and distance between structures. Manufactured home parks shall comply with the standards in the table below.

TABLE 15. Siting and Size Standards for Manufactured Home Park PUDs.

<u>Measurement</u>	<u>Standard</u>
<u>Minimum setback around perimeter of PUD</u>	<u>30 feet</u>
<u>Minimum distance between principal and accessory structures</u>	<u>6 feet</u>
<u>Minimum distance between accessory structures</u>	<u>At least one accessory structure is under private ownership: 6 feet</u> <u>Both accessory structures are in common or limited common ownership: no minimum</u>
<u>Setback from all roadways and public right-of-way</u>	<u>30 feet</u>

3. Height. No structure shall exceed two and one-half stories or 25 feet, whichever is greater.

4. Frost footings. All manufactured housing shall be constructed on frost footings in compliance with the State Building Code.

5. Landscaping and screening.

- a. Each lot shall be properly landscaped with at least one tree, hedges, grass, fences, windbreaks and the like.
- b. Commonly held open space shall be landscaped in accordance with a landscaping plan approved by the Planning Commission.
- c. Boundaries of the development not abutting a public right-of-way shall be screened in compliance with §§ 157.050 through 157.056 of this chapter.

6. Parking.

- a. Two off-street parking spaces per dwelling unit shall be provided for exclusive use by that unit.
- b. The Planning Commission may require a hard-surfaced off-street parking lot for guests of occupants in the amount not to exceed one space per two units. Such space must be located as to be readily accessible and in close proximity to the units it is serving. Determination of the need for guest parking shall be based on project design; how conducive proposed streets are in accommodating temporary off-street parking; and design of the off-street parking required for each unit.
- c. The Planning Commission may require additional off-street parking for commonly owned facilities such as community centers, weather shelters, recreation facilities and the like. Determination of the need for as well as the number of spaces required will be based on the use of the structure or facility and its location within the PUD.

d. Development plans must indicate garage sites for all dwelling units whether or not garages will be part of the initial development. Such sites may be entirely situated on private lots or may be provided as a limited common facility.

7. Weather shelter. When required by state law, a weather shelter in conformance with state law, shall be built and held in common ownership. Such shelter shall be of a size to temporarily accommodate a number of persons totaling no less than three persons per proposed dwelling unit.

E. Additional requirements. In addition to the requirements of division (E)(1) above, regarding property control, the Planning Commission will review declarations to ensure that mechanisms for adequate control and maintenance of the development will be established and that the homeowner's association will be a responsible agent in administering and enforcing the declaration and covenants and deed restrictions included. Specific items to be addressed in the declaration shall include, but not be limited to:

1. Control of physical appearance; control and upkeep of both the individual units and lots and all common and limited common properties to include steps, additions to dwelling units, maintenance of grounds and commonly held facilities and the like;

2. Accessory buildings and uses;

3. Declarations must specify that all units must be owner-occupied; provisions for the temporary leasing of units with approval of the homeowner's association may be included in the declaration;

4. Must specify association's role regarding maintenance, design review, enforcement and the like; and

5. Type(s) of unit(s) allowed in development.

6. The Planning Commission will review the declaration and any covenants and deed restrictions included as to their adequacy in ensuring that a high quality living environment will be maintained.

C.F. Minor PUDs. The minimum requirements of §§ 157.036(B) and 157.036(C) **divisions (H)(2) and (H)(3)** above may be reduced, if, upon recommendation of the Planning Commission, the City Council determines that the public health, safety and general welfare can be better served by a smaller development that demonstrates integrated planning and architecture, joint or common use of parking, conservation of land and open space through clustering of buildings and activities, and provides a harmonious selection and efficient distribution of uses. The Zoning Administrator may waive or reduce procedures and requirements for such minor manufactured housing planned unit developments of less than five acres and/or 200 feet of frontage on the public right-of-way.

§ 157.037 ~~§157.045~~ LAND RECLAMATION.

Any lot or parcel upon which 400 cubic yards or more of fill is to be deposited shall come under the controls of land reclamation. The conditional use permit for land reclamation 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 control of windblown material or hauling of material to or from the site.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.038 CRUSHING OPERATIONS.

A. The use of mechanical equipment to reduce the size of materials such as rock, stone, gravel, concrete, asphalt, or similar materials through crushing, screening, grinding, or processing activities. Crushing operations may include the temporary or permanent placement and operation of crushers, screens, conveyors, and related equipment, and are typically conducted as part of mineral extraction, aggregate processing, recycling, or construction material processing activities. Crushing operations may occur:

1. As a primary use, such as within a quarry, mining operation, or recycling facility; or
2. As an accessory or temporary use, including portable crushing associated with construction, demolition, or site development projects.

§ 157.039 ~~§157.046~~ MINING.

A. As a condition of approval, the applicant shall submit a detailed site plan that includes existing and proposed drainage patterns, finished grades, dust-control measures, and erosion and sediment control practices. All elements of the operation shall be designed and maintained so as not to adversely impact adjacent properties, public infrastructure, or the planned development of the site.

B. The site plan shall also identify the designated haul routes for all trucks entering and leaving the property. All mining activities, site improvements, and ongoing operations shall comply with all applicable federal, state, and local laws, rules, and regulations, including but not limited to regulations administered by the Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Transportation (MnDOT).

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.040 SOIL PROCESSING.

The operation of processing sand, gravel and other material mined from the land shall be permitted only by interim use permit. Such interim use permit shall include a site plan where the processing is to be done, showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site. Such permit shall be granted for a specified period of time, not to exceed one year. Permit may be renewed upon application at which time operation will be reviewed and additional conditions attached if necessary to protect the general welfare.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.041 RECYCLING CENTER.

The facility must meet State Pollution Control Agency requirements for recycling facilities. In B-2, Districts, outbound truck shipments may be limited to an average of two per day and there shall be no shredding, compacting, baling or other processing of ferrous metals other than food and beverage containers. Under all circumstances, precautions shall be taken to ensure the containment of recyclable resources while at the center.

§ 157.042 RECREATIONAL VEHICLE CAMPGROUND

- A. The site shall be served by a major or arterial street capable of accommodating traffic which will be generated.
- B. All driveways and parking areas shall be surfaced in accordance with §157.059.
- C. Plans for utilities and waste disposal shall be reviewed by the City Engineer and shall be subject to his or her approval, and all applicable requirements of the State Pollution Control Agency are complied with.
- D. All signing and informational or visual communication devices shall be in compliance with Ch. 153 of this code of ordinances and shall not impact adjoining or surrounding residential uses.

§ 157.043 RESIDENTIAL FACILITY.

Residential facilities licensed for six or fewer residents shall be considered a permitted single-family residential use in all residential zoning districts where single-family dwellings are allowed. Facilities licensed for seven or more residents may be subject to zoning review as a multifamily residential use, per Minnesota State Statute § 462.357.~~n institutional use.~~

~~Institutions under the control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children, such facility shall be at least 1,320 feet from an existing residential facility.~~

§ 157.044 ~~§157.047~~ENERGY PRODUCTION SYSTEMS.

- A. Purpose and intent.** The purpose of this section is to regulate energy production systems in a manner that supports renewable and emerging energy technologies, protects public health and safety, and ensures compatibility with surrounding land uses. This section is intended to be technology-neutral and to apply equally to all qualifying energy production systems regardless of the specific equipment or energy source used.
- B. Technology-neutral applicability.** This section applies to any system, device, or combination of equipment designed to generate electricity or thermal energy from renewable or low-impact energy sources, including but not limited to solar, wind, geothermal, energy storage paired with on-site generation, or other similar technologies. Specific references to technologies are illustrative only and shall not be construed to limit application of this section.
- C. Classification of energy production systems.** Energy production systems shall be classified for zoning purposes as either accessory or principal uses, based on purpose and scale, as follows:
 - 1. Accessory energy production system.** An accessory energy production system is a system that:

- a. Is located on the same lot as the principal use served;
- b. Is primarily intended to offset or supply energy for on-site consumption by the principal use; and
- c. Is customarily incidental and subordinate in scale to the principal use.

Accessory energy production systems shall be permitted as accessory uses in zoning districts where accessory structures or uses are allowed, subject to applicable development and safety standards.

2. Principal energy production system. A principal energy production system is a system that:

- a. Is designed primarily for the generation of energy for off-site distribution or sale; or
- b. Is the primary use of the lot or site on which it is located.

Principal energy production systems may be permitted, conditional, or interim uses as designated in the applicable zoning district use tables and shall be subject to site plan review and any applicable conditional or interim use permit requirements.

D. Relationship to use tables. The designation of an energy production system as an accessory or principal use shall govern its treatment under the land use tables. Where an energy production system meets the definition of an accessory use, it shall not be reclassified as a principal use solely due to technology type. Where an energy production system meets the definition of a principal use, it shall not be processed as an accessory use.

E. Development and safety standards. All energy production systems shall comply with the following, as applicable:

- 1. Zoning district dimensional standards, including setbacks, height, and lot coverage;
- 2. Applicable provisions of the Minnesota State Building Code, Minnesota State Electrical Code, and Minnesota Fire Code;
- 3. Utility interconnection and safety requirements;
- 4. Applicable state and federal permitting requirements, as applicable.

Compliance with zoning approval does not relieve any applicant from obtaining required building, electrical, environmental, or utility permits.

F. Non-exclusivity. Nothing in this section shall be interpreted to prohibit or unreasonably restrict the installation of new or emerging energy production technologies that meet the intent and performance standards of this section, even if such technologies are not expressly identified by name.

G. Solar collection systems.

- 1. All solar collection systems are subject to the following requirements:
 - a. Must be located as to minimize glare directed toward an adjoining property or street;
 - b. Shall comply with All City and State Building and Electrical Codes;

- c. The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system;
- d. If the solar collection system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the 12-month period; and
- e. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (as per Minn. Stat. § 500.30, as it may be amended from time to time).

2. §157.058 Ground mounted and freestanding solar collection systems are permitted as accessory uses in all residential, business, industrial and agricultural zoning districts subject to the additional requirements listed in Table 16.

TABLE 16. Siting and Size Standards for Ground-Mounted Solar Collection Systems

	<u>Residential Districts</u>	<u>Business, Industrial, and Agricultural Districts</u>
<u>Allowed Location</u>	- Allowed in rear yard only - Shall not be located within an easement	~~Allowed in rear yard only~~ Shall not be located within an easement
<u>Minimum Setbacks</u>	- Side property line: 5 feet - Rear property line: 5 feet	- Side property line: 5 feet - Rear property line: 5 feet
<u>Minimum distance from other principal or accessory structures</u>	3 feet	3 feet
<u>Maximum height when oriented at maximum tilt</u>	15 feet	25 feet
<u>Maximum surface area of all ground-mounted and free-standing solar collectors on a single lot</u>	Shall not exceed the maximum permitted area of accessory structures in the zoning district in which it is located	No maximum
<u>Additional standards</u>	- All exterior electrical or other service lines must be buried below the surface of the ground - Square footage of the solar collection system shall be considered in determining the maximum amount of accessory buildings and structures permitted on a lot	~~Square footage shall be considered in determining the maximum amount of accessory buildings and structures permitted on a lot~~ None

3. Rooftop and wall-mounted solar collection systems are permitted on principal and accessory buildings in all residential, business, industrial, and agricultural zoning districts subject to the additional requirements listed in Table 17.

TABLE 17. Siting and Size Standards for Rooftop and Wall-Mounted Solar Collection Systems

	<u>Residential Districts</u>	<u>Business, Industrial, and Agricultural Districts</u>
<u>Height Restrictions</u>	- Shall not project beyond the peak of the roof - Shall not be more than five feet above the roof to which it is attached	Shall not exceed the maximum height permitted in the zoning district in which it is located

H. Wind energy conversion systems (WECS).

1. Siting and size regulations. WECS are subject to the standards listed in Table 18.

TABLE 18. Siting and Size Standards for Wind Energy Conversion Systems

<u>Standard</u>	<u>Small WECS</u>	<u>Large WECS</u>
<u>Minimum Distance from Other Structures</u>	- Minimum 6 feet from any other principal or accessory structure on the same lot - No minimum separation from residential districts or dwellings on other lots beyond required setbacks	- Minimum distance from dwellings on a different lot: equal to total system height - Minimum distance from other structures on the same lot: 1.1 × total system height, unless reduced by engineering certification
<u>Minimum Property Line Setback</u>	Setbacks shall comply with accessory structure setbacks of the zoning district	Setback from all property lines shall be not less than the total height of the WECS
<u>Location on Lot</u>	- Rear yard only, unless otherwise approved through a CUP - No part of a WECS shall be located within or over a recorded utility, drainage, or access easement without written approval from the easement holder - Clearance from electrical lines shall comply with the National Electrical Safety Code	Same as Small WECS
<u>Maximum Rotor Diameter</u>	No maximum, provided all height and setback standards are met	Established through CUP review based on site conditions and engineering documentation
<u>Height Requirements</u>	75 feet - Height above this limit may be allowed with a Conditional Use Permit	350 feet - Height above this limit may be allowed with a Conditional Use Permit, based on engineering certification, site conditions, and compatibility with surrounding land uses
<u>Rotor Clearance</u>	- Systems shall be designed and installed per manufacturer and industry standards - Horizontal-axis rotors are not permitted in residential districts	Minimum clearance and rotor placement shall be established through CUP review and engineering certification
<u>Contribution to Lot Coverage</u>	- The base of the WECS tower shall be included in lot coverage calculations - For guyed systems, the area of guy-wire anchor points shall also be included	Same as Small WECS
<u>Signage Required</u>	- At least one sign posted at the base of the WECS stating: - No trespassing - Warning of high voltage - No advertising signage permitted	Same as Small WECS

2. Installation and design.

- a. All WECS tower structures shall be designed and constructed to be in compliance with pertinent provisions of the State Building Code. Indication of compliance may be obtained

from the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.

- b. All WECS shall be equipped with manual and automatic and overspeed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.
- c. The compatibility of the tower structure with the rotors and other components of the WECS shall be certified by the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.
- d. All electrical components of the WECS shall be in compliance with the applicable requirements of the National Electrical Code as currently adopted by the State Building Code Division and shall be inspected by a qualified electrical inspector. The interconnection between the WECS and the electric utility shall be in compliance with the most recent edition of the National Electrical Safety Code. Certification will be supplied in writing that the WECS will automatically disconnect from the utility when there is no power input from the utility. This certification can be supplied by the manufacturer of the WECS.
- e. The interconnection of the WECS with the local electrical utility shall comply with all applicable federal, state and local regulations. Parties intending to erect a WECS shall notify the city's public utilities in advance of their installation plans.
- f. All proposed WECS shall comply with Federal Aviation Administration notification requirements and any other applicable regulations. All proposed WECS shall be in compliance with any applicable airport zoning.

3. Supplying energy to two or more structures. A WECS that supplies energy to two or more structures shall be allowed as long as the proposed WECS complies with all applicable zoning regulations.

4. Compliance. If a WECS is not maintained in operational condition and poses a potential safety hazard or is not maintained and operating in compliance with applicable zoning provisions, local utility regulations and state and federal laws, the WECS shall be brought into compliance and to safe operating order within 60 days. The city reserves the right to abate any hazardous situation and to pass the cost of abatement on to the owner or operator of the WECS.

(Ord. 1480, passed 2-6-2012) Penalty, see § 157.999

(Ord. 827, passed 4-19-1983; Ord. 1462, passed 12-7-2010) Penalty, see § 157.999

§ 157.045 REQUIRED DISTANCE BETWEEN USES.

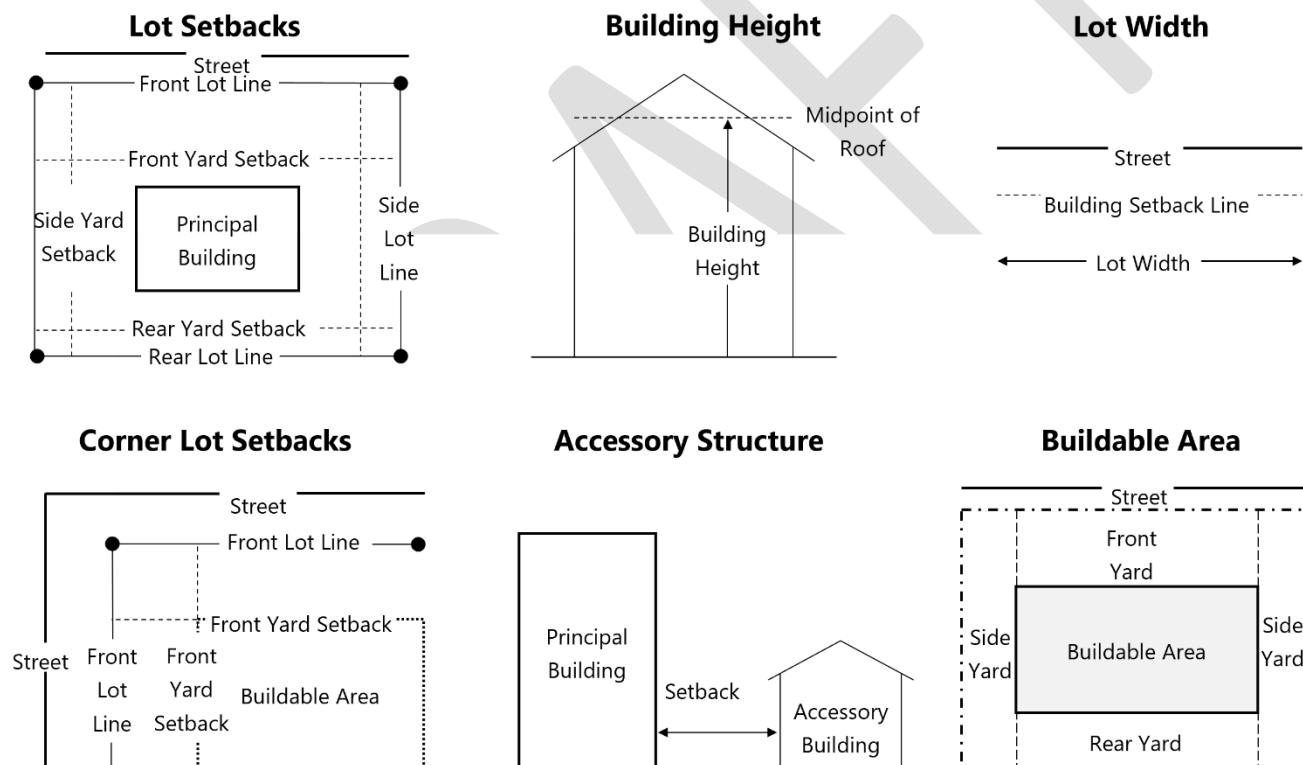
Certain uses are required to be located a minimum distance from other specified uses at the time of their construction. In the table below, uses labelled as "regulated uses" must be located the minimum distance from any existing uses labelled as "neighboring uses." The minimum distance shall be measured in a straight line from the nearest boundary line of the regulated use to the nearest boundary line of the neighboring use.

TABLE 19. Minimum Distance between Neighboring Uses

Regulated Use	Neighboring Use	Minimum Distance
Residential facility	Existing residential facility	1,320 feet
Animal shelter	Residentially zoned property	1,000 feet
Commercial riding stables, commercial dog boarding, and similar	Residential or commercial use district	1,000 feet
Campground	Residentially zoned property Residential use district	100 feet
Cannabis businesses	School	1,000 feet
Cannabis business	Day care facility, residential treatment facility, public parks and trails regularly used by minors including playgrounds, athletic fields, and the Steele County Fairgrounds	500 feet
Cannabis retail business	Cannabis retail business	1,000 feet

PHYSICAL STANDARDS

FIGURE 11. Graphics of Typical Standards



~~§ 157.015~~ ~~§ 157.046~~ ~~§ 157.040~~ ACCESSORY BUILDINGS AND STRUCTURES.

A. Zoning Administrator shall have the authority to qualify what fits the definition of an accessory building or structure.

B. Residential districts.

1. Accessory building and structure standards are intended to preserve the subordinate relationship between accessory and principal structures while still allowing reasonable

flexibility. Clear dimensional limits provide predictability and fairness, while conditional use provisions allow larger structures to be considered on a case-by-case basis to accommodate unique site configurations.

~~a. Location. No accessory building or structure shall be erected or located in any required yard other than the rear yard, except detached private garages may be permitted in the side yards; provided that: Such garage shall comply with all other requirements of this section;~~

~~b. The garage shall be at least five feet from side lot lines; and~~

~~2. The garage shall not be located more than 20 feet from the principal structure. Size and density requirements.~~

~~a. Maximum density. The total area of all accessory buildings and structures shall occupy no more than 30% of the rear yard.~~

~~b. Maximum number of accessory buildings. No more than two accessory buildings and no more than one detached private garage shall be permitted on a single lot, except for multi-family dwellings of four or more units.~~

~~c. Maximum size. No accessory building or buildings shall exceed 1,000 square feet in total gross floor area, except for the following:~~

~~1) Multi-family dwellings of four or more units;~~

~~2) An accessory building or buildings may exceed 1,000 square feet in total gross floor area as a conditional use, subject to the provisions and procedures of § 157.099 of this chapter and provided the following conditions are met:~~

~~(a) The total gross floor area of all accessory buildings shall not exceed 1,250 square feet for lots of more than 20,000 square feet but less than 30,000 square feet in area and 1,500 square feet for lots of 30,000 square feet or more in area;~~

~~(b) A minimum of 20 feet shall be maintained from side and rear lot lines for individual buildings with a total gross floor area of 1,000 square feet or more;~~

~~(c) No accessory building shall be used for commercial purposes; and~~

~~(d) The size, design, construction and location must be such as to be compatible with the surrounding area.~~

~~3) The maximum height for an accessory building shall not exceed 15 feet, except detached private garages; provided that:~~

~~(a) A ratio of two and one-half to one (2.5:1) between the height of the structure and the setback from the side and rear lines shall be maintained; and~~

~~(b) The maximum height permitted under this section shall be 20 feet.~~

~~3. Setback requirements.~~

~~a. Setback from lot lines. All accessory buildings or structures shall be at least three 5' feet from all lot lines or the setback required by Building Code, whichever is greater,~~

~~except private garages with vehicular access doors facing public alleys shall be 20 feet from the alley right-of-way.~~

~~b. Setback from buildings.~~

- ~~1) Permanent accessory buildings shall be at least three feet from any other permanent building on the lot; provided, all Building Code requirements are met.~~
- ~~2) Movable accessory buildings or structures can be closer than three feet from any other building or structure on the lot; provided, all Building Code requirements are met.~~

2. Physical standards. Accessory buildings and structures in Residential Districts must follow the standards listed in Table 20.

TABLE 20. Location and Size Standards for Accessory Buildings and Structures in Residential Districts

Standard	Accessory Buildings	Accessory Structures
<u>Location</u>	~~Front yard: Not allowed, except private attached or detached garages may be located in front if they meet the required front and side setbacks~~ ~~Second front yard on corner lots: Not allowed~~ ~~Side yard: Allowed~~ ~~Rear yard: Allowed Front yard: Not allowed~~ ~~Second front yard on corner lots: Not allowed~~ ~~Side yard: Allowed~~ ~~BackRear yard: Allowed~~	~~Front yard: Not allowed~~ ~~Second front yard on corner lots: Allowed~~ ~~Side yard: Allowed~~ ~~Rear yard: Allowed~~ ~~Front yard: Not allowed~~ ~~Other Second front yard: on corner lots: 20' feet Allowed~~ ~~Side yard: Allowed~~ ~~BackRear yard: Allowed~~
<u>Lot Line Setback</u>	Private garages with vehicular access doors facing public alleys shall be 20 feet from the alley right-of-way. For all other accessory buildings, the following setbacks apply: ~~Front: 30'~~ ~~Second front on corner lots: 20'~~ ~~Side: 5'~~ ~~Rear: 5'~~	~~Front: N/A (Not allowed)~~ ~~Second front yard on corner lots: 20'~~ ~~Second front on corner lots: 20 feet~~ ~~Side: 5'~~ ~~Rear: 5'~~
<u>Building Setbacks</u>	~~Cannot be placed in drainage easement.~~ ~~Permanent accessory buildings: 3 feet from any other permanent building on the lot, provided all Building Code requirements are met~~ ~~Movable accessory buildings (no solid foundation): no requirement, provided all Building Code requirements are met~~	~~Cannot be placed in drainage easement.~~ ~~Movable (no solid foundation) accessory structures: no requirement, provided all Building Code requirements are met~~ ~~No requirement, provided all Building Code requirements are met~~

Standard	Accessory Buildings	Accessory Structures
<u>Maximum Density</u>	<u>Total area of all accessory buildings shall not exceed 30% of the rear and side yards</u>	<u>No maximum</u>
<u>Maximum Number</u>	<u>2</u>	<u>No maximum</u>
<u>Maximum Area</u>	<u>Total gross floor area of all accessory buildings shall not exceed a maximum 20 percent of the open space area of the lot and can be calculated only once and not consecutively</u> <u>Gross Floor area shall not exceed a maximum lot coverage of 50% of the yard; and</u> <u>The lesser of 1,000 square feet or 30 percent of the gross floor area of the principal structure, whichever is less.¹</u>	<u>No maximum</u>
<u>Maximum Height</u>	<u>Roof peak: 25'¹</u> <u>Side wall: 10'²</u>	<u>No maximum</u>

¹An accessory building or buildings may exceed the maximum area as a conditional use, provided:

- No accessory building shall be used for commercial purposes.
- No accessory building other than an ADU shall be used for residential purposes.
- The size, design, construction and location ~~must be such as to~~ must be similar and compatible with the surrounding area.

²An accessory building may exceed the maximum side wall height under the following circumstances:

- An accessory building with sidewalls up to 12 feet are allowed by-right with a 10-foot minimum setback from rear and side lot lines
- An accessory building with sidewalls greater than 12 but up to 14 feet are allowed as a conditional use with a 10-foot minimum setback from rear and side lot lines.
- Accessory buildings with sidewalls greater than 14 feet are prohibited.

4.3. Easements and drainage ways. No accessory building or structure shall be located within a utility easement or drainage way, except movable accessory buildings or structures upon approval of the city's public utilities and issuance of a zoning permit; provided that:

- 1)** The building or structure shall be constructed on skids and anchored down as required by the Building Department;
- 2)** The building or structure shall not exceed 120 square feet in gross floor area; and
- 3)** The building or structure shall be removed by the property owner if required for the construction, repair or maintenance of a utility.

5.4. Design requirements. To ensure that the design and appearance of accessory buildings are appropriate for a residential district, the following design criteria shall apply for all accessory buildings that are greater than 250-200 square feet in gross floor area.

- Roof shall be pitched with eaves, unless it is a shipping container.
- Roof materials shall be durable, finished for exterior use, and consistent with the architectural character of the principal structure.

~~c. Roof shall be covered with shingles, tile, shakes or metal seam and batten roofing manufactured with a factory applied finish, except a galvanized finish. Exterior wall materials shall be compatible with, and visually relate to, the materials, colors, and design of the principal structure and/or neighborhood.~~

~~d. Materials shall not create glare.~~

~~b. Exterior walls shall have conventional house siding or siding that simulates conventional house siding or an exterior that is the same an exterior material that is similar to or coordinates with the exterior material of the principal structure.~~

6.5. Use of private garages.

~~a. Private garage space may be rented to non--residents of the property for the storage of personal, non--commercial passenger vehicles, light trucks, trailers, or similar equipment, subject to the following:~~

~~b. The rented portion of the garage shall not exceed 50 percent of the total garage floor area, or the equivalent of two parking stalls, whichever is greater.~~

~~c. The space shall be used solely for private, non-commercial storage.~~

~~d. No repair, servicing, manufacturing, commercial storage, or business activity shall occur within the rented space.~~

~~e. No employees, customers, or business deliveries related to the rented storage shall occur on the property.~~

~~f. No exterior signage or exterior storage associated with the rented space is permitted.~~

~~a. Prohibited Vehicles. Commercial vehicles and equipment may be stored within a private residential garage, provided such storage does not result in exterior evidence of commercial activity, noise, vibration, or other impacts inconsistent with a residential use. No vehicle with a gross capacity of more than 9,000 pounds shall be stored within a private garage.~~

~~b.g. The rental use shall not create traffic, noise, or other impacts inconsistent with the residential character of the property. Private garage space may be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment. Rented private garage space shall be limited to 500 square feet or one and two-car garages, whichever is greater.~~

~~e.~~

D.C. Commercial, and Industrial, Agriculture-Open Space, and Mixed Use Districts.~~districts.~~

1. Location. Accessory buildings or structures shall be erected or located in the rear yard, except accessory buildings or structures may be erected or located in the side yard; provided, the following conditions are met:

a. Applicable side yard setbacks are met; and

~~b. Such accessory building or structure shall be located ten feet behind the front building line of the principal structure, or maintain a front yard setback ten feet more than the front yard setback requirement of the applicable zoning district, whichever provides the greater front yard setback.~~

~~2. Size and density requirements. The total gross floor area of all accessory buildings and structures shall occupy no more than 1,000 square feet or 50% of the gross floor area of the principal use, whichever is greater, except accessory buildings and structures may exceed 1,000 square feet or 50% of the gross floor area of the principal use as a conditional use, subject to the provisions and procedures of § 157.099 of this chapter; and, provided, the following conditions are met:~~

~~a. All applicable setbacks are met;~~

~~b. The combined lot coverage of the principal and accessory buildings or structures shall not exceed 50% of the lot; and~~

~~c. The location and appearance of such accessory buildings or structures shall be compatible with the surrounding neighborhood.~~

1. Physical standards. Accessory buildings and structures in the Commercial, Industrial, Agriculture-Open Space, and Mixed Use Districts. ~~Agriculture-Open Space, CIMU~~ must follow the standards listed in Table 21.

TABLE 21. Location and Size Standards for Accessory Buildings and Structures in Commercial, Industrial, Agriculture-Open Space, and Mixed Use Districts.

Standard	Accessory Buildings and Structures
<u>Location</u>	• Front yard: Not allowed • Side yard: Allowed • Rear yard: Allowed
<u>Lot Line Setback</u>	• Front yard: ~~Greater of 10 feet behind front building line of principal structure or 10 feet more than the front yard setback of the applicable zoning district~~ <u>N/A.</u> • Side yard: Follow setback requirements of the applicable zoning district • Rear yard: Follow setback requirements of the applicable zoning district
<u>Building Setbacks</u>	• Permanent accessory buildings: 5 feet from any other permanent building on the lot, provided all Building Code requirements are met • Movable accessory buildings: no requirement, provided all Building Code requirements are met
<u>Maximum Area</u>	<u>The total gross floor area of all accessory buildings shall occupy no more than 50% of the gross floor area of the principal uses¹</u>

¹An accessory building or buildings may exceed the maximum area as a conditional use, provided:

- All applicable setbacks are met
- The combined lot coverage of the principal and accessory buildings ~~shall~~ shall not exceed 85% of the lot, and
- The location and appearance of such accessory buildings or structures shall be compatible with the ~~principal structure and/or~~ principal structure and/or surrounding neighborhood.

3. Setback requirements.

~~a. Setback from lot lines. All accessory buildings or structures shall maintain one-half the side yard setback requirements and one-half the rear yard setback requirement of the applicable zoning district or the setback required by Building Code, whichever~~

~~is greater, except accessory buildings that are no more than 1,000 square feet in total gross floor area may be three feet from all lot lines.~~

~~b. Setback from buildings.~~

- ~~1) Permanent accessory buildings shall be at least three 5 feet from any other permanent building on the lot; provided, all Building Code requirements are met.~~
- ~~2) Movable accessory buildings or structures can be closer than three feet from any other building or structure on the lot; provided, all Building Code requirements are met.~~

4.2. Easements and drainage ways. No accessory building or structure shall be located within a utility easement or drainage way, except movable accessory buildings or structures upon approval of the city's public utilities and issuance of a zoning permit; provided that:

- a. The building or structure shall be constructed on skids and anchored down as required by the Building Department;
- b. The building or structure shall not exceed 50% of the gross floor area of the principal building~~120 square feet in gross floor area~~; and
- c. The building or structure shall be removed by the property owner if required for the construction, repair or maintenance of a utility.

D. Shipping containers as accessory structures.

1. Applicability.

- a. Shipping containers may be used only as accessory structures subordinate to a permitted principal use on the same lot.
- b. Shipping containers shall not be used as dwelling units, habitable space, principal structures, or for commercial activity involving customers.

2. Permitted Use. Shipping containers may be used for:

- a. Personal storage;
- b. Storage of tools/equipment or uses accessory to the principal use;
- c. Agricultural or maintenance storage where permitted.

3. Location.

- a. Shipping containers shall comply with all applicable accessory building setback requirements of the zoning district.
- b. Shipping containers are prohibited in front yards and street-facing side yards.
- c. Shipping containers shall not be located within drainage, utility, or access easements.

4. Size, ~~h~~Height, and ~~q~~Quantity.

- a. Shipping containers shall be counted as accessory buildings for purposes of:
 - 1) Maximum number of accessory structures;

2) Lot coverage; and

3) Accessory structure area limits.

b. Stacking of shipping containers is prohibited.

c. Maximum height shall not exceed the accessory structure height limit of the zoning district.

5. Foundation and Placement. Shipping containers shall be placed on a permanent foundation or engineered piers or pads designed to prevent movement or settlement. Temporary supports, blocks, or skids are prohibited.

6. Design and Exterior Treatment.

a. Shipping containers shall be painted, clad, or otherwise finished to match the style of principal residence.

b. Logos, serial numbers, or advertising visible from public streets or adjacent properties shall be removed or obscured.

c. Containers shall be maintained free of rust, deterioration, or structural damage.

7. Utilities.

a. Electrical service is permitted only with approved building permit.

b. Plumbing, gas service, and sanitary facilities are prohibited.

8. Screening (Residential Districts). In residential districts, shipping containers shall be fully screened from adjacent residential properties and public rights-of-way in accordance with § 157.07056.

5.9. Temporary Placement. Shipping containers may be temporarily placed for construction or moving purposes for up to 90 days, subject to administrative approval. Extensions may be granted for active construction.

(Ord. 827, passed 4-19-1983; Ord. 1116, passed 7-18-1995; Ord. 1145, passed 8-6-1996; Ord. 1260, passed 7-2-2001; Ord. 1304, passed 1-7-2003) Penalty, see § 157.999

§ 157.016—§ 157.047 ~~§ 157.041~~ PERMITTED YARD ENCROACHMENTS.

Non-habitable accessory buildings and components of principal buildings may encroach on yard setbacks following the standards listed in Table 22.

TABLE 7.—

TABLE 22. Permitted Encroachments of Non-Habitable Buildings on Yard Setbacks

<u>Permitted Encroachment</u>	<u>Applicable to Setback</u>	<u>Minimum Standards</u>
<u>Architectural elements</u>	• Front • Rear • Side	• <u>No portion projects more than 4 feet into a required yard setback</u> • <u>All portions shall be at least 3 feet from all lot lines</u>
<u>Air conditioning or other mechanical appurtenance</u>	• Front • Rear • Side	• <u>No portion projects more than 4 feet into a required yard setback</u> • <u>All portions shall be at least 5 feet from all lot lines</u>

Permitted Encroachment	Applicable to Setback	Minimum Standards
Non-habitable structures	- Side - Rear - Front	- All portions shall be at least 5 feet from any lot line - For garages, the entrance shall be at least 20 feet from all lot lines
At-grade patios (<12 inches above existing grade)	- Front - Rear - Side	No setback required
Decks and steps^{1,2}	Front	Shall not encroach into the required front yard setback by more than 50% of the distance from the building's front wall and the property line
Decks	Rear	All portions shall be at least 20 feet from rear lot line
Decks	Side	All portions shall be at least 10 feet from side lot line
Steps¹	Rear	All portions shall be at least 10 feet from rear lot line
Steps¹	Side	All portions shall be at least 5 feet from side lot line
Three- and four-season porches³	Rear	Shall be 20 feet from the rear lot line

Footnotes

¹ Ramps used to provide accessible egress to the structure are exempted from the maximum yard encroachments outlined in this section.

² The permitted encroachment shall be calculated one time only, based on the originally required front yard setback, and shall not be recalculated or increased based on any prior encroachment or modification.

³ Three- and four-season porches shall be constructed such that:

- The porch shall be supported on pier style footings
- The porch shall be constructed a minimum of 12 inches above the ground
- The area below the porch shall be open air and shall not be enclosed unless the floor elevation is less than three feet above the ground, in which case lattice shall be permitted
- Each wall on the porch shall contain windows, screens, or other transparent material for over 50% of the total individual wall area, except the shared wall with the primary structure. The gable roof area above the wall line shall not be included in this calculation

Minimum (>12 inches above existing grade) Shall not encroach into the required front yard setback more than fifty percent (50%) of the required front yard depth

At-grade patios (≤12 inches above existing grade) do not require a setback (>12 inches above existing grade) 3 (*), (**)

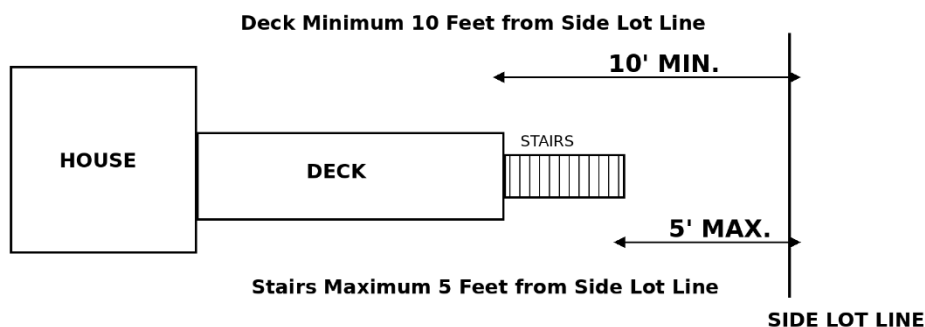
May encroach into the required front yard setback more than fifty percent (50%) of the required front yard depth, and shall not be no more than 10 feet into the required front yard setback

steps, and stoops (*), (**) Stairs Shall be 5 feet from the side lot line and Shall be 20 feet from the rear lot line

Decks shall be 10 feet from the side lot line and 20 feet from rear lot line

egress
 **The permitted encroachment shall be calculated one time only, based on the originally required front yard setback, and shall not be recalculated or increased based on any prior encroachment or modification.

FIGURE 12. Example of Deck and Stairs Side Lot Encroachment



- ~~A. The following shall be considered as permitted encroachments on yard setback requirements; provided that, no portion thereof projects more than four feet into a required yard setback and shall be three feet from all lot lines:~~
- ~~1. Chimneys and flues;~~
 - ~~2. Headers and sills;~~
 - ~~3. Pilasters and lintels;~~
 - ~~4. Bay windows and window wells;~~
 - ~~5. Ornamental features;~~
 - ~~6. Steps and stoops; and~~
 - ~~7. Air conditioning units or other mechanical appurtenance.~~
- ~~B. The following shall be considered as permitted encroachments on yard setback requirements; provided that, no portion thereof projects more than four feet into a required yard setback and that the setback from all lot lines shall be that which is required by Building Code, but in no case shall be closer than one foot from all lot lines:~~
- ~~1. Cornices;~~
 - ~~2. Eaves; and~~
 - ~~3. Gutters.~~
- ~~C. Patios may encroach into the required front yard setback provided that such patio shall not encroach more than 15 feet into the required front yard setback or shall be closer than ten feet from the front lot line.~~
- ~~D. Patios may encroach into the required side and rear yard setback; provided that, such patio be at least three feet from all lot lines.~~
- ~~E. Decks, steps and stoops may encroach into the required front yard setback; provided that:~~
- ~~1. No portion of the deck, step or stoop shall be closer than ten feet from the side lot line; and~~
 - ~~2. Such deck, step or stoop shall not encroach more than ten feet into the required front yard setback or shall be closer than 15 feet from the front lot line.~~
- ~~F. Decks may encroach into the required side and rear yard setback; provided that:~~
- ~~1. Such deck shall be ten feet from the side lot line;~~
 - ~~2. Such deck shall be 20 feet from the rear lot line; and~~
 - ~~3. No portion of the step or stoop that is part of the deck shall be closer than 20 feet from the rear lot line and six feet from the side lot line.~~
- ~~G. Three and four season porches may encroach into the required rear setback provided that:~~
- ~~1. Such three or four season porch shall be 20 feet from the rear lot line;~~
 - ~~2. Such three or four season porch shall be supported on pier style footings;~~

- ~~3. Such structure is constructed a minimum of 12 inches above the ground in which it is located;~~
- ~~4. The area below the structure shall be open air and shall not be enclosed unless the floor elevation is less than three feet above the ground, in which case lattice shall be permitted; and~~
- ~~5. Such three or four season porch shall have each wall on the structure shall contain windows, screens, or other transparent material for over 50% of the total individual wall area, except the shared wall with the primary structure. The gable roof area above the wall line shall not be included in this calculation.~~

~~(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1147, passed 8-20-1996; Ord. 1160, passed 4-15-1997; Ord. 1518, passed 2-17-2015) Penalty, see § 157.999~~

~~§ 157.017—§ 157.048~~ § 157.042 HEIGHT LIMITATIONS NOT APPLICABLE.

A. The building height limits established in this chapter for districts shall not apply to the following:

1. Belfries;
2. Chimneys or flues;
3. ~~Church~~ Spires, not exceeding 20 feet above roof;
4. Cooling towers;
5. Cupolas and domes which do not contain useable space;
6. Elevator penthouses;
7. Flag poles;
8. Monuments;
9. Parapet walls extending not more than three feet above the limiting height of the building;
10. Water towers;
11. Poles, towers and other structures for essential services; except that, such structures in excess of 100 feet shall require conditional use permits as regulated by § 157.~~099-075~~ of this chapter;
12. Necessary mechanical and electrical appurtenances;
13. Television and radio antennas (not to exceed 75 feet in height above grade); and
14. Wind Energy Conversion Systems (WECS).

~~-WECS are exempt from the maximum height limitations of the zoning district in which they are located, but must comply with the following maximum heights:~~

~~-Small WECS: Maximum height of 75 feet.~~

~~-Large WECS: Maximum height of 350 feet maximum heights established in Table 18. WECS height~~

~~-And are subject to:~~

a. Measurement.

Height shall be measured from the natural grade at the base of the system to the highest point of the rotor blade at its maximum vertical extension.

b. Future Revisions. The City may amend WECS height standards as part of a future update based on additional research, technological advances, or changes in state or federal guidance.

B. No excluded roof equipment or structural element extending beyond the limited height of a building may ~~occupy more than 25% of the area of such roof or~~ exceed ten feet unless otherwise noted.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.018~~ § 157.049 ~~§ 157.043~~ **REFUSE AND WASTE ENCLOSURES.**

A. Refuse storage required. Except for single family buildings, all refuse, waste, and garbage generated on a site shall be stored within a designated refuse enclosure located on the same parcel and accessory to the principal use.

B. Enclosure standards.

1. Refuse enclosures shall be designed to:

a. Fully contain refuse;

b. Must be enclosed on all four sides;

c. Screened on all sides to completely obscure the enclosure from view from any public right-of-way; and

d. Prevent wind dispersal, odor, and access by animals.

2. Refuse enclosures shall be located in accordance with applicable setback and site design standards of this chapter.

C. Residential and ~~o~~Other ~~D~~districts. In all other zoning districts, refuse shall be stored in closed containers designed for such purposes and maintained so as not to constitute a nuisance.

D. Property maintenance. The owner of vacant or occupied land shall be responsible for keeping the property free of refuse, junk, and accumulated waste.

E. Junk and inoperable vehicles. The outdoor storage of inoperable, unlicensed, or abandoned vehicles and materials shall be regulated in accordance with § 93.021 of the Code of Ordinances.

~~A.~~ In all districts, all waste, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds.

~~B.~~ Passenger automobiles, station wagons and trucks not currently licensed by the state or which are, because of mechanical deficiency, incapable of movement under their own power, parked or stored outside for a period in excess of 30 days, shall be regulated as provided for in § 93.021 of this code of ordinances. All other materials stored outside in violation of city ordinances are considered refuse or junk and shall be disposed of.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.019 — § 157.050 SITE DESIGN AND LANDSCAPING ADMINISTRATIVE ADJUSTMENTS

- A.** Table 23 outlines site design and landscaping standards, which apply to § 157.051 through § 157.056 of this chapter.
- B.** The Zoning Administrator may approve minor modifications to the standards in Table ~~XXX~~23 where:
 - 1.** Site conditions prevent strict compliance; or
 - 2.** Alternative designs achieve the intent of the table to equal or greater effect.
- C.** In the O-SL Shoreland Overlay District, the stricter standards shall apply.

TABLE 23. Call the Table below Site Design and Landscaping Standards?

<u>Landscaping Item</u>	<u>R-1, / R-2 (Low Density)^{1*}</u>	<u>R-3, / R-4 (Medium Density)^{1*}</u>	<u>Commercial* (B-2)</u>	<u>B-3</u>	<u>Industrial I-1, I-2</u>	<u>Civic / Public C-P</u>	<u>Ag / OSA-O, O-SL</u>	<u>MU-D</u>	<u>MU-N</u>
<u>Open Space Requirement</u>	<u>30% minimum</u>	<u>20% minimum</u>	<u>20% minimum</u>	<u>0%</u>	<u>15% minimum landscaped/pervious</u>	<u>25% minimum</u>	<u>None</u>	<u>5% minimum⁷</u>	<u>20% minimum</u>
<u>Trees (per lot area)</u>	<u>Exempt SF/TF¹</u>	<u>Minimum of 1 tree per 0.20 acre¹ / 0.20 ac</u>	<u>Minimum of 1 tree per 0.20 acre¹ / 0.20 ac</u>	<u>No minimum⁰</u>	<u>Minimum of 1 tree per 0.50 acre¹ / 0.50 ac</u>	<u>Minimum of 1 tree per 0.25 acre plus street trees¹ / 0.25 ac + street trees</u>	<u>None</u>	<u>N/A—</u>	<u>—N/A</u>
<u>Landscaped Islands inside Parking Area²</u>	<u>N/A</u>	<u>N/A</u>	<u>Minimum of 1 tree per 100 parking spaces¹ tree per 100 parking spaces (minimum)</u>	<u>Minimum of 1 tree per 100 parking spaces¹ per 100 spaces</u>	<u>Minimum of 1 tree per 100 parking spaces¹ per 100 spaces</u>	<u>Minimum of 1 tree per 100 parking spaces¹ per 100 spaces</u>	<u>N/A</u>	<u>Minimum of 1 tree per 100 parking spaces¹ per 100 spaces</u>	<u>Minimum of 1 tree per 100 parking spaces¹ per 100 spaces</u>
<u>Front Plantings</u>	<u>Exempt SF/TF</u>	<u>Live cover along frontage</u>	<u>Foundation plantings on public façades</u>	<u>None</u>	<u>Entry / office façades</u>	<u>Pedestrian-oriented plantings</u>	<u>None</u>	<u>None</u>	<u>Foundation plantings</u>
<u>Utility / Mechanical Equipment</u>	<u>Exempt SF/TF</u>	<u>Screening required</u>	<u>Screening required</u>	<u>Screening required</u>	<u>Screening required</u>	<u>Screening required</u>	<u>None</u>	<u>Screening required</u>	<u>Screening required</u>
<u>Buffers^{3,4}</u>	<u>See § 157.053</u>								
<u>Headlight Shielding (Drive Aisles)⁵</u>	<u>N/A</u>	<u>When abutting SF</u>	<u>Required when abutting residential</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>N/A</u>	<u>Required</u>	<u>Required</u>
<u>Parking Screening³</u>	<u>Not required</u>	<u>Shrubs with minimum height of 3 feet min</u>	<u>Shrubs with minimum height of 3 feet plus an min + opaque enclosure</u>	<u>N/A—</u>	<u>Shrubs or fence with (full opacity)</u>	<u>Shrubs and+ trees</u>	<u>None</u>	<u>Required</u>	<u>Required</u>
<u>Lighting – Fixture Type⁶</u>	<u>Residential standard</u>	<u>Full cutoff</u>	<u>Full cutoff (0°)</u>	<u>Full cutoff (0°)</u>	<u>Full cutoff (0°)</u>	<u>Full cutoff</u>	<u>N/A</u>	<u>Full cutoff</u>	<u>Full cutoff</u>
<u>Lighting – Spillover</u>	<u>No glare</u>	<u>No spillover</u>	<u>No light spill onto adjacent property</u>	<u>No spill</u>	<u>No spill</u>	<u>No spill</u>	<u>N/A</u>	<u>No spill</u>	<u>No spill</u>

^{*1} SF = Single--Family; TF = Two-Family.

Exemptions for SF and TF apply only to detached single--family and two--family dwellings.

^{2**} Parking--lot area tree requirement begins at one (1) tree per 100 parking spaces and applies to surface parking lots only. Intent is to provide a visual barrier, create shade and increase oxygen. Tree placement and species may be addressed during site plan review.

***3 Public view includes visibility from public streets, sidewalks, trails, and adjacent properties.

4 Buffers are measured horizontally and shall be located within required setbacks unless otherwise approved through site plan review.

5 Headlight shielding is required where parking areas or drive aisles are adjacent to residential zoning or residential uses. Shielding may include landscaped berms, fencing, walls, or other buffering methods sufficient to block vehicle headlights at ground level.

***6 Lighting standards require full -cutoff fixtures with a 0--degree uplight angle. Lighting shall be designed so that no light trespass or glare occurs onto adjacent properties, particularly residential uses.

***** Headlight shielding is required where parking areas or drive aisles are adjacent to residential zoning or residential uses. Shielding may include landscaped berms, fencing, walls, or other buffering methods sufficient to block vehicle headlights at ground level.

***** Buffers are measured horizontally and shall be located within required setbacks unless otherwise approved through site plan review.

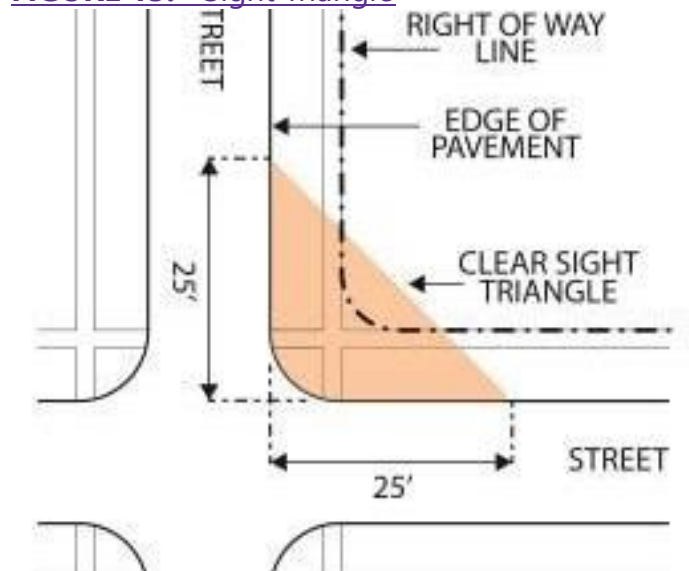
7 In MU-D District, open space requirements may be reduced by up to 50% through installation of sustainable feature such as:

- Run off filtration technology
 - Rain gardens, green roofs
 - Underground stormwater
 - Bioretention cells, or
 - Permeable plaza areas
- Shoreland overrides all requirements above

§ 157.051 TRAFFIC VISIBILITY; CORNER LOTS.

To preserve traffic visibility, corner lots must refrain from obstructing sightlines in every district except the Central Business District. Where two or more streets, driveways, or alleys intersect, a sight triangle shall be measured 25 feet from the corners at the edge of the payment, as shown in Figure 13.

FIGURE 13. Sight Triangle



The standards for protecting these sightlines are shown in Table 24.

TABLE 24. Sightline Standards for Corner Lots

Restriction	Standard
<u>Restricted objects</u>	<u>Fences, structures, grading, or planting</u>
<u>Restricted location</u>	<u>Within 25 feet of intersecting right-of-way lines</u>
<u>Restricted height</u>	<u>3 feet to 8 feet above the centerline grades of the intersecting streets</u>

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

§ 157.052 ~~§ XXX~~ LANDSCAPING

A. General ~~m~~Maintenance.

1. Turf grass and weed height.

Except as provided in § 157.052~~subsection B~~, turf grass and unmanaged vegetation shall not exceed the height defined in § 93.061. ~~eight (8) inches in height.~~

2. Noxious weeds.

All properties shall be maintained free of noxious weeds, as defined and regulated under ~~Minnesota Statutes~~ Minn. Stat. §§ 18.75 through –18.91.

B. Managed natural landscapes.

1. Permitted landscapes.

Managed natural landscapes—including native plantings, meadow or prairie vegetation, rain gardens, pollinator gardens, and similar intentional plantings—are permitted on all privately owned properties pursuant to Minn. Stat. § 412.925.

2. Height allowance.

Vegetation within managed natural landscapes may exceed eight (8) inches in height and may go to seed, provided it does not contain noxious weeds and is maintained to prevent hazardous or uncontrolled conditions.

3. Maintenance.

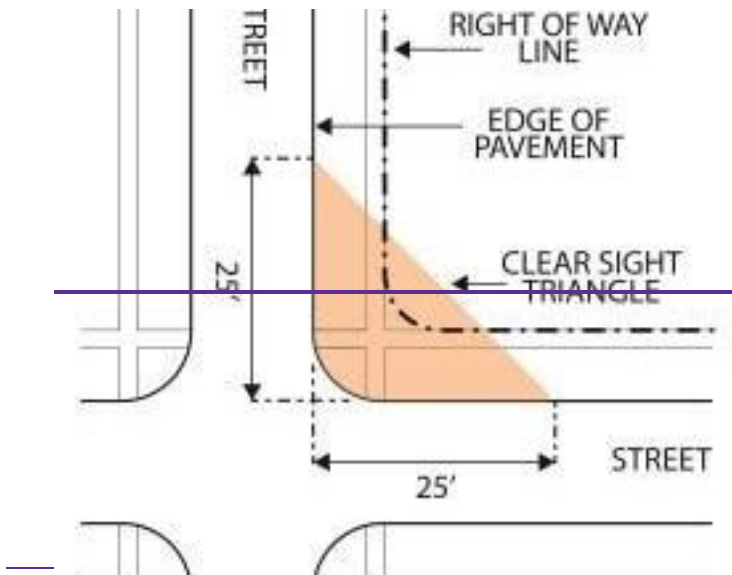
Managed natural landscapes shall be intentionally installed and actively maintained through seasonal management practices such as mowing, trimming, weeding, burning (where permitted), or other appropriate horticultural methods.

4. Edges and borders.

Where managed natural landscapes abut sidewalks, driveways, alleys, or property boundaries, a maintained edge or border shall be provided to preserve visibility, accessibility, and clear delineation.

C. Sight-triangle, visibility and safety. Landscaping shall be placed and maintained so as not to obstruct required sight triangles or pedestrian visibility at street intersections, driveways, or alleys as described in §157.051 Traffic Visibility; Corner Lots. ~~Vegetation of any type—including fencing, or other landscape features—shall be measured at the corner 25'-0" from corners at the edge of pavement and shall not exceed two (2) feet in height within any required sight triangle at street intersections, driveways, or alleys.~~

~~Sight Triangle Graphic~~



D. Impervious surface treatment.

1. Minimum open space and pervious area.

Minimum open space and pervious area requirements are governed by Table [XXX23](#).

2. Low-impact features.

Where permitted by Table [XXX23](#), stormwater-supportive landscape features such as rain gardens, bioretention areas, permeable pavements, or similar features may be used to meet [zoning open space or landscaping requirements](#).

3. See [Section xxx hyperlink](#) Chapter 52 of the City Code for required Engineering stormwater calculations.stormwater infrastructure requirements.

§ 157.053 § XXX-BUFFERING

[A vegetative buffer may be required in situations where uses of different intensities are adjacent to each other. In these cases, it shall be the responsibility of the property owner with the more intense use to install and maintain the buffer.](#)

TABLE 25. Buffering Requirements Table

<u>Situation</u>	<u>Minimum Buffer Requirement</u>	<u>Applies To</u>	<u>Implementation Notes</u>
<u>Non-residential use adjacent to residential zoning or residential use</u>	<u>10 feet minimum landscaped buffer</u>	<u>Commercial (B2)</u>	<u>Shrubs and/or fencing required; see § XXX Screening and Fencing 157.056 construction standards</u>
<u>Medium-density residential abutting single-family residential</u>	<u>5 feet minimum within setbacks</u>	<u>R3 / R4</u>	<u>Buffer measured horizontally within required yard</u>
<u>Business use adjacent to residential</u>	<u>10 feet landscaped buffer</u>	<u>B2, B3</u>	<u>Screening required per Table XXX23</u>
<u>Business use with auto-oriented activity adjacent to residential</u>	<u>10 feet, shrubs + fence</u>	<u>B3</u>	<u>Applied to uses with higher visual/light impacts</u>
<u>Industrial use adjacent to residential</u>	<u>20 feet landscaped buffer</u>	<u>Industrial</u>	<u>Continuous shrubs and/or berm/fence required</u>
<u>Civic or public use adjacent to residential</u>	<u>15 feet landscaped buffer</u>	<u>Civic / Public</u>	<u>Pedestrian-oriented landscaping emphasized</u>

<u>Situation</u>	<u>Minimum Buffer Requirement</u>	<u>Applies To</u>	<u>Implementation Notes</u>
<u>Mixed-use developments adjacent to residential</u>	<u>Buffer required (per underlying use)</u>	<u>MU-D, MU-N</u>	<u>Applied use-by-use or consolidated where approved</u>
<u>Agricultural / Open Space adjacent to residential</u>	<u>No buffer required</u>	<u>Ag / OS</u>	<u>Unless otherwise required by another regulation</u>

DRAFT

~~§ 157.020 — § 157.044 OUTSIDE STORAGE.~~

~~**General Standard.** In all residential districts, personal property shall be stored within a fully enclosed building or screened from view from adjacent properties and public streets, except as specifically permitted below. Screening may include fencing, walls, landscaping, or other methods that provide year-round opacity.~~

~~**Allowed Unscreened Outdoor Items.** In all residential districts, the following items may be stored outdoors without screening, provided they are maintained in a neat and orderly condition and do not create safety, health, or nuisance concerns:~~

~~Laundry drying equipment, such as clotheslines or drying racks.~~

~~Recreational equipment, including play structures, lawn games, bicycles, canoes/kayaks, and seasonal outdoor furniture.~~

~~Construction or landscaping materials and equipment that are actively being used on the premises, provided the project is ongoing and materials do not remain on site for longer than 12 months without active construction activity.~~

~~Agricultural equipment and materials, when used or intended for use on the premises.~~

~~Motor vehicles, limited to:~~

~~Licensed passenger automobiles, vans, or pickup trucks, and~~

~~Off-street parking as otherwise permitted by this ordinance.~~

~~Firewood, stored for use on the premises, provided it is stacked safely and kept in an orderly manner.~~

~~**D.** In all residential districts, all personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within a period of 12 months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking or licensed passenger automobiles and pickup trucks. The exterior storage of wood for use in wood burning stoves, fireplaces, furnaces and the like shall also be permitted to the extent that such storage shall be done in an orderly fashion.~~

~~**E.** In non-residential districts, outside storage shall be regulated as provided for in §§ 157.020 through 157.028 and 157.070 through 157.080 of this chapter.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

~~§ 157.021 — § 157.0445 GARAGE SALES.~~

~~Garage sales shall be limited to a total of ten calendar days of operation per calendar year at any residential location. (Ord. 1578, passed 4-3-2018)~~

~~§ 157.022 — § 157.045 LAND RECLAMATION.~~

~~Under this chapter, **LAND RECLAMATION** is the reclaiming of land by depositing of materials 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 400 cubic yards or more of fill is to be deposited shall come under the controls of 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 control of windblown material or hauling of material to or from the site.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

~~§ 157.023 — § 157.046 MINING.~~

~~Except for excavation for construction of a building, the extraction of sand, gravel or other material from the land in the amount of 400 cubic yards or more and removal thereof from the site without processing shall be defined as mining. Mining operations shall be allowed in any zoning district only upon issuance of a Conditional Use Permit. As a condition of approval, the applicant shall submit a detailed site plan that includes existing and proposed drainage patterns, finished grades, dust control measures, and erosion and sediment control practices. All elements of the operation shall be designed and maintained so as not to adversely impact adjacent properties, public infrastructure, or the planned development of the site.~~

~~The site plan shall also identify the designated haul routes for all trucks entering and leaving the property. All mining activities, site improvements, and ongoing operations shall comply with all applicable federal, state, and local laws, rules, and regulations, including but not limited to regulations administered by the Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Transportation (MnDOT). 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 site.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

~~§ 157.024 — § 157.047 SOIL PROCESSING.~~

~~The operation of processing sand, gravel and other material mined from the land shall be permitted only by conditional use permit. Such conditional use permit shall include a site plan where the processing is to be done, showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site. Such permit shall be granted for a specified period of time, not to exceed one year. Permit may be renewed upon application at which time operation will be reviewed and additional conditions attached if necessary to protect the general welfare.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

~~§ 157.025 – § 157.048 STUDENT HOUSING.~~

~~Any detached dwelling unit utilized on a rental basis by three or more single high school or college students shall require a conditional use permit. All student housing shall comply with all state, city, county or other regulations affecting the health, safety and convenience of the occupants.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

~~§ 157.026 – § 157.049 BULK STORAGE (LIQUID, GAS, GRAIN AND THE LIKE).~~

~~Above and below ground storage tanks, bins, elevators and the like shall be regulated in accordance with applicable city, state and federal regulations, including the applicable Building Codes, State Fire Code and regulations of the Pollution Control Agency. All necessary federal, state and local permits and approvals shall be obtained. The Council may require that all existing above ground liquid in free state storage tanks having a capacity of 300 gallons or more be diked, and suitably sealed, to hold a leakage capacity equal to 115% of tank capacity, and also have State Fire Marshal approval. Any existing storage tanks either above or below ground that, in the opinion of the State or local Fire Marshall or Buidling Official Council, constitutes a hazard to public safety shall be discontinued.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

§ 157.054 SITE DESIGN STANDARDS

A. Applicability and table control.

1. Landscaping, buffering, screening, lighting, and site design requirements shall be provided in accordance with Table XXX23.
2. For Engineering Standards See Chapter 155 of this code for ~~that provide additional requirements for~~ related to the following topics:
 - a. ~~(hyperlink to Derek's code):~~ Existing Site Features: § 155.004(A);
 - b. Building Arrangement: § 155.004(B);
 - c. Building Visibility and Access, Pad Site Orientation, Vehicular Access and Circulation: § 155.004(C);
 - d. General Circulation, Primary Access, Entrances and Exits, Internal Circulation, Service and Delivery Access, Drive-Through Facilities: § 155.004(D);
 - e. Service and Docking Off-street loading oOrientation: § 155.004(E);
 - f. Stormwater Management: § 155.004(F);
 - g. Snow Storage: § 155.004(G);
 - h. Utilities and Infrastructure Coordination, Relationship to Other Standards. ~~provide~~ hyperlink: § 155.004(H)
3. Table XXX23 establishes:
 - a. Where site design elements are required; and

b. Minimum dimensional or quantitative standards, by zoning district and use.

c. Where multiple standards apply, the more restrictive requirement shall govern.

B. Lighting. Exterior lighting shall comply with the standards in Table XXX23, including:

1. Use of full-cutoff fixtures; and

2. Prevention of light trespass or glare onto adjacent properties; and

3. Comply with the standards established in § 157.063 of this chapter.

See Section xxx hyperlink for required engineering photometrics

C. Headlight shielding. Where required by Table XXX23, headlight shielding shall be provided along parking areas or drive aisles abutting residential zoning districts or residential uses. Headlight shielding may include landscaping, berms, fencing, walls, or combinations thereof sufficient to block vehicle headlights at ground level.

D. Parking-area trees. Parking-area tree requirements identified in Table XXX23 apply to surface parking lots only. Tree placement and species selection shall be reviewed and approved as part of site plan review.

E. Shoreland regulations. Where Shoreland Overlay District regulations apply, Shoreland standards established in §§ 157.015 through 157.023 shall supersede the requirements of Table XXX23 and this section.

F.

~~§ 157.027~~ ~~§ 157.055~~ ~~§ 157.051~~ **GENERAL FENCING REQUIREMENTS.**

~~FENCES are herein defined as an above-grade artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land and may be erected, placed or maintained along or adjacent to a lot line, in accordance with the requirements as identified below.~~

A. Permits.

1. Fences do not require zoning permits unless located within a utility easement. Fences placed within utility easements are subject to removal if required for the installation or maintenance of a utility.
2. Where permitted, fences in excess of ~~s~~seven (7') ~~ix~~feet in height as measured from finished grade may require a building permit.

B. Maintenance and materials.

1. Fences shall be of durable, weather-treated materials and must be maintained in a respectable condition.
2. Barbed wire or electric fences shall not be ~~permitted~~allowed, used or constructed, except in industrial districts, as hereinafter provided, or areas where the keeping of livestock is permitted.

C. Setbacks.

1. Fences may be constructed up to the lot line; provided that, no portion of the fence protrudes over the lot line.

1.2. Owner is required to maintain both sides of the fence as well as all areas of the property.

2.3. It is the responsibility of the property owner to locate lot lines before construction of any fence and ensure that the fence is constructed in the proper location.

D. Height requirements.

1. Residential Districts.

a. Front yard. No fence shall exceed three feet in height above finished grade; except that, open fencing less than 50% opaque may be increased to four feet.

b. Rear yard and side yards not including any portion of the front yard. No fence shall exceed seven feet in height.

2. Commercial Districts.

a. ~~Any~~No fence ~~that shall~~ exceed s seven feet in height above finished grade shall require a conditional use permit.

b. Fences erected along a property line in common with a residential district shall be subject to the provisions herein described for residential districts.

3. Industrial Districts.

a. ~~Any~~No fence ~~that shall~~ exceed s eight feet in height above finished grade shall require a conditional use permit.

b. Fences may utilize barbed wire as a security measure, provided the barbed wire commences at a point at least seven feet above finished grade and does not project over lot lines.

c. Fences erected along a property line in common with a residential district shall be subject to the provisions herein described for residential districts.

E. Maintaining traffic visibility at corner lots. ~~Except in the Central Business District, no fence shall be permitted within any yard area on a corner lot which will impede vision above a height of two and one-half feet as measured above the centerline grades of the intersecting streets within 20 feet of the street intersecting right-of-way lines. No fence shall be permitted within any yard area on a corner lot which will impede visibility in required sight triangles as described in §157.051.~~

(Ord. 827, passed 4-19-1983; Ord. 1483, passed 4-2-2012) Penalty, see § 157.999

§ 157.056 § XXX-SCREENING AND FENCING

A. Applicability. Screening and fencing shall be required where indicated in Table XXX23 and Table 24. This section governs how required screening is provided.

B. Screening methods. Where screening is required, screening shall be provided by one or more of the following:

1. Greenbelt planting strip.

- a. Shall consist primarily of evergreen plant material arranged, installed, and maintained to provide an effective year-round visual screen, achieving a minimum of 50 percent opacity when viewed horizontally.
- b. Shall be of sufficient width and density to achieve a minimum effective screening height of eight (8) feet within 12 months of planting.
- c. No structures, storage, parking, or other uses shall be permitted within the planting strip.
- d. Earth mounding or berming may be used but shall not contribute more than three (3) feet of the required screening height.

2. Screening fence.

- a. Shall provide a solid visual screening effect.
- b. Shall have a minimum height of six (6) feet.
- c. May be constructed of masonry, brick, wood, steel, or similar durable materials.

3. Utility and mechanical equipment screening. All utility and mechanical equipment shall be screened when visible from public view, including from public streets, sidewalks, or adjacent properties.

C. Location.

- 1. Ground-mounted equipment located in front yards or street-facing side yards shall be screened.
- 2. Wall-mounted equipment shall be screened or integrated into the building design when visible from public view.
- 3. Rooftop equipment shall be screened from view at ground level from the public right-of-way.

D. Screening. For purposes of this section, screening means a permanent barrier that visually obscures equipment from public view and may include fencing, walls, landscaping, architectural features, or a combination thereof.

E. Screening from public Right-of-Way. In addition to requirements identified in Table ~~XXX~~23 and Table 24, screening from public streets or rights-of-way shall be required where:

- 1. Industrial uses involve open or outdoor storage, service, sales, or rental areas; or
- 2. Industrial uses result in vehicle headlight glare visible from or impacting adjacent properties or the public right-of-way.

F. -Approval. Screening plans, including planting layouts, fencing, berming, and materials, shall be reviewed and approved as part of site plan review, with technical review by the Zoning Administrator and City Engineer, as applicable.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.028~~ ~~§ 157.057~~ ~~§ 157.050~~ **RELOCATED STRUCTURES.**

- A.** Before any house or other structure is moved onto a vacant lot, a conditional use permit must be secured. No such structure shall be moved by other than a licensed and bonded mover, except for accessory buildings less than 250 square feet, which may be moved by the owner if approved by the City Building Inspector. Accessory buildings of 500 square feet or less, and less than 15 feet in height may not require a conditional use permit if, in the judgment of the Building Inspector, its condition and appearance would be compatible with the area and intended use. New and sectional dwellings, whether in whole or in part, may not need a conditional use permit if they comply with the Building Code or other requirements of this chapter.
- B.** The Planning Commission shall hold a public hearing according to the provisions of § 157.080-101 of this chapter on each application to move or relocate a structure to determine its compatibility with the surrounding structures and area of the proposed site of relocation. The Building Inspector shall report to the Planning Commission concerning structural soundness of the building; recommended improvements to both the structure and the site, and restoration of the original site. The Building Inspector shall also submit for the Commission's review and approval a schedule of estimated costs for the above.
- C.** The Planning Commission shall submit to the City Council its recommendation as to the issuance or denial of the conditional use permit, together with recommended conditions (if recommendation is for issuance) including, when applicable, the condition that title to the property and structure cannot be sold or conveyed until the project has been completed and approved by the Building Inspector, a date by which the relocation and all recommended improvements to structure and site and restoration of original site shall be accomplished; and a signed agreement from the applicant that the conditions, recommended improvements and completion date are accepted.
- D.** If the City Council approves the issuance of a conditional use permit, the applicant shall, before either the conditional use permit or moving permit is issued, deposit with the City Clerk-Treasurer as a guarantee to the neighborhood that the recommended improvements will be completed as agreed to by the applicant, a certified check or cashier's check made payable to the city or in cash in an amount equal to 20% of the Building Inspector's estimate of all the costs of relocation, improvement to structure, improvement to the proposed site and restoration of the original site, as prescribed by the Planning Commission and concurred in by the Council, excepting from those calculations the charges made by a licensed moving firm. The minimum deposit shall be \$500. When the Building Inspector shall certify that the project has been completed, the City Clerk-Treasurer shall return to the applicant all the monies remaining in the deposit. No interest shall accrue on the deposit while held by the City.
- E.**
1. Unless the City Council grants an extension of time for completion of the project, 10% of the original amount deposited shall be forfeited for each day that the project remains incomplete past the agreed upon completion date. If the entire amount of the guarantee deposit becomes forfeited, the City Council shall then direct that the Building Inspector hire a contractor to complete the project as promised.

2. All monies forfeited shall first be applied to the costs incurred by the city in the completion. Costs incurred beyond the amount of surety, including but not limited to, administrative and personnel costs of the city, materials cost and contractor charges and interest and service charges, shall be expended from the General Fund of the city and made a special assessment against the property and certified to the County Auditor for collection in one installment together with interest and costs according to law.
 - F. Before the Building Inspector shall issue a permit to move a structure over any public right-of-way, the applicant shall pay the required fee and complete the application for building moving permit and moving approval form, all agreeable to the provisions of §§ 150.085 through 150.089 of this code of ordinances.
 - G. These requirements shall not apply to construction sheds or temporary construction offices located on the lot for 18 months or less during a construction project.
- (Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.029~~ § 157.058 ~~§ 157.052~~ **PLANNED UNIT DEVELOPMENT.**

A. Application.

1. **Ownership.** Property proposed for a Planned Unit Development (PUD) shall be under single ownership or unified control sufficient to ensure implementation of all PUD conditions.~~In order that the purposes of this chapter section may be achieved, the property shall be in single ownership or under the management and supervisory lease or ownership control as may be necessary to carry out the provisions of this chapter.~~
2. **Applicability.** This section governs Conditional Use Permits for PUDs in zoning districts where PUDs are allowed. Unless expressly modified by this section or by conditions of approval, all other applicable district standards and ordinance provisions shall continue to apply.~~This section establishes provisions for the granting of conditional use permits for planned unit developments in zoning districts where permitted as conditional uses and which are in compliance with the permitted and conditional uses allowed in that zoning district. Unless specifically addressed in this section, the rules, provisions and regulations of the zoning district and elsewhere in this chapter shall apply to the planned unit development.~~

B. Procedures and requirements for establishing a Planned Unit Development.

1. An application for a conditional use permit shall be filed and processed based upon procedures established in § 157.~~099-075~~ of this chapter. Any zone changes required in conjunction with the PUD request must also be filed according to the provisions of §§ 157.098 074 and 157.078 of this chapter.
2. A concept plan shall accompany the application, including written statements and scaled sketch plans showing:~~Application for a conditional use permit shall be accompanied by a concept plan to include written statements and any necessary sketch plans drawn to scale. The concept plan shall include the following:~~
 - a. Identification of PUD boundaries;

- b. Proposed land uses;
- c. Densities (approximate square footage per unit or, when appropriate, floor area ratios);
- d. Generalized site layout;
- e. Circulation patterns (vehicular and pedestrian);
- f. Open space areas, proposed parks or recreation facilities;
- g. Generalized land use of the surrounding area;
- h. Building type(s); and
- i. Tentative development schedule and/or phasing of development.

3. A public hearing shall be held pursuant to City ordinance and Minn. Stat. § 462.3595. The Planning Commission shall forward findings and a recommendation to the City Council. The Council may grant tentative approval. Public hearing on request for conditional use permit shall be held as provided for by ordinance. Recommendation and findings of the Planning Commission shall be submitted for action upon by the City Council. Affirmative action by the City Council may be a tentative approval.

~~-A General Development Plan (GDP) shall be required prior to submission of a Preliminary Development Plan for any proposed Planned Unit Development (PUD),~~

~~- or for other development proposals where coordinated, flexible site design is~~

4. requested. A GDP shall be required in the following circumstances:

a. **All Planned Unit Developments.** Any development proposing to utilize the Planned Unit Development provisions of this ordinance, including requests for flexibility in lot configuration, setbacks, density, or design standards.

~~-Master-Planned or Phased Development.~~ Any development proposed to occur in multiple phases or over time, where

b. — coordination of land use, infrastructure, or circulation is necessary.

~~-Mixed-Use or Large-Scale Development.~~

— Developments involving a mix of residential, commercial, or institutional uses,

— or developments exceeding thresholds established by the City for size, dwelling

c. — units, or floor area.

~~-Development Requiring Flexibility or Deviations.~~

— Any proposal requesting departures from standard zoning or subdivision

— requirements, including clustering, shared facilities, modified lot layouts,

d. — or alternative site design.

~~-Site Design with Community-Wide Impacts.~~

— Developments that may significantly affect traffic circulation, utilities,

e. – parkland, open space, or adjacent land uses, as determined by the City.

-The Planning Department may recommend, or the applicant may request, a GDP

- for other projects where early conceptual review would assist in identifying

~~3. development constraints, applicable standards, and coordination with City plans. Tentative approval of the conditional use permit shall be subject to the condition that a preliminary development plan, as outlined in division (B)(8) below, be submitted for review and action upon by the City Council upon recommendation of the Planning Commission within three months of the tentative approval of the concept plan.~~

~~a. For the purposes of this division (B)(4), TENTATIVE APPROVAL shall mean that the Planning Commission and the City Council have approved in concept the development of the proposed site as a PUD and that based upon the proposed land uses, densities, site layout and other features of the development as outlined in the concept plan, the proposed PUD development is an appropriate and proper use of that property. Tentative approval does not grant the applicant any right to undertake construction of the development.~~

~~b.f. If the preliminary development plan is not submitted within three months, the conditional use permit will lapse unless an extension of time is requested by the applicant and granted by the City Council upon recommendation of the Planning Commission~~

5. Preliminary Development Plan.

~~c.a. A subdivision application shall be submitted concurrently with the preliminary development plan, per Ch. 155. At the time of submission of the preliminary development plan, the application shall make application for subdivision, subject to the requirements, provisions and procedures of Ch. 155 of this code of ordinances~~

~~d. Phased PUDs may submit preliminary plans by phase consistent with the approved development schedule. If the PUD is to be completed in phases as provided for and approved in the concept plan, application may submit a preliminary development plan and make application for subdivision for the initial phase. Submission of preliminary development plans and application for subdivision for subsequent phases shall be based on the tentative development schedule of the concept plan.~~

~~e.b. The preliminary development plan must conform to the concept plan and any City Council conditions. The preliminary development plan shall be in conformance with the concept plan, and will be based directly on that plan and any conditions or revisions as required by City Council as part of the tentative approval of the concept plan. Any modification of the PUD proposal from the concept plan must be documented as to the changes requested, impact on the overall plan and reasons for requesting modifications. Any modification of the proposal must be approved by City Council upon recommendation of the Planning Commission.~~

c. Preliminary Development Plan Submittals.

~~4. The preliminary development plan is to include the following.~~

~~a. General area-wide development plan (general outline of the site and surrounding area).~~

C. Uses;

1) Zoning;

2) Streets;

3) Grade or topography; and

4) Densities.

1) Preliminary Development Site Plan Specific ~~site plan.~~ The Preliminary Development Site Plan shall include a site plan illustrating the proposed development in sufficient detail to evaluate site layout, circulation, and compatibility with adjacent properties and public systems. The plan shall include, at a minimum:

(a) Boundaries of the subject site, including total area and general dimensions;

(b) Existing uses, zoning classifications, and general site conditions of adjacent properties within one hundred (100) feet;

-Generalized topography and significant natural features, including drainage

(c) — patterns, wetlands, or floodplain areas, as applicable;

-Location, arrangement, and approximate size of proposed buildings, including

(d) — general building types and intended uses;

-Proposed vehicular and pedestrian circulation, including access points,

(e) — driveways, internal circulation, and parking areas;

(f) Loading, service, and utility areas, as applicable;

-Location and general design of screening elements, including fencing,

(g) — walls, and landscaping;

-General stormwater management approach and drainage patterns, consistent with

(h) — Chapter 52 of the City Code;

(i) Proposed open space areas, landscaped areas, and general ground treatment;

-Representative standards or concepts for building design, signage, and site

— elements, where such standards are proposed to be established as part of the

(j) — development; and

-Any proposed covenants, development standards, or ownership/maintenance

(k) — structures associated with the development.

-Additional information may be required by the Planning Department as necessary

-to evaluate the proposed development. Detailed engineering plans, grading plans,

-landscape plans, and traffic studies shall be required at the time of Preliminary

- ~~(a)~~ Plat, Final Plan, or permit review, as applicable. ~~The entire outline, overall dimensions and area of the tract described in the application;~~
- ~~(b)~~ The use, zoning and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width of all adjacent public roadways;
- ~~(c)~~ The existing and proposed topography of the tract with contour intervals not greater than two feet;
- ~~(d)~~ The location, general exterior dimensions and approximate gross floor areas of all proposed buildings;
- ~~(e)~~ The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use;
- ~~(f)~~ The proposed location, arrangement and number of automobile parking stalls;
- ~~(g)~~ The proposed location, arrangement and general dimensions of all truck loading facilities;
- ~~(h)~~ The location and dimensions of all vehicular entrances, exits and driveways and their relationship to all existing or proposed public streets;
- ~~(i)~~ The location and dimensions of all walls, fences and plantings designed to screen the proposed district from adjacent uses;
- ~~(j)~~ The general drainage system;
- ~~(k)~~ The types of all ground covers;
- ~~(l)~~ Standards for exterior signs, architectural style and other variables which will be controlled in the design of buildings in the development site;
- ~~(m)~~ Proposed signage;
- ~~(n)~~ A site plan for traffic engineering analysis, showing location and design of the buildings, driveways, driveway intersections and streets, parking areas, loading areas, maneuvering areas and sidewalks;
- ~~(o)~~ A site grading plan and planting plan, including screen walls and fences, for analysis of adequacy of surface drainage, erosion control, visual screening and landscaping, including sodding; and
- ~~(p)~~ (l) Proposed covenants, deed restrictions, reservations, controls, declarations and homeowner's association by-law

5)2) Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed planned unit development is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the completion date of the complete development plan.

b.d. Public hearing will be reopened on the conditional use permit for PUD for the purpose of reviewing the preliminary development plan. Recommendations and findings of the hearing shall be submitted for action upon the conditional use permit by the City Council. When applicable, public hearing on the preliminary plan shall be held at the same meeting.

c.e. Upon approval of the conditional use permit, with or without further conditions or restrictions, the preliminary development plan, together with such covenants, deed restrictions, reservations, controls or variances as are a part thereof, shall become a part of the official file of the city.

~~2. Final plat approval must be obtained pursuant to Ch. 155. As provided for and regulated in Ch. 155 of this code of ordinances, approval of the final plat must be secured by the applicant.~~

3.6. Upon approval of the final plat, the applicant shall then be entitled to make application for necessary building permits.

D.C. Review and evaluation criteria. The evaluation of the proposed plan and development shall include, but not be limited to, the following criteria.

1. Adequate property control is necessary to protect the individual owner's rights and property values. Responsibility for maintenance and upkeep of land and structures held in common ownership is provided for in a declaration of covenants, conditions and restrictions or equivalent document.
2. The interior circulation plan plus access from and onto public right-of-way do not create congestion or dangers and is adequate for the safety of the project residents and the general public.
3. A sufficient amount of usable open space is provided.
4. The arrangement of buildings, structures and accessory uses does not reasonably disturb the privacy or property values of the surrounding residential uses.
5. The architectural design of the project is compatible with the surrounding area.
6. The drainage and utility plans are submitted to the City Engineer and the final drainage and utility plans shall be subject to his approval.
7. The development schedule ensures a logical development of the site which will protect the public interest and conserve land.
8. Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

E.D. General implementation.

1. Compliance with the final development plan and changes.

- a. The development of the planned unit development shall be in compliance with the final development plan.
- b. Differences between the actual development and proposed development shown in the final development plan not permitted under the foregoing provisions of this section will be

permitted only if the final development plan is changed with the approval of the City Council. Proposed changes shall be reviewed by the Planning Commission and recommendations forwarded to the City Council.

- 2. Building permits.** Applications for building permits shall be reviewed and approved by the Building Inspector after considering conditions imposed by the City Council. Such applications shall be examined by determine if they are in compliance with this chapter and the final development plan.

F.E. General development requirements.

- 1. General.** ~~Common-interest property shall be subject to covenants ensuring ongoing maintenance. If the association fails to maintain the property or pay required taxes/assessments, the City may assess costs to each property, which shall constitute a lien. When applicable, the declaration of covenants, conditions and restrictions or equivalent document shall provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the city or fails to pay taxes or assessments on properties as they become due and in the event the said city incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.~~
- 2. Public services.** The proposed project shall be served by the city water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
- 3. Utility connections.**
 - a. Water connections.** Where more than one property is served from the same service line, a shut-off valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normally supplied shut-off at the street.
 - b. Sewer connections.** Sanitary sewer laterals shall comply with the Minnesota Plumbing Code (MinnesotaMinn. Rules ChapterCh. 4714), including cleanout requirements.
 - 1) For shared or extended private sewer systems serving multiple units, the City may require additional access structures, easements, or design features, as recommended by the City Engineer, to ensure adequate long-term maintenance.
 - 2) Private sewer systems shall not be extended or configured in a manner that functionally creates a public or shared collection system unless approved by the City.
 - 3) All maintenance and cleaning shall be the responsibility of the property owner or property owner's association.
 - ~~G. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provisions must be made for manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owner's association or owner.~~

- 1.4. Building height.** Height limitations shall be the same as imposed in the respective districts.

2.5. Roadways.

- a. Private roadways within the project shall have an improved surface of 20 feet or more in width and shall be so designed as to permit the city fire trucks to provide protection to each building.
- b. No portion of the required 20-foot road system may be used in calculating required off-street parking space or be used for parking.

H.F. Planned Unit Development - Residential.

1. Purpose. ~~Purpose. Establishes provisions for PUD-Residential developments in districts where such uses are allowed. It is the intent of this section of this chapter to establish provisions for the granting of a conditional use permit for planned unit development—residential projects which are in compliance with the permitted and conditional uses allowed in a specific district including dwellings, offices and institutional uses of one or more buildings in relation to an overall design, and integrated physical plan and in accordance with the provisions and procedures as prescribed in this chapter.~~

2. Minimum project size, required frontage, and yard restrictions. ~~The tract of land and all building placements shall meet the minimum requirements included in the table below. The tract of land for which a planned unit development—residential is proposed and permit requested shall not have less than three acres of land.~~

3. Required frontage. ~~The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way.~~

4. Yards.

5. ~~The front and side yard restrictions at the periphery of the planned unit development site at a minimum shall be the same as imposed in the respective districts.~~

6. ~~No building shall be nearer than its building height to the rear or side property line when such line abuts an "R-1" or "R-2" use district.~~

7. ~~No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the private roadway pattern.~~

8.2. ~~No principal building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.~~

9.3. Density bonus. As a consequence of a planned unit development's planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by 10%. The building parking and similar requirements for these extra units shall be observed in compliance with this chapter.

10.4. Minor PUDs.

a. Minimum project size. ~~A Planned Unit Development shall consist of a minimum of three (3) acres, unless otherwise approved by the City where the intent of the PUD provisions can be achieved on a smaller site.~~

b. Frontage. A minimum of 200 feet of frontage on a public right-of-way shall be required, unless modified by the City where adequate access and circulation are demonstrated.

c. Yard and spacing standards.

1) Perimeter setbacks. Front and side yard setbacks along the perimeter of the PUD shall be no less than those required in the underlying zoning districts.

2) Transition to residential districts. Where a PUD abuts an R-1 District, the minimum distance between a principal building and the property line shall be equal to the height of the building, unless reduced where additional buffering, screening, or design features provide equivalent protection.

3) Interior setbacks along private streets. The minimum distance between a principal building and the back of curb of a private roadway shall be 15 feet, unless otherwise approved by the City.

4) Building separation. The minimum distance between principal buildings shall be not less than 50 percent of the combined building heights.

4)5) Flexibility. The City may modify the standards of this section as part of PUD approval where the proposed development achieves equal or greater levels of compatibility, design quality, and public benefit. The minimum requirements of division (F)(2) and (F)(3) above may be reduced, if, upon recommendation of the Planning Commission, the City Council determines that the public health, safety and general welfare can be better served by a smaller development that demonstrates integrated planning and architecture, joint or common use of parking, conservation of land and open space through clustering of buildings and activities, and provides a harmonious selection and efficient distribution of uses. The Zoning Administrator may waive or reduce procedures and requirements for such minor residential planned unit developments of less than three acres and/or 200 feet of frontage on the public right-of-way.

11.5. Additional requirements - townhouses, multiple-family structures.

a. No townhouse structure shall exceed sixteen (16) total dwelling units. ~~Where townhouse units are arranged back-to-back, no~~ No more than eight (8) units shall face in the same direction. ~~No single townhouse structure shall contain more than eight dwelling units facing one direction. Townhouse structures with dwelling units back-to-back are limited to eight dwelling units facing in one direction for a maximum of 16 dwelling unit.s~~

b.a. Minimum unit lot frontage for townhouses shall be not less than 20 feet.

c. Dwelling unit and accessory use requirements must comply with the district provisions in which the development is planned.

d.b. Buildings shall be separated by a minimum of 10 feet, unless otherwise approved by the City, and shall comply with applicable fire and building codes whichever is more stringent. ~~No building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.~~

e.c. Townhouses, cooperatives and condominiums will be subdivided on an individual unit basis according to the provisions of Ch. 155 of this code of ordinances.

I.G. Planned unit development - commercial and industrial.

1. Purpose. The intent of this section of this chapter is to establish provisions for the granting of a conditional use permit to erect planned unit development - commercial and industrial projects which are in compliance with the permitted and conditional uses allowed in a specific district in one or more buildings in relation to an overall design, an integrated physical plan and in accordance with provisions and procedures in this chapter.

2. Minimum project size, required frontage, and yard restrictions. The tract of land and all building placements shall meet the minimum requirements included in Table 26. The tract of land for which a planned unit development—commercial or industrial project is proposed and permit is requested shall contain not less than five acres for commercial and industrial projects.

2.

TABLE 8.—Siting and Size Standards for Commercial and Industrial PUDsFrontage. The tract of land for which a project is proposed and a permit requested shall not have less than 200 feet of frontage on a public right-of-way.

TABLE 9.TABLE 26. Yard. No building shall be nearer than 50 feet to the side or rear property line when such line abuts an "R-1", "R-2", "R-3" or "R-4" use district.

Standard	Requirement
Minimum project size	5 acres
Required project frontage on public right-of-way	200 feet
Yard restrictions	- Minimum distance between a building and side or rear property line abutting an R-1 or R-2 district: 50 feet; R-3 or R-4 district: 30 feet - Minimum distance between a building and side or rear property line abutting an R-3 or R-4 district: 30 feet - Elsewhere: no restrictions

3. Minor PUDs. The minimum requirements of divisions ~~§ 157.058(G)(2) (G)(2) and (G)(3)~~ above may be reduced, if, upon recommendation of the Planning Commission, the City Council determines that the public health, safety and general welfare can be better served by a smaller development that demonstrates integrated planning and architecture, joint or common use of parking, conservation of land and open space through clustering of buildings and activities and provides a harmonious selection and efficient distribution of uses. The Zoning Administrator may waive or reduce procedures and requirements for such minor commercial and industrial planned unit developments of less than five acres and/or 200 feet of frontage on the public right-of-way.

J. Planned unit development—manufactured housing.

1. General. General. Manufactured housing PUDs shall comply with this section and all applicable state codes, including the State Building Code. Any planned unit development for manufactured housing, as defined by § 157.002 of this chapter, must be developed in conformance with the rules, regulations and procedures of this section, with additional regulation as provided below and subject to all other applicable provisions of this chapter.

2. Minimum project size. The tract of land on which a planned unit development—manufactured housing is proposed and permit requested shall contain not less than five acres of land.

3. Required frontage. The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way.

4. Development standards. By definition, a PUD emphasizes a regulatory process rather than regulations; however, certain minimal standards must be met.

a. Density. Six thousand square feet lot area per dwelling unit (the sum of all non-public land within a development, including all land in common ownership through the homeowner's association and land held directly by one individual landowners divided by the number of dwelling units).

b. Building setbacks and distance between structures.

1) A 30-foot setback shall be maintained around the perimeter of a PUD.

2) The minimum distance between principal and accessory structures shall be six feet.

3) The minimum distance between principal structures shall be one-half the sum of the buildings' heights.

4) The minimum distance between accessory structures where at least one structure is under private ownership shall be six feet.

5) There will be no minimum setback between accessory structures that are in common or limited common ownership.

6) A minimum setback of 30 feet shall be maintained off all roadways and public right-of-way.

c. Height. No structure shall exceed two and one-half stories or 25 feet, whichever is greater.

d. Frost footings. All manufactured housing shall be constructed on frost footings in compliance with the State Building Code.

e. Landscaping and screening.

1) Each lot shall be properly landscaped with at least one tree, hedges, grass, fences, windbreaks and the like.

2) Commonly held open space shall be landscaped in accordance with a landscaping plan approved by the Planning Commission.

3) Boundaries of the development not abutting a public right-of-way shall be screened in compliance with § 157.020 of this chapter.

f. Parking.

1) Two off-street parking spaces per dwelling unit shall be provided for exclusive use by that unit.

~~2) The Planning Commission may require a hard-surfaced off-street parking lot for guests of occupants in the amount not to exceed one space per two units. Such space must be located as to be readily accessible and in close proximity to the units it is serving. Determination of the need for guest parking shall be based on project design; how conducive proposed streets are in accommodating temporary off-street parking; and design of the off-street parking required for each unit.~~

~~3) The Planning Commission may require additional off-street parking for commonly owned facilities such as community centers, weather shelters, recreation facilities and the like. Determination of the need for as well as the number of spaces required will be based on the use of the structure or facility and its location within the PUD.~~

~~4) Development plans must indicate garage sites for all dwelling units whether or not garages will be part of the initial development. Such sites may be entirely situated on private lots or may be provided as a limited common facility.~~

~~**g. Weather shelter.** When required by state law, a weather shelter in conformance with state law, shall be built and held in common ownership. Such shelter shall be of a size to temporarily accommodate a number of persons totaling no less than three persons per proposed dwelling unit.~~

~~5. Additional requirements.~~

~~**a.** In addition to the requirements of division (E)(1) above, regarding property control, the Planning Commission will review declarations to ensure that mechanisms for adequate control and maintenance of the development will be established and that the homeowner's association will be a responsible agent in administering and enforcing the declaration and covenants and deed restrictions included. Specific items to be addressed in the declaration shall include, but not be limited to:~~

~~1) Control of physical appearance; control and upkeep of both the individual units and lots and all common and limited common properties to include steps, additions to dwelling units, maintenance of grounds and commonly held facilities and the like;~~

~~2) Accessory buildings and uses;~~

~~3) Declarations must specify that all units must be owner-occupied; provisions for the temporary leasing of units with approval of the homeowner's association may be included in the declaration;~~

~~4) Must specify association's role regarding maintenance, design review, enforcement and the like; and~~

~~5) Type(s) of unit(s) allowed in development.~~

~~**b.** The Planning Commission will review the declaration and any covenants and deed restrictions included as to their adequacy in ensuring that a high quality living environment will be maintained.~~

~~**6.1. Minor PUDs.** The minimum requirements of divisions (H)(2) and (H)(3) above may be reduced, if, upon recommendation of the Planning Commission, the City Council determines that the~~

~~public health, safety and general welfare can be better served by a smaller development that demonstrates integrated planning and architecture, joint or common use of parking, conservation of land and open space through clustering of buildings and activities, and provides a harmonious selection and efficient distribution of uses. The Zoning Administrator may waive or reduce procedures and requirements for such minor manufactured housing planned unit developments of less than five acres and/or 200 feet of frontage on the public right-of-way.~~

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1160, passed 4-15-1997)

~~§ 157.030~~ § 157.059 ~~§ 157.053~~ **OFF-STREET PARKING REQUIREMENTS.**

A. Site plan drawing necessary. All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this section. The Zoning Administrator shall review proposed parking plans for compliance with ordinance requirements. See § 155.004(C) for vehicular access and circulation requirements.
Engineering requirements for stall layout, circulation, and pavement design — put hyperlink

~~K.~~

L.B. General provisions.

- 1. Floor area.** The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building, structure or use times the number of floors, minus 10%.
- 2. Reduction of existing off-street parking space or lot area.** Off-street parking spaces and loading spaces or lot area existing upon the effective date of this chapter shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.
- 3. Non-conforming structures.** ~~Should a non-conforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations; except that, in doing so, all off-street parking or loading space shall meet the requirements of this chapter.~~ If a structure or use with nonconforming off-street parking is damaged or destroyed, it may be restored if repair costs do not exceed fifty (50) percent of the pre-damage value and reconstruction is completed within twelve (12) months. If the damage exceeds fifty (50) percent, the use and site shall comply with all off-street parking and loading requirements of this ordinance.
- 3.4. Change of use or occupancy of land.** No change of use or occupancy of land already dedicated to a parking area, parking spaces or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls or parking requirements below the minimum prescribed by these zoning regulations.

4.5. Change of use or occupancy of buildings. No change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

5.6. Garage requirement. Every single-family dwelling unit hereafter erected shall be so located on the lot so that at least a two-car garage, either attached or detached can be located on said lot.

6.7. Accessory residential use. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one truck not to exceed gross capacity of 9,000 pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment.

7.8. Use of required parking area. Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles as regulated by §§ 157.044-034 and 157.035 of this chapter, and/or storage of snow; except that, required parking areas may be used for certain outdoor sales, promotions, recycling units and the like if such uses are incidental to the principal use, infrequently held, last for no more than four 30 days, and do not interfere with traffic flow. In all residential zoning districts non-profit organizations may engage in the outdoor sale of Christmas trees in said parking area, provided that such sales do not exceed 45 days, including time necessary to return sales area to normal conditions, and that a permit authorizing such sales is obtained from the Zoning Administrator.

M. Calculating space.

- ~~1. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.~~
- ~~2. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.~~
- ~~3. Should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.~~

N.C. Design standards.

- ~~1. **Parking space size.** Each parking space shall be not less than nine feet wide and 20 feet in length exclusive of access aisles, and each space shall be served adequately by access aisles. Parallel parking spaces shall not be less than 22 feet in length.~~

TABLE 10.

<u>Parking Type</u>	<u>Minimum Width</u>	<u>Minimum Length</u>
<u>Parallel Parking</u>	<u>9 feet</u>	<u>22 feet</u>
<u>Perpendicular (90°)</u>	<u>9 feet</u>	<u>20 feet</u>

~~MN Administrative Rule 8820.9961 MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE PULL-IN DIAGONAL PARKING. Diagonal parking projects must meet or exceed the minimum dimensions indicated in the following design chart.~~

<u>Parking Angle</u>	<u>Present ADT</u>	<u>Parking Stall Width</u>	<u>Parking Stall Depth</u>	<u>Distance Between Traffic Lane and Parking Stall</u>	<u>Length Along Curb</u>
<u>45-degrees</u>	<u><3000</u>	<u>9</u>	<u>20</u>	<u>2</u>	<u>12.7</u>

<u>Parking Angle</u>	<u>Present ADT</u>	<u>Parking Stall Width</u>	<u>Parking Stall Depth</u>	<u>Distance Between Traffic Lane and Parking Stall</u>	<u>Length Along Curb</u>
60 degrees	< 3000	9	21	7	10.4
45 degrees	≥ 3000	9	20	14	12.7
60 degrees	≥ 3000	9	21	19	10.4
Other Angles	all	9	See Engineering Standards		

2.1. Within structures. The off-street parking requirements may be furnished by providing a space so designed within the principal building or one structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.

2. Circulation. Except in the case of single-, two-family and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-, two-family and townhouse dwellings, parking area design which requires backing into the public street is prohibited.

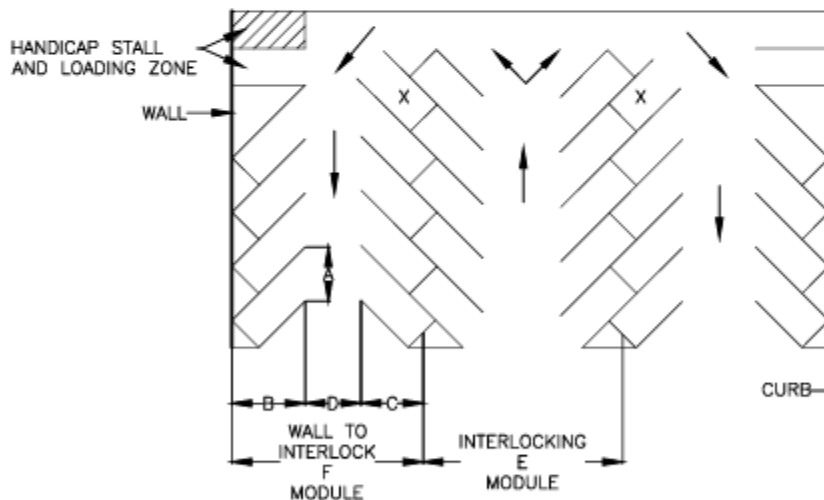
3. Dead-end parking aisles or driveways are not permitted.

4. Compliance Parking standards. Except in the case of single-family, two-family and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the following standards: standards shown in Figure 14.

<u>Angles (Degrees)</u>	<u>Wall to Wall Minimum (2 rows)</u>	<u>Minimum Aisle Width</u>
30	45.6 ft.	11 ft.
45	52.5 ft.	13 ft.
60	60.0 ft.	18 ft.
90	62.0 ft.	24 ft.

FIGURE 14. Parking Area and Aisle Dimensions

	A STALL WIDTH PARALLEL TO AISLE TO AISLE	B STALL DEPTH TO WALL	C STALL DEPTH TO INTERLOCK	D AISLE WIDTH	E WALL TO WALL	F INTERLOCK TO INTERLOCK
0 DEG						
9.0 STALL	23	9	9	12	31	30
10.0 STALL	23	10	10	12	33	32
45 DEG						
8.5 STALL	12	19.5	16.5	13	52	46
9.0 STALL	12.7	19.5	16.5	12	51	45
9.5 STALL	13.4	19.5	16.5	11	50	44
60 DEG						
8.5 STALL	9.8	20.5	18.5	18	59	55
9.0 STALL	10.4	20.5	18.5	16	57	53
9.5 STALL	11.0	20.5	18.5	15	56	52
75 DEG						
8.5 STALL	8.3	20.0	19.0	25	65	63
9.0 STALL	9.3	20.0	19.0	23	63	61
9.5 STALL	9.8	20.0	19.0	22	62	60
90 DEG						
8.5 STALL	8.5	18.5	18.5	28	65	65
9.0 STALL	9.0	18.5	18.5	26	63	62
9.5 STALL	9.5	18.5	18.5	25	62	62



NOTES:

1. PARKING LAYOUT DIMENSION (SHOWN IN FT) FOR 9' x 18' STALLS AT VARIOUS ANGLES.
2. ALL PARKING MUST MEET THE FOLLOWING:
 - HARD SURFACING
 - APPROVED DRAINAGE
 - LANDSCAPING
 - STRIPING
 - SIGNING
3. HANDICAP STALLS
 - THE NUMBER OF HANDICAP STALLS AND UNLOADING AREA SHALL BE DETERMINED BY THE MOST CURRENT BUILDING CODE.
 - THE MINIMUM WIDTH FOR A HANDICAPPED STALL SHALL BE 96" WITH A EQUAL LOADING ZONE.

5. Grade elevation. The grade elevation of any parking area shall not exceed 5% without approval of the City Engineer.

6. Driveway access standards. The location and width of driveway ~~accesses~~access shall comply with the standards listed in Table 27.

TABLE 27. Driveway Access Standards^{1,2}

<u>Standard</u>	<u>Single-Family, Two-Family, Townhouses, and Multi-Family (< 12 units)</u>	<u>All Other Uses</u>
<u>Minimum Distance from Street Intersection</u>	<u>Minimum 30 feet from the intersection of lot lines</u>	<u>Minimum 40 feet from the intersection of lot lines</u>
<u>Approval Authority</u>	<u>Not required</u>	<u>Accesses shall be approved by the City Engineer and City Planner</u>
<u>Maximum Driveway Width – Residential Districts</u>	<u>Single-family lots that are over 100 feet wide and have a garage with 3 or more stalls: 326 feet maximum-max for single-family lots > 100 ft wide with 3-stall (or larger) garages</u> <u>All other residential driveways: 24 feet maximum-max for all other residential driveways</u>	<u>N/A</u>
<u>Maximum Driveway Width – Business / Industrial / Mixed-Use</u>	<u>N/A</u>	<u>36 feet maximum</u>
<u>Side Lot Line Clearance</u>	<u>Minimum 1 foot from side lot line</u>	<u>Minimum 35 feet from side lot line</u>

Footnotes

¹ The more restrictive standard shall apply where multiple conditions overlap.

² Distances are measured from the intersection of lot lines, not curb returns or pavement edges.

~~The more restrictive standard shall apply where multiple conditions overlap.~~

5. Accesses. Except for single- and two-family dwellings and apartments of less than 12 units, all driveway accesses shall be approved by the City Engineer and City Planner but in no instances shall driveway accesses be located less than 40 feet from line intersection of two or more street rights-of-way. Driveways serving single- and two-family residences, townhouses and apartments of less than 12 units shall be no less than 30 feet. This distance shall be measured from the intersection of lot lines.

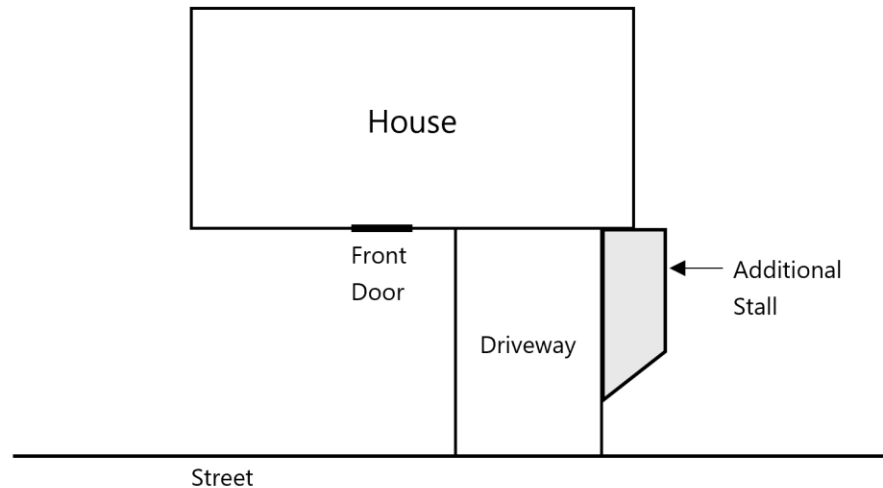
~~**Access width.** No driveway access shall exceed 24 feet in width in "R-1", "R-2", "R-3", "MH", "R-4", "R-5", "R-6", "R-B" and "B-1" Districts; except that, single-family driveway accesses leading directly to three-stall or larger garages on lots with widths 100 feet or greater are permitted driveway access widths up to 32 feet upon review and approval of City Engineer and City Planner.~~

~~Also in single-family driveways with direct access to garages, total driveway width at any location may not exceed the width of the garage at access door locations.~~

O. No driveway access shall exceed 36 feet in width in "B-2", "B-3", "I-P", "I-1" and "I-2" Districts.

a. One additional parking area up to 12 feet in width may be added adjacent to the driveway on the side opposite the front door, as shown in Figure 5. The driveway width at the front lot line shall not exceed the maximum driveway width stated in Table 27.

FIGURE 15. Additional Residential Parking Area Configuration



7. Access Spacing and Location. Driveway spacing shall be in accordance with the following table: Driveway spacing and separation from intersections shall be governed exclusively by Table 28. Where strict compliance is infeasible due to lot size or configuration in residential districts, the City may approve a reduced setback administratively.

TABLE 28. Standards for Driveway Spacing

Road Classification	Minimum Separation between Driveways ¹	Minimum Separation between Driveways and Intersection Streets ²
Local & Collector Streets (<3,000 projected ADT)	830 feet	3575 feet ³
Collector Streets (>3,000 and < 6,000 projected ADT)	60 feet	75 feet
Collector Streets (<6,000 projected ADT)	125 feet	150 feet
Arterial (<15,000 projected ADT)	400 feet	480 feet
Arterial (>15,000 projected ADT)	1,000 feet	1,200 feet

Footnotes

Except in the case of local and collector streets with less than 3,000 ADT, access is limited to the lowest classification route available.

¹ Measured from the nearest edge of one driveway to the nearest edge of the adjacent driveway along the same side of the roadway.

² Measured from the nearest edge of the driveway to the nearest edge of the intersecting street right-of-way line or curb return, whichever is closer.

³ For single-family, two-family, and townhouse uses on local streets with ADT less than 3,000, the minimum separation from intersection may be reduced to 30 feet, or as approved by the City Engineer.

1. Side lot line. Driveways shall be a minimum one foot from the side lot line in residential districts, and three feet from the side yard lot line in business and industrial districts.

2-8. Driveway access. All property shall be permitted at least one driveway access. Multiple driveway accesses may be permitted on lots with street frontage in excess of 100 feet in width upon approval of the City Engineer.

~~3. Length. Driveway accesses on a public street, except for two-family and townhouse dwellings, shall not be less than 40 feet from one another when located on the same property.~~

4.9. Surfacing. All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Except in the case of single-family and two-family dwellings, driveways and parking areas which have access onto a concrete or asphaltic surfaced street or public right-of-way shall be surfaced with asphalt or concrete. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the City Engineer for his or her review and the final drainage plan shall be subject to his or her written approval.

5.10. Striping. In parking areas exceeding 12 spaces, stalls shall be marked with contrasting paint lines not less than four inches wide.

6. Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with § 157.063 of this chapter. ~~157.073 of this chapter.~~ See Engineering requirements ~~put hyperlink~~

11.

7.12. Signs. No sign shall be so located as to restrict the ~~sign~~site lines and orderly operation and traffic movement within any parking lot. All ~~signing~~image must conform to Ch. 153 of this code of ordinances.

8.13. Curbing. Except for single- and two-family dwellings and townhouses, all off-street parking within ten feet of the lot line shall have a continuous, permanent curb barrier constructed of concrete ~~or asphalt~~ around the entire parking area except that where parking area abuts alley, vehicles are parked parallel to alley and access to alley need not be restricted, required parking setbacks may be indicated by striping. Individual wheelstops butted together and spiked down shall not constitute permitted curbing under this provision. Said curbing shall not be closer than five feet from any lot line; except that, in the B-3 ~~(CBD)~~ Zoning District, said curbing shall not be closer than three feet from any lot line.

9.14. Required screening. All open, non-residential off-street parking areas of five or more spaces shall be screened and landscaped from abutting or surrounding residential districts and uses in compliance with §§ ~~157.070.050~~ through 157.056 of this chapter.

10.15. Landscaping within parking areas.

- a. All parking setback areas with a width of less than five feet shall consist of grass, plantings, decorative rock, bark chips, asphalt or concrete. See landscaping requirements section.
- b. All parking setback areas with a width of five feet or more and abutting public right-of-way shall have one tree planted for every 40 lineal feet of setback area in addition to grass, plantings, decorative rock or bark chips.
 - 1) The minimum spacing between trees shall be 20 feet.
 - 2) Tree planting requirements may be satisfied by planting trees in the boulevard upon submission of a plan and approval by the Shade Tree Commission.

- 3) Alternate landscaping including shrubs may be substituted for tree planting requirements upon submission of a plan and approval by the Planning Commission.
- c. For commercial off-street parking areas of 200 spaces or more, a minimum of ten square feet of interior landscaped islands is required for each space.
 - 1) Each interior landscaped island shall have a minimum of one tree in addition to grass, plantings, decorative rock or bark chips.
 - 2) The minimum dimensions of a landscaped interior island shall be five feet in width by five feet in length.
 - 3) Such islands shall be disbursed and placed to assist traffic flow within the parking area.
- d. It is the responsibility of the property owner and/or tenant to ensure that landscaping and trees are maintained in good condition as to present a healthy, neat and orderly appearance.
 - 1) Trees planted under this chapter must be cultivated nursery stock with straight trunks not less than six feet high, with a minimum one-inch caliper.
 - 2) Trees and landscaping shall be designed and placed to prevent damage by vehicles.
 - 3) Trees and landscaping shall be replaced if damaged or removed.

P.D. Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping and required fences.

Q.E. Location. All accessory off-street parking facilities required by this chapter shall be located and restricted as follows.

1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except as provided for in [§§ 157.059\(G\) and 157.059\(H\) divisions \(H\) and \(I\)](#) below.
2. Except for single-, two-family and townhouse dwellings, head-in parking, directly off of adjacent to the public street, with each stall having its own direct access to the public street, shall be prohibited.
3. Except for single- and two-family housing and townhouses, required accessory off-street parking shall not be provided in front yards or in side yards abutting street right-of-way in "R-1", "R-2", R-3", [and "R-4" and "R-5" Districts.](#)
4. In the case of single-family, two-family and townhouse dwellings, parking shall be prohibited in any portion of the front yard, except designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use.

F. Number of off-street parking spaces required. [The following Table 29 shows the](#) minimum number of off-street parking spaces [which](#) shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses noted [shall be or as](#) determined by the Planning Commission.[A](#)

1. ADA / accessible parking. All developments shall comply with federal accessibility requirements, including the Americans with Disabilities Act (ADA) and ANSI A117.1, as amended. Required accessible parking spaces are in addition to or included within minimum counts as required by law.

2. Measurement basis. Floor area refers to gross floor area unless otherwise stated.

3. Site plan review authority. The City may require additional parking, circulation adjustments, or loading accommodations where unique site conditions, intensity of use, or observed demand warrant such revisions.

5.4. Shared parking. Shared parking reductions may be approved administratively or by the City Council where an applicant demonstrates overlapping parking demand will not occur.

6.

5. Unlisted uses. For uses not listed in Table 29, parking requirements shall be determined by the Zoning Administrator using the most similar listed use, documented in writing, or based on a parking demand study.

6. Calculating space.

- a. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.
- b. In stadiums, sports arenas, places of worship, and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.
- c. Should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

TABLE 29. Minimum Off-Street Parking Requirements

Land Use Category	Minimum Parking Spaces Required
Single-Family Dwelling	1 per bedroom unit
Multi-Family Dwelling	1 per bedroom, maximum of 3 per unit
Senior Housing	Reserve 1 per bedroom unit; initially, only 0.5 per bedroom unit required to be constructed. Additional spaces may be required upon Council determination of need.
Group Living / Congregate Living	30% of total occupancy
General Retail / Commercial	3 per 1,000 sq. ft. of gross leasable floor area
Supermarket / Big Box Grocery	3 per 1,000 sq. ft. of gross leasable floor area
Convenience Store / Fuel Station (e.g., Kwik Trip / C-Store)	3 per 1,000 sq. ft. of gross floor area, plus 1 per fuel dispenser
Automobile Sales (Car Dealership)	1 per 1,000 sq. ft. of showroom area, plus vehicle display/storage as approved through site plan review
Automobile Repair	Per service bay: 2–3 stalls per bay (employee + customer turnover) Plus office/customer space: 1 stall per 250–300 sq ft of office/waiting area
Car Wash	- Two (2) parking spaces per wash bay, plus: - One (1) space per employee (largest shift), plus: - One (1) space per vacuum or service stall, and: - Adequate stacking shall be provided to prevent queuing onto public streets or drive aisles.
General Office	3 per 1,000 sq. ft. of gross floor area

<u>Land Use Category</u>	<u>Minimum Parking Spaces Required</u>
<u>Medical / Dental Clinic</u>	<u>3 per 1,000 sq. ft. of gross floor area</u>
<u>Hospital</u>	<u>1 per bed, plus 1 per employee on maximum shift</u>
<u>Restaurant</u>	<u>30% of total occupancy load</u>
<u>Indoor Recreation / Entertainment (</u>	<u>1 per 4 persons of maximum occupancy</u>
<u>Movie Theater</u>	<u>1 per 5 seats</u>
<u>Event Center / Convention Center</u>	<u>1 per 5 seats or fixed assembly spaces, or 1 per 4 persons of maximum occupancy, whichever is greater</u>
<u>Funeral Home</u>	<u>1 per 4 seats in chapel or viewing area</u>
<u>Gym / Fitness Center</u>	<u>3 per 1,000 sq. ft. of gross floor area</u>
<u>Garden Center / Nursery</u>	<u>2 per 1,000 sq. ft. of outdoor sales area, plus indoor retail requirements</u>
<u>Warehouse / Distribution / Light Industrial / Flex</u>	<u>1 per employee on maximum shift</u>
<u>Self-Storage Facility</u>	<u>1 per 100 storage units, plus 1 per employee on maximum shift</u>
<u>Places of Worship / Assembly / Auditorium</u>	<u>1 per 5 seats</u>
<u>Large Athletic Complex</u>	<u>1 per 5 seats</u>
<u>Hotels / Motels</u>	<u>1 per guest room, plus 2 spaces</u>
<u>Bed and Breakfast</u>	<u>1 per guest room, plus spaces required for primary residential use</u>
<u>Schools / Libraries</u>	• <u>Elementary & Middle School: 20% of occupancy load</u> • <u>High School: subject to traffic study</u> • <u>College / University: 30% of occupancy load</u> • <u>Library: 3 per 1,000 sq. ft. of gross floor area</u>
<u>Day Care / Child Care Center</u>	<u>1 per employee on maximum shift, plus designated drop-off areas</u>
<u>Teen Center / Youth Center</u>	<u>1 per 4 persons of maximum occupancy</u>
<u>Jail / Detention Center</u>	<u>1 per employee on maximum shift, plus visitor parking</u>
<u>Parks – Neighborhood</u>	<u>Minimum 10 spaces, plus:</u> <u>25 per athletic field</u> <u>10 per playgroundPer approval of the Planning Commission</u>
<u>Parks – Community</u>	<u>Minimum 25 spaces, plus</u> <u>25 per athletic field</u> <u>10 per playgroundPer approval of the Planning Commission</u>
<u>Trailheads</u>	<u>Minimum 10 spaces; additional spaces based on amenities</u>
<u>Mixed-Use Development</u>	<u>Parking shall be calculated based on individual uses. Shared parking reductions may be approved where uses operate at non-competing times.</u>

R. Residential-

S. Single-family, two-family and townhouse units: two spaces per unit;

T. Multiple-family dwelling: studio and one bedroom require one stall per unit and two bedroom and greater require a minimum of two stalls per unit; and

U. Elderly (senior citizen) housing: reservation of area equal to one parking space per unit. Initial development is, however, required of only one-half space per unit and said number of spaces can continue until such time as the City Council considers a need for additional parking spaces has been demonstrated.

V. Church, theater, auditorium: at least one parking space for each four seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this chapter;

W. School elementary and junior high: at least one parking space for each classroom plus one additional space for each 50-student capacity;

- ~~X. School, high school through college and private and day or church schools: at least one parking space for each seven students based on design capacity, plus one for each three classrooms;~~
- ~~Y. Boarding house, fraternity house, sorority house: at least two parking spaces for each three persons for whom accommodations are provided for sleeping;~~
- ~~Z. Community centers, physical culture studios, libraries, post office, private clubs, lodges, museums, art galleries: ten spaces, plus one for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure;~~
- ~~AA. Baseball fields, stadiums: at least one parking space for each eight seats of design capacity;~~
- ~~BB. Public parks, playgrounds and play field: at least five parking spaces for each acre of park over one acre; two parking spaces per acre for playgrounds and ten spaces for each acre of play field. When a public recreation site has more than one use designation, the areas must be divided for determining the required parking spaces;~~
- ~~CC. Hospitals: two spaces per each bed;~~
- ~~DD. Sanitariums, convalescent home, rest home, nursing home or day nurseries: four spaces, plus one for each three beds for which accommodations are offered; and~~
- ~~EE. Adult day care: two spaces for every five program participants.~~
- ~~FF. If a public recreation site has more than one use designation, the areas must be divided for determining the required parking spaces as shown in the table.~~
- ~~GG.~~
- ~~HH. Business and commercial.~~
- ~~II. Motels, motor hotels, hotels: one space per each rental unit, plus one space for each ten units and one space for each employee on any shift;~~
- ~~JJ. Drive-in establishment and convenience food:~~
- ~~KK. Drive-in only: at least one parking space for each 15 square feet of gross floor area, but not less than 15 spaces; and~~
- ~~LL. Convenience food establishment with indoor seating: parking shall be provided at a rate of 30% of the buildings designated occupant load.~~
- ~~MM. Restaurants, cafés, private clubs serving food and/or drinks, bars, taverns, nightclubs: parking shall be provided at a rate of 30% of the buildings designated occupant load;~~
- ~~NN. Retail store and service establishment: at least one off-street parking space for each 300 square feet of floor area;~~
- ~~OO. Retail sales and service businesses with 50% or more of gross floor area devoted to storage, warehouses and/or industry: at least eight spaces or one space for each 200 square feet devoted to public sales or service, plus one space for each 500 square feet of storage area; or at least eight spaces or one space for each employee on the maximum shift, whichever is appropriate;~~

- ~~PP. Bowling alley: at least five parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure;~~
- ~~QQ. Skating rink, dance hall or public auction house: 20 off-street parking spaces, plus one additional off-street parking space for each 200 square feet of floor space over 2,000 square feet;~~
- ~~RR. Golf driving range, miniature golf, archery range: ten off-street parking spaces, plus one for each 1,000 square feet of floor area;~~
- ~~SS. Motor fuel station: at least four off-street parking spaces, plus two off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this chapter;~~
- ~~TT. Fuel pumps associated with other use: two spaces in addition to those required by other use;~~
- ~~UU. Auto repair: eight off-street parking spaces, plus one additional space for each 800 square feet of floor area over 1,000 square feet;~~
- ~~VV. Car wash (in addition to required magazinging or stacking space):~~
- ~~WW. Automatic drive through, serviced: a minimum of ten spaces or one space for each employee on the maximum shift, whichever is greater;~~
- ~~XX. Self-service: a minimum of two spaces; and~~
- ~~YY. Motor fuel station car wash: zero in addition to that required for the station.~~
- ~~ZZ. Motor bus terminal, taxi terminal: see "auto repair";~~
- ~~AAA. Boats and marine sales and repair: see "auto repair";~~
- ~~BBB. Building material sales in structure, garden supply store: see "auto repair"; and~~
- ~~CCC. Undertaking establishments: at least 20 parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.~~
- ~~DDD. Offices. Office buildings, financial institutions, professional offices, medical and dental clinics: at least one off-street parking space for each 300 square feet of floor area.~~
- ~~EEE. Industrial.~~
- ~~FFF. Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods: at least eight spaces, plus one space for each two employees on each shift based on maximum planned employment or at a minimum at least eight spaces, plus one space for each 500 square feet of floor area; and~~
- ~~GGG. Bottling company: eight off-street parking spaces, plus one additional space for each 800 square feet of floor area over 1,000 square feet.~~
- ~~HHH. B-3 (Central Business) District. All non-residential uses shall provide at least one parking space for each 500 square feet of floor area.~~

~~III. Parking requirements for non-residential uses in the B-3 District may be reduced or waived as a conditional use, subject to the provisions and procedures of § 157.099 of this chapter; and, provided that:~~

~~JJJ. The applicant demonstrates that proposal will not adversely affect the existing parking situation in the immediate area;~~

~~KKK. Excess parking capacity on and off-street exists and that long-term parking needs will be accommodated; or~~

~~LLL. Time of peak parking demand differs from that of surrounding businesses and land uses or that parking requirements will be reduced through an organized carpooling program or other similar efforts.~~

~~MMM. The applicant shall use parking surveys and accepted parking standards and data as a basis for assessing the parking impact of the proposal.~~

NNN.G. Joint parking facility.

1. The City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business, should they provide them separately.
2. When considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted nor the Council approve such a permit, except when the following conditions are found to exist:
 - a. The building or use for which application is being made to utilize the off-street parking facilities provided by other building or use shall be located within 300 feet of such parking facilities;
 - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed; and
 - c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk-Treasurer and recorded with the County Auditor.

OOO.H. Off-site parking.

1. Any off-site parking which is used to meet the requirements of this chapter shall be a conditional use as regulated by § 157.~~099-075~~ of this chapter.
 - a. Such off-site parking shall comply with all parking standards stated in this chapter.
 - b. Reasonable access from off-site parking facilities to the use served shall be provided.

2. Any use which depends on off-site parking to meet the requirements of this chapter shall maintain the minimum number of required parking spaces or cease operation and use until such time as there is full compliance with the requirements of this chapter.
3. Wherever required parking facilities are on a lot or parcel of land other than the principal building which is to be served, a properly drawn legal instrument, executed by the parties concerned, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk-Treasurer.
4. Any use which depends upon off-site parking to meet the requirements of this chapter shall require a certificate of occupancy, renewable annually, as regulated in § 157.102-081 of this chapter.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1083, passed 12-7-1993; Ord. 1113, passed 5-16-1996; Ord. 1132, passed 2-20-1996; Ord. 1156, passed 1-7-1997; Ord. 1160, passed 4-15-1997; Ord. 1491, passed 1-8-2013; Ord. 1501, passed 6-4-2013; Ord. 1557, passed 3-7-2017) Penalty, see § 157.999

~~§ 157.031~~ ~~§ 157.060~~ ~~§ 157.054~~ **OFF-STREET LOADING.**

A. Adequate off-street loading space shall be provided in connection with any structure which requires receipt or distribution of materials by vehicles. Loading berths are required to ensure that delivery, service, and waste handling activities occur off street and do not interfere with traffic circulation or parking areas.

1. Number of loading berths required. The number of required off-street loading berths shall be as follows: listed in Table 30.

a. Unlisted Uses. —Loading requirements shall be determined by the Zoning Administrator using the most similar listed use, or based on demonstrated operational need.

TABLE 30. Minimum Off-Street Loading Requirements

<u>Use</u>	<u>Minimum Number of Loading Berths Required</u>
<u>Manufacturing, Fabrication, Processing, Warehousing, Storage, Retail Sales, Schools, Hotels</u>	Based on gross floor area: • 5,000 – 50,000 sq. ft.: 1 loading berth • 50,001 – 100,000 sq. ft.: 2 loading berths • Over 100,000 sq. ft.: 2 loading berths, plus 1 additional berth per 35,000 sq. ft. or fraction thereof over 100,000 sq. ft.
<u>Manufacturing or Retail Under 5,000 sq. ft.</u>	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
<u>Auditorium, Convention Hall, Exhibition Hall, Sports Arena, Stadium</u>	Based on gross floor area: • 10,000 – 100,000 sq. ft.: 1 loading berth • Over 100,000 sq. ft.: 1 loading berth, plus 1 additional berth per 100,000 sq. ft. or fraction thereof
<u>Public or Semi-Public Recreational Buildings, Community Centers</u>	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
<u>Educational Institutions (Public or Private)</u>	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.
<u>Religious Institutions Places of Worship</u>	Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.

<u>Use</u>	<u>Minimum Number of Loading Berths Required</u>
<u>Hospitals, Medical Clinics, Nursing Homes, Senior Housing</u>	<u>Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.</u>
<u>Professional or Commercial Offices</u>	<u>Adequate off-street loading and service access shall be provided, subject to approval by the Zoning Administrator.</u>

B. Off-street loading berths shall be constructed to comply with the standards listed in Table 31.

TABLE 31. Off-Street Loading Standards

<u>Category</u>	<u>Standard</u>
<u>General Requirement</u>	<u>All required loading berths and access facilities shall be located off-street and on the same parcel as the principal building or use served.</u>
<u>Use Restriction</u>	<u>Required loading berths and access drives shall not be used for storage of goods, inoperable vehicles, snow storage, or counted toward off-street parking requirements.</u>
<u>Design & Operation</u>	<u>Loading berths shall be designed to accommodate expected delivery vehicles, minimize interference with traffic circulation, and reduce impacts to adjacent properties, particularly residential uses.</u>
<u>Curb Cut Location</u>	<u>Loading berth curb cuts shall be located a minimum of 50 feet from the intersection of two or more street rights-of-way, measured from the property line.</u>
<u>Front Yard</u>	<u>Loading berths shall not be located within a required front yard setback.</u>
<u>Residential Separation</u>	<u>Except when fully enclosed within a structure, loading berths shall not be located within 50 feet of a residential zoning district.</u>
<u>Street-Facing Location</u>	<u>Loading berths located at the front or side of a building abutting a street right-of-way and within 200 feet of the right-of-way require a Conditional Use Permit pursuant to § 157.099.</u>
<u>Conditional Use Criteria</u>	<u>Loading berths requiring conditional use approval shall not conflict with pedestrian movement, obstruct visibility of the public right-of-way, and shall comply with all other standards of this section.</u>
<u>Vehicular Access</u>	<u>Each loading berth shall be provided with vehicular access to a street or public alley in a manner that causes the least interference with traffic.</u>
<u>Surfacing & Drainage</u>	<u>Loading berths and access drives connecting to paved public streets shall be surfaced with asphalt, concrete, or approved equivalent. Drainage is subject to approval by the City Engineer.</u>
<u>Screening</u>	<u>Except for multiple-family dwellings, loading areas shall be screened and landscaped from adjacent residential uses in accordance with § 157.070.</u>
<u>Minimum Dimensions</u>	<u>Length: First berth – 55 ft; Each additional berth – 30 ft</u> <u>Width: 10 ft minimum</u> <u>Height: 14 ft minimum vertical clearance (exclusive of maneuvering space)</u>
<u>Administrative Flexibility</u>	<u>The Zoning Administrator may approve alternative loading arrangements for infrequent deliveries, shared facilities, or demonstrated reduced loading demand.</u>
<u>Mixed-Use Developments</u>	<u>Required loading berths may be shared among uses where operational schedules do not conflict, subject to approval.</u>

Manufacturing, fabrication, processing, warehousing, storing, retail sales, schools and hotels.

- a. For such a building between 5,000 and 50,000 square feet of floor area: one loading berth is required;
- b. For a building 50,001 to 100,000 square feet in area: two loading berths are required; and
- c. One loading berth shall be provided for each additional 35,000 square feet of floor area or fraction thereof in excess of 100,000 square feet.

2. Manufacturing and retail sales under 5,000 square feet. Adequate off-street loading and service entrances shall be provided subject to the approval of the Zoning Administrator;

~~3. Auditorium, convention hall, exhibition hall, sports arena or stadium. Ten thousand to 100,000 square feet of floor area, one loading berth; for each additional 100,000 square feet of floor area or fraction thereof, one additional loading berth; and~~

~~4. Public or semi-public recreational buildings, community centers, private and public educational institutions, religious institutions, hospitals, clinics, professional or commercial offices, nursing homes, or similar group housing, and senior citizen housing. Adequate off-street loading and service entrances shall be provided subject to approval of the Zoning Administrator.~~

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1160, passed 4-15-1997) Penalty, see § 157.999

~~§ 157.032 – § 157.055 TRAFFIC VISIBILITY; CORNER LOTS.~~

~~Except in the Central Business District, no fences, structures, grading or planting shall be permitted within any yard areas on a corner lot which will impede vision between a height of two and one-half feet and eight feet above the centerline grades of the intersecting streets within 20 feet of the street intersecting right-of-way lines.~~

~~see graphic in landscaping section~~ **add reference and hyperlink** (Ord. 827, passed 4-19-1983)
Penalty, see § 157.999

~~§ 157.033 – § 157.056 WIND ENERGY CONVERSION SYSTEMS.~~

~~Siting.~~

~~5. Production phase wind energy conversion systems shall be a permitted accessory use within the "B-1", "B-2", "B-3", "I-P", "I-1", "I-2" and "A-O" Zoning Districts; provided that, the proposed lot exceeds 200 feet from any residential use and/or district, except for any residence situated on that lot, in which case a six-foot separation between tower and structure must be maintained; that in all other cases, the WECS cannot be located closer than six feet from any other principal or accessory structure; WECS must be located in the rear yard; and the tower must be set back from all property lines a distance not less than the total height of the WECS.~~

~~6. No part of a WECS shall be located within or over drainage, utility or other established easements.~~

~~7. Clearance between WECS and electrical lines shall be in compliance with the requirements outlined in the most recent edition of the National Electrical Safety Code.~~

~~B. Size regulations.~~

~~1. All WECS shall not have rotors that are longer than 35 feet in diameter.~~

~~2. The minimum height of the lowest extent of any WECS rotor shall be 30 feet above the highest structure or tree within 300 feet.~~

~~3. All proposed WECS shall comply with Federal Aviation Administration notification requirements and any other applicable regulations. All proposed WECS shall be in compliance with any applicable airport zoning.~~

- ~~4. The base of a WECS tower shall be included in calculations of lot coverage. In the case of a guyed tower, the area covered by the guy wire anchor points shall also be included in lot coverage calculations.—~~

~~C. Installation and design.~~

- ~~1. All WECS tower structures shall be designed and constructed to be in compliance with pertinent provisions of the State Building Code. Indication of compliance may be obtained from the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.~~
- ~~2. All WECS shall be equipped with manual and automatic and overspeed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.~~
- ~~3. The compatibility of the tower structure with the rotors and other components of the WECS shall be certified by the manufacturer's engineering staff or by a state professional engineer or by an individual with technical training on WECS.~~
- ~~4. All electrical components of the WECS shall be in compliance with the applicable requirements of the National Electrical Code as currently adopted by the State Building Code Division and shall be inspected by a qualified electrical inspector. The interconnection between the WECS and the electric utility shall be in compliance with the most recent edition of the National Electrical Safety Code. Certification will be supplied in writing that the WECS will automatically disconnect from the utility when there is no power input from the utility. This certification can be supplied by the manufacturer of the WECS.~~
- ~~5. The interconnection of the WECS with the local electrical utility shall comply with all applicable federal, state and local regulations. Parties intending to erect a WECS shall notify the city's public utilities in advance of their installation plans.~~
- ~~6. At least one sign shall be posted at the base of the WECS tower and shall contain the following information:
 - ~~a. Notice of no trespassing; and~~
 - ~~b. Warning of high voltage.~~~~

~~D. Supplying energy to two or more structures.~~ A WECS that supplies energy to two or more structures shall be allowed as long as the proposed WECS complies with all applicable zoning regulations.

~~E. Compliance.~~ If a WECS is not maintained in operational condition and poses a potential safety hazard or is not maintained and operating in compliance with applicable zoning provisions, local utility regulations and state and federal laws, the WECS shall be brought into compliance and to safe operating order within 60 days, the city reserves the right to abate any hazardous situation and to pass the cost of abatement on to the owner or operator of the WECS.

~~(Ord. 827, passed 4-19-1983; Ord. 1462, passed 12-7-2010) Penalty, see § 157.999~~

~~§ 157.034 – § 157.057 ESSENTIAL SERVICES.~~

~~In all residential zoning districts, the following essential services are permitted uses; except that, the Planning Commission shall be notified in writing of the project 90 days prior to construction. Notification shall include the proposed location and site plan. The Planning Commission shall review the proposal and may submit recommendations to the City Council. This provision shall apply to water towers, wells and pumphouses, electrical substations and sanitary sewer lift stations.~~

~~(Ord. 827, passed 4-19-1983; Ord. passed 8-20-1985)~~

~~§ 157.035 – § 157.058 SOLAR COLLECTION SYSTEMS.~~

~~A **SOLAR COLLECTION SYSTEM** is any device that absorbs and accumulates solar radiation for use as a source of energy. Regulations for districts are as follows.~~

~~A. Residential districts.~~

- ~~1. Ground mounted and freestanding solar collection systems are permitted as accessory uses in all residential zoning districts subject to the following requirements:~~
 - ~~a. Must be located in rear yard only;~~
 - ~~b. A setback of at least three feet from the side and rear property line must be maintained but in no case shall system be located within an easement;~~
 - ~~c. Must be located at least three feet from any other principal or accessory structure;~~
 - ~~d. Shall not exceed 15 feet in height when oriented at maximum tilt;~~
 - ~~e. Must be located as to minimize glare directed toward an adjoining property or street;~~
 - ~~f. Total surface area of all ground-mounted and free-standing solar collectors on the lot shall not exceed 250 square feet;~~
 - ~~g. All exterior electrical or other service lines must be buried below the surface of the ground;~~
 - ~~h. Square footage of the solar collection system shall be considered in determining the maximum amount of accessory buildings and structures permitted on a lot;~~
 - ~~i. Shall comply with All City and State Building and Electrical Codes;~~
 - ~~j. The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system;~~
 - ~~k. If the solar collection system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the 12-month period; and~~
 - ~~l. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (as per Minn. Stat. § 500.30, as it may be amended from time to time).~~
- ~~2. Rooftop and wall mounted solar collection systems are permitted on principal and accessory buildings in all residential zoning districts subject to the following requirements:~~

- ~~a. Shall not project beyond the peak of the roof;~~
- ~~b. Shall not be more than five feet above the roof to which it is attached;~~
- ~~c. Shall comply with all City and State Building and Electrical Codes;~~
- ~~d. The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system;~~
- ~~e. If the solar collection system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the 12-month period;~~
- ~~f. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (as per Minn. Stat. § 500.30, as it may be amended from time to time); and~~
- ~~g. Must be located as to minimize glare directed toward an adjoining property or street.~~

~~**B. Business, industrial and agricultural districts.**~~

- ~~1. Ground mounted and freestanding solar collection systems are permitted as accessory uses in all business, industrial and agricultural zoning districts subject to the following requirements:~~
 - ~~a. Must be located in rear yard only;~~
 - ~~b. A setback of at least three feet from the side and rear property line must be maintained but in no case shall it be located within an easement;~~
 - ~~c. Must be located at least three feet from any other principal or accessory structure;~~
 - ~~d. Not to exceed 25 feet in height when oriented as maximum tilt;~~
 - ~~e. Must be located as to minimize glare directed toward an adjoining property or street;~~
 - ~~f. Total surface area of all ground-mounted and freestanding solar collectors on the lot shall not exceed 1,000 square feet;~~
 - ~~g. Square footage shall be considered in determining the maximum amount of accessory buildings and structures permitted on a lot;~~
 - ~~h. Shall comply with all City and State Building and Electrical Codes;~~
 - ~~i. The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system;~~
 - ~~j. If the solar collection system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the 12-month period; and~~
 - ~~k. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (as per Minn. Stat. § 500.30, as it may be amended from time to time).~~

~~2. Rooftop and wall mounted solar collection systems are permitted on principal and accessory buildings in all business, industrial and agricultural zoning districts subject to the following requirements:~~

- ~~a. Shall comply with all Building Code requirements;~~
- ~~b. Shall not exceed the maximum height permitted in the zoning district in which it is located;~~
- ~~c. Must be located as to minimize glare directed toward an adjoining property or street;~~
- ~~d. The property owner shall notify the electrical utility where the solar collection system is connected to the electrical utility system;~~
- ~~e. If the solar collection system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the 12-month period; and~~
- ~~f. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (as per Minn. Stat. § 500.30, as it may be amended from time to time).~~

~~(Ord. 1480, passed 2-6-2012) Penalty, see § 157.999~~

~~§ 157.036 – § 157.059 TEMPORARY FAMILY HEALTH CARE DWELLINGS OPT-OUT.~~

~~Pursuant to authority granted by Minn. Stat. § 462.3593, Subd. 9, the City of Owatonna opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates temporary family health care dwellings.~~

~~(Ord. 1542, passed 9-6-2016)~~

~~§ 157.037 – § 157.060 ACCESSORY DWELLING UNITS.~~

~~Accessory dwelling units are permitted subject to the following provisions:~~

- ~~A. The accessory dwelling unit shall have a minimum square footage of 300 square feet and shall be limited to a maximum square footage of 30% of the primary dwelling units total square footage;~~
- ~~B. Both units shall be served by the same mailbox and the same mailing address;~~
- ~~C. The structure shall have the appearance of a single family residence from the street and shall not have more than one front door;~~
- ~~D. Both units shall be served by the same sanitary sewer service, water service and meter, electric service and meter, and gas service and meter;~~
- ~~E. The owner of said structure shall submit a letter to the City Planner annually stating that one of the units is owner occupied; and~~
- ~~F. The structure shall be registered with the city's rental registration program and inspected on a biennial basis or as the program requires.~~

~~(Ord. 1596, passed 9-3-2019)~~

PERFORMANCE STANDARDS

~~§ 157.038 — § 157.070 REQUIRED FENCING, SCREENING AND LANDSCAPING.~~

~~The fencing and screening required by this chapter shall be subject to § 157.051 of this chapter and shall consist of either a fence or a green belt planting strip.~~

- ~~A. A greenbelt planting strip shall consist of evergreen ground cover and shall be of sufficient width and density to provide an effective screen. This planting strip shall contain no structures or other use. Such planting strip shall not be less than eight feet in height. Earth mounding or berms may be used, but shall not be used to achieve more than three feet of the required screen. The planting plan and type of shrub shall require the approval of the Planning Commission, based upon a recommendation of the City Engineer and Zoning Administrator.~~
- ~~B. A required screening fence shall be constructed of masonry, brick, wood or steel. Such fence shall provide a solid screening effect and shall not be less than six feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Planning Commission, based upon a recommendation by the City Engineer and Zoning Administrator.~~
- ~~C. Screening will be provided in the following situations.~~
 - ~~1. Residential district. Screening from abutting residential uses shall be provided in the following instances:
 - ~~a. Public utility buildings and structures; all open, non-residential off-street parking areas of five or more spaces;~~
 - ~~b. Screening from abutting "R-1" and "R-2" "R-1", "R-2", "R-3" and "R-4" Districts shall be provided in the following instances: professional offices and clinics; and~~
 - ~~c. Side yards and recreation areas shall be screened in the following instances: nursing homes and group housing (serving over 16).~~~~
 - ~~2. Business districts. Screening from abutting residential districts shall be provided in the following instances: public utility buildings and structures, convenience food, car wash, motor fuel station, major auto repair, tire and battery stores and service, open and outdoor storage, service, sales and rentals, greenhouses and all open off-street parking areas of five or more spaces.~~
 - ~~3. Industrial districts. Screening from abutting residential districts and view from a public right-of-way shall be provided in the following instances: open and outdoor storage, service, sales and/or rentals; and all open, off-street parking areas of five or more spaces.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

~~§ 157.039 — § 157.061 § 157.071 EXPLOSIVES.~~

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted, except such as are specifically licensed by the City Council.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.040~~ — ~~§ 157.062~~ ~~§ 157.072~~ **RADIATION AND ELECTRICAL EMISSIONS.**

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.041~~ — ~~§ 157.063~~ ~~§ 157.073~~ **LIGHTING AND GLARE.**

A. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in the manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

B.

1. Except for street lighting provided by the city's public utilities, any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the centerline of said street.
2. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.042~~ — ~~§ 157.064~~ ~~§ 157.074~~ **SMOKE.**

The emission of smoke by any use shall be in compliance with and regulated by the state Pollution Control Agency rules. See Minn. Rules Chapters [7001](#), [7002](#), [7005](#), [7007](#), [7008](#), [7009](#), [7011](#), [7017](#), [7019](#), [7021](#), [7023](#), [7025](#), [7027](#) and [7030](#).

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.043~~ — ~~§ 157.065~~ ~~§ 157.075~~ **DUST AND OTHER PARTICULATE MATTER.**

The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the state Pollution Control Agency rules. See Minn. Rules Chapters [7001](#), [7002](#), [7005](#), [7007](#), [7008](#), [7009](#), [7011](#), [7017](#), [7019](#), [7021](#), [7023](#), [7025](#), [7027](#) and [7030](#).

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

~~§ 157.044~~ — ~~§ 157.066~~ ~~§ 157.076~~ **ODORS.**

The emission of odor by any use shall be in compliance with and regulated by applicable state pollution control standards and regulations.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992) Penalty, see § 157.999

~~§ 157.045—§ 157.067~~ **§ 157.077 NOISE.**

- A.** Noise generated by any use shall be in compliance with and regulated by applicable State Pollution Control Agency, Air Quality Division, noise pollution control rules and any amendments thereof.
- B.** In instances where it is determined that a proposed land use may generate a level of noise or vibration that will impact on surrounding land uses, the Planning Commission and City Council may require that efforts to reduce the potential noise impact be undertaken. These efforts may include screening, landscaping, site planning techniques and restrictions on operating hours.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992) Penalty, see § 157.999

~~§ 157.046—157.078 DRAINAGE.~~

~~On request, a drainage plan for the proposed development shall be submitted to the City Engineer for review and approval.~~

~~(Ord. 827, passed 4-19-1983) Penalty, see § 157.999~~

~~§ 157.047—§ 157.068~~ **§ 157.079 REQUIRED LICENSE OBTAINED.**

Proof of the issuance of all necessary governmental permits and licenses must be filed with the city.

(Ord. 827, passed 4-19-1983) Penalty, see § 157.999

9 ADMINISTRATION AND ENFORCEMENT

~~§ 157.048—§ 157.069~~ **§ 157.095 ADMINISTRATIVE OFFICER.**

- A. General enforcement.** This chapter shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.
- B. Duties of the Zoning Administrator.** The Zoning Administrator shall enforce this chapter through the proper legal channels and, in addition thereto and in furtherance of said authority, he or she shall:
1. Assist the Building Inspector in determining that all building permits comply with the terms of this chapter;
 2. Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefor;
 3. Receive, file, and forward all applications for appeal, variances, conditional uses and other matters to the designated official bodies;

4. Institute in the name of the city any appropriate actions or proceedings against a violator as provided by law; and

5. Schedule public hearings for the Planning Commission and Zoning Board of Appeals.

(Ord. 827, passed 4-19-1983)

§ 157.070 § 157.096 LAND USE DECISION TIMELINES.

A. Statutory Authority. All land use applications, requests, permits, approvals, and official controls administered under this chapter shall be processed and decided in accordance with Minnesota Statutes, section . Stat. § 15.99, as amended.

B. Applications subject to Minnesota StatutesMinn. Stat. § 15.99. This section applies to all zoning and land use matters including, but not limited to, permits, variances, conditional use permits, interim use permits, site plans, administrative determinations, planned unit developments, and other approvals required under this chapter.

C. Application completeness. Within 15 business days of application submittal, the Zoning Administrator shall notify the applicant in writing whether the application is complete or identify any additional information required. An application shall be deemed complete upon receipt of all materials required by ordinance and written notice from the City that the application is complete.

D. Sixty-day decision requirement. The City shall approve or deny a complete land use application within sixty (60) days of the date the application is accepted as complete, unless the applicant agrees in writing to extend the deadline or the City exercises a single lawful extension as provided in subsection § 157.070(E) of this chapter.(E).

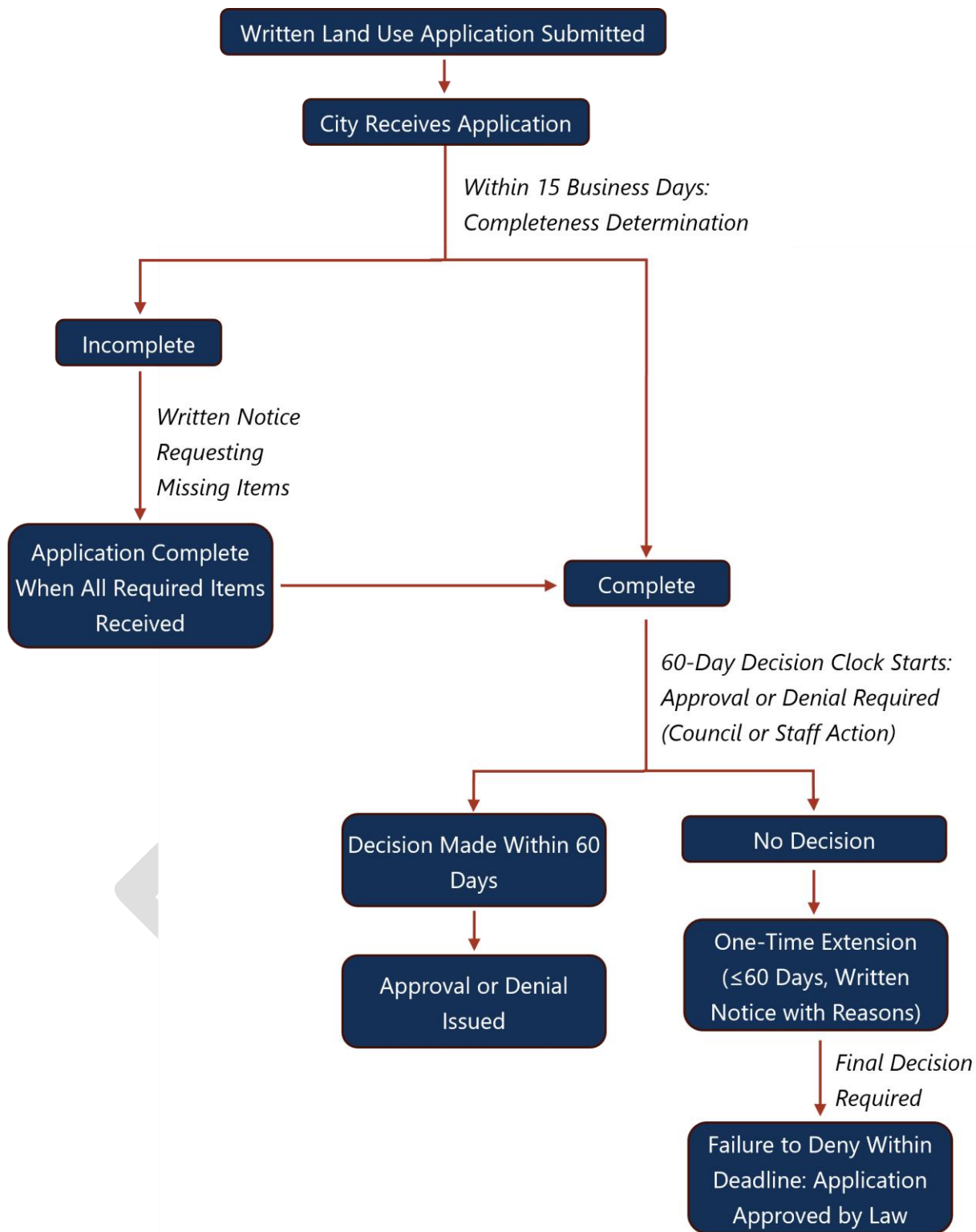
E. One-time extension. The City may extend the sixty-day decision deadline one time, for up to an additional sixty (60) days, by providing written notice to the applicant before the expiration of the initial sixty-day period. The written notice shall state the reasons for the extension and the expected date of final action.

F. New or revised requests. If an application is withdrawn, denied, or resubmitted as a new or revised request, a new sixty (60) day decision period shall commence upon acceptance of the new or revised request as complete. Requests for additional information made after an application has been deemed complete shall not restart the decision period.

G. Consequence of inaction. Failure of the City to approve or deny a land use application within the time limits established by Minnesota Statutes, sectionMinn. Stat. § 15.99, shall constitute approval of the application as provided by law.

G.H. Relation to other procedures. Nothing in this section alters notice requirements, public hearing requirements, or the authority of the City Council, Planning Commission, or Zoning Board of AppealsBoard of Adjustment and Appeals as otherwise provided by ordinance or state law.

FIGURE 16. Land Use Decision Timeline (Minn. Stat. § 15.99)



DRAFT

~~§ 157.049~~ ~~§ 157.071~~ ~~§ 157.0976~~ **ZONING BOARD OF APPEALS.**

- A.** There is hereby established a Zoning Board of Appeals for the city, which shall consist of all the members of the Planning Commission.
- B.** The Board shall have the power and duty of hearing and deciding, subject to appeal to the City Council, appeals or requests in the following cases:
1. Appeals where it is alleged that there is an error in any order requirement, decision or determination made by an administrative officer in the enforcement of this chapter; and
 2. Requests for variances from provisions of this chapter as provided for in § 157.~~100-079~~ of this chapter.
- C.** In granting a variance, the Board and the City Council, on appeal, may impose conditions to ensure compliance and to protect adjacent properties.

(Ord. 827, passed 4-19-1983; Ord. 1479, passed 2-6-2012)

~~§ 157.050~~ ~~§ 157.072~~ ~~§ 157.0978~~ **APPEALS.**

- A. Authority.** The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Enforcement Officer in the enforcement of this chapter.
- B. Procedure.**
1. An appeal may be taken to the Zoning Board of Appeals by any person or by any officer, department, board or commission of the city affected by a decision of the enforcement officer. Such appeal shall be taken within 45 days of the action complained of by filing with the enforcement officer and with the City Clerk-Treasurer a notice of appeal, specifying the grounds thereof. A non-refundable filing fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany the notice of appeal filed with the City Clerk-Treasurer. The enforcement officer shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record which the action appealed from was taken.
 2. An appeal shall stay all proceedings with furtherance of the action appealed from, unless the enforcement officer certified to the Zoning Board of Appeals after the notice of appeal has been filed with him or her that, by reasons of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application on notice to the enforcement officer and on due cause shown.
 3. A public hearing shall be set, advertised and conducted by the Zoning Board of Appeals in accordance with § 157.~~101-080~~ of this chapter.
 4. Within 30 days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal.

§ 157.073 ~~§ 157.0998~~ ADMINISTRATIVE REVIEW AND APPROVALS

A. Purpose and intent. The purpose of this section is to provide for the administrative review and approval of certain zoning and land use applications that are ministerial in nature, require no discretionary judgment, and can be evaluated based on objective standards contained within this zoning ordinance. This section is intended to promote efficient and consistent administration of zoning regulations.

B. Zoning Administrator.

- 1.** The Zoning Administrator shall administer and enforce this zoning ordinance and shall have the authority to review, approve, approve with conditions, or deny applications eligible for administrative approval as provided in this section.
- 2.** The Zoning Administrator shall not have authority to grant variances or approve discretionary land use applications reserved to the Planning Commission, Zoning Board of Appeals, ~~Board of Adjustment~~, or City Council.

C. Administrative approvals authorized. The Zoning Administrator may approve the following applications without a public hearing, provided all applicable provisions of this zoning ordinance are met:

- 1.** Zoning permits and zoning compliance permits
- 2.** Determinations of permitted use or compliance with zoning district regulations
- 3.** Administrative site plan review, where expressly authorized by this ordinance
- 4.** Minor modifications to previously approved plans that do not increase density, intensity, or measurable impacts
- 5.** Certificates of zoning compliance or lawful nonconformity
- 6.** Other applications expressly identified elsewhere in this ordinance as subject to administrative approval
- 7.** The following applications shall not be eligible for administrative approval:
 - a.** Variances
 - b.** Conditional use permits
 - c.** Interim use permits
 - d.** Zoning map amendments
 - e.** Text amendments to this ordinance
 - f.** Comprehensive plan amendments

D. Review standards. The Zoning Administrator shall approve an application only upon making a determination that:

- 1.** The proposed use or development is permitted by right in the applicable zoning district;

2. All applicable dimensional, performance, parking, landscaping, and design standards are satisfied;

3. The proposal complies with all objective standards of this zoning ordinance; and

4. The proposal complies with all applicable conditions previously imposed on the property.

Administrative approvals shall be based solely on compliance with the express standards of this ordinance and shall not involve discretionary or subjective judgment.

E. Conditions of approval. The Zoning Administrator may impose reasonable administrative conditions necessary to ensure compliance with this zoning ordinance. Such conditions shall be directly related to ordinance requirements and shall not waive, vary, or modify any adopted standard.

F. Written decision.

1. All administrative approval decisions shall be issued in writing.

2. The written decision shall state the basis for approval or denial and reference the applicable ordinance standards.

3. The decision shall be maintained as part of the official zoning record for the property.

G. Time limits. Administrative approvals shall be processed and acted upon in accordance with applicable statutory time limits, unless an extension is agreed to in writing by the applicant.

H. Appeals. Any person aggrieved by a decision of the Zoning Administrator may appeal the decision to the Zoning Board of AppealsBoard of Adjustment in accordance with the procedures set forth in this zoning ordinance. The Board of AdjustmentZoning Board of Appeals shall review the decision based on the record and determine whether it complies with the standards of this ordinance.

~~§ 157.051~~ — ~~§ 157.074~~ § 157.099 AMENDMENTS.

A. Authority. This chapter and the zoning district may be amended from time to time by ordinance duly enacted by the City Council; provided, however, that, no such amendment shall be enacted, except in accordance with the procedures of this section, and in compliance with the City Charter.

B. Initiation. Proposed changes or amendments may be initiated by the City Council, by the Zoning Board of Appeals, by the Planning Commission or by any one or more owners of real estate in the city so as to effect real estate of such owner/owners.

C. Procedure.

1. When any proposed change or amendment is initiated by the City Council or by the Board of Appeals, such body shall transmit its proposal to the Planning Commission for a public hearing and report thereon.

2.

a. When any proposed change or amendment is initiated by any owner of owners of real estate in the city, an application for such amendment, addressed to the City Council, shall

be filed in quintuplicate with the Zoning Administrator. A non-refundable application fee, established from time to time by the City Council to cover administrative costs, shall accompany the application.

- b.** The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning Commission, but shall in all instances, contain the following information:

- 1)** The applicant's name and address;
- 2)** The precise wording of any proposed amendment to the text of this chapter; and
- 3)** In the event that the proposed amendment would change the zoning classification of any property:
 - (a)** A legal description and street address of the property proposed to be reclassified;
 - (b)** The name and address of the owner or owners of the said property;
 - (c)** The present zoning classification and existing uses of the property proposed to be reclassified;
 - (d)** The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and
 - (e)** A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses.

- 3.** A public hearing shall be set, advertised and conducted by the Planning Commission in accordance with § 157.~~101-080~~ of this chapter.
- 4.** Within 30 days following the conclusion of the public hearing, the Planning Commission shall transmit to the City Council its recommendation in the form of a written report. Such report shall be accompanied by findings of fact specifying the reasons for the recommendation.
- 5.** Within 30 days of the receipt of the report of the Planning Commission, the City Council shall refuse or, by ordinance, duly enacted adopt the proposed amendment.
- 6.** A certified copy of the ordinance amendment shall be filed with the County Auditor.

(Ord. 827, passed 4-19-1983)

~~§ 157.052~~ ~~§ 157.075~~ ~~§ 157.100099~~ **§ 157.100099-1 CONDITIONAL USE PERMITS.**

- A. Duplicate submissions.** An application for a conditional use permit shall be submitted in duplicate to the Zoning Administrator. A non-refundable application fee, as established from time to time by the City Council to cover administrative costs and costs of hearing, shall accompany each application.
- B. Purpose.** The purpose of a conditional use permit is to provide the city with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety.

C. Standards for granting conditional use permit. In making this determination, whether or not the conditional use is to be allowed, the city shall consider the following.

1. General. If the establishment or operation of the proposed conditional use will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2. Compatibility with surrounding area. The architectural appearance and functional plan of the building and site shall reflect the building character of the area and shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. The proposed development shall be compatible with existing and planned use of the area and conflicts should not be created between the proposed use and existing and intended future uses of the surrounding area.

3. Traffic control. The traffic generated by a use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. The traffic generated shall not raise traffic volumes beyond the capacity of the surrounding streets. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements and shall be subject to the approval of the City Engineer. Vehicular drive up ingress lanes shall be large enough to accommodate peak auto use on the same lot without requiring the stopping or waiting of vehicles on public right-of-way. Ingress lanes shall be from the least heavily traveled street wherever possible.

4. Availability and adequacy of public services. Public services, including, but not limited to, sewer, water, gas, police and fire protection, should be available at an adequate level and capable of servicing the proposed land use. In addition, adequate access, drainage and any other necessary support facilities shall be provided. The Planning Commission and City Council may impose any necessary conditions or restrictions upon the proposed land use to insure that an overloading of city systems does not occur and that inordinate demand on public services does not jeopardize or limit existing and projected public service demands.

5. Other factors. All such other or further factors as the city shall deem a requisite or consideration in determining the effect of such use on the general welfare, public health and safety.

D. Special circumstances. The Planning Commission may impose conditions upon the conditional use, if, in its opinion, specific circumstances of a request justify those additional controls to protect the health, safety and welfare of the neighborhood and general public.

E. Reconsideration. Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than five-sevenths vote of the City Council.

F. Lapse of conditional use permit by non-use. Whenever, within one year after granting a conditional use permit, the work has not been substantially complete, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extensions shall be requested in writing and filed with the City Clerk-Treasurer at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

G. Procedure.

1. A public hearing shall be set, advertised and conducted by the Planning Commission in accordance with § 157.~~101-080~~ of this chapter.
2. Within 30 days following the close of the public hearing, the Planning Commission shall submit its recommendation to the City Council for its official action.
3. The City Council shall act on the application within 45 days after receiving the recommendations of the Planning Commission.

~~**H. Performance bond.**~~

- ~~1. Except in the case of non-income producing residential property, upon approval of a conditional use permit, the city shall be provided with a surety bond, cash escrow, certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the codes of the city.~~
- ~~2. The security shall be in the amount of the City Engineer's or City Building Inspector's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the City Engineer and Building Inspector.~~
- ~~3. The city shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and codes of the city has been issued by the City Building Inspector.~~
- ~~4. Failure to comply with the conditions of the conditional use permit and/or the codes of the city shall result in forfeiture of the security.~~

~~**I.H. Certified copy.**~~ A certified copy of the conditional use permit shall be filed with the County Recorder.

(Ord. 827, passed 4-19-1983)

§ 157.076 ~~157.101~~ INTERIM USE PERMITS.

A. Purpose and authority. Interim use permits are intended to allow temporary uses that may be suitable for a limited duration, subject to conditions that ensure compatibility with surrounding land uses. Interim uses are authorized pursuant to Minn. Stat. § 462.3597 and are designated as "I" in the applicable land use tables of this chapter.

B. Applicability. An interim use permit shall be required for any use identified as an interim use ("I") in the land use tables. Interim uses are temporary in nature and shall not establish a permanent right to continue the use beyond the approved permit term.

C. Approval authority. The City Council shall be the approval authority for all interim use permits, following review and recommendation by the Planning Commission.

D. Duration.

1. An interim use permit shall be issued for a specific period of time, event, or occurrence, or for a specified number of occurrences.
2. The permit shall clearly state its expiration date or the conditions under which the permit shall terminate.
3. An interim use permit shall not exceed the duration authorized under Minn. Stat. § 462.3597, unless otherwise permitted by state law.

E. Conditions of approval. In granting an interim use permit, the City Council may impose reasonable conditions necessary to protect the public health, safety, and welfare and to ensure compatibility with surrounding land uses. Conditions may include, but are not limited to:

1. Duration and frequency of the use;
2. Hours of operation;
3. Location and arrangement of structures, tents, or activity areas;
4. Traffic control, parking, and circulation;
5. Noise, lighting, sanitation, security, and crowd management;
6. Compliance with applicable building, fire, health, and safety codes;
7. Site restoration or cleanup requirements upon termination of the use.

F. Findings. An interim use permit may be approved only upon finding that:

1. The interim use is consistent with the comprehensive plan;
2. The interim use will not be injurious to the use and enjoyment of nearby properties for the duration of the permit;
3. Adequate utilities, access, and public services are available; and
4. The use is appropriate on a temporary basis and does not require permanent zoning authorization.

G. Termination. An interim use permit shall terminate automatically upon the earliest of the following:

1. Expiration of the permit term;
2. Occurrence of the event or number of occurrences authorized;
3. Violation of any condition of approval;

4. Determination by the City Council that the use has become a nuisance or poses a threat to public health, safety, or welfare, following notice and an opportunity for the permit holder to be heard.

H. Extensions and renewals.

1. An interim use permit may be renewed or extended only by approval of a new interim use permit, using the same procedures required for the original permit.

2. Expiration of an interim use permit shall not confer any legal right to continue the use or to reestablish the use absent City approval.

I. Effect of termination. Upon termination of an interim use permit, the use shall cease immediately, and the property shall be restored to compliance with all applicable zoning regulations.

§ 157.077 COMPREHENSIVE PLAN AMENDMENT

A. Authority. The Comprehensive Plan may be amended from time to time by resolution of the City Council in accordance with ~~Minnesota Statutes, sections~~ Minn. Stat. § 462.355 and 462.356.

B. Purpose. The purpose of a Comprehensive Plan amendment is to revise the City's adopted policy framework when warranted by changed conditions, new information, public need, or to maintain internal consistency within the Plan and between the Plan and the City's official controls. The planning agency shall periodically review the Plan and recommend amendments whenever necessary.

C. Initiation. A proposed Comprehensive Plan amendment may be initiated by the City Council, the Planning Commission, or by application of a property owner or authorized agent in a form approved by the City. Any amendment proposed by the City Council shall be submitted to the Planning Commission for review and recommendation. .

D. Application. An application for a Comprehensive Plan amendment shall be filed with the Zoning Administrator on a form approved by the City and shall include, at a minimum:

1. The name and address of the applicant and property owner, if different;

2. A statement describing the proposed amendment;

3. If the amendment affects specific property, the legal description, parcel identification number, address, and a map showing the subject property; and

4. A narrative explaining the reason for the amendment and its relationship to the Comprehensive Plan and public facilities.

5. This subsection establishes local filing requirements in addition to the minimum procedural requirements of state law.

E. Planning Commission Public Hearing. Before adoption of a Comprehensive Plan amendment, the Planning Commission shall hold at least one public hearing. Notice of the time, place, and purpose of the hearing shall be published once in the official newspaper of the City at least ten days before the hearing. .

F. Planning Commission Recommendation. Following the public hearing, the Planning Commission shall recommend approval, approval with modifications, or denial of the proposed amendment and shall forward its recommendation and findings to the City Council. A proposed amendment may not be acted upon by the City Council until the City Council has received the recommendation of the Planning Commission or until 60 days have elapsed from the date an amendment proposed by the City Council was submitted to the Planning Commission for its recommendation.

G. Review Criteria. In reviewing a proposed Comprehensive Plan amendment, the Planning Commission and City Council shall consider:

1. Whether the amendment is consistent with the goals, policies, and overall structure of the Comprehensive Plan;
2. Whether the amendment is warranted by changed conditions, public need, or new information;
3. Whether the amendment will promote the orderly and staged development or redevelopment of land;
4. Whether public facilities, services, and infrastructure are adequate or can be made adequate to serve the area affected;
5. Whether the amendment will maintain consistency between the Comprehensive Plan and the City's official controls;
6. Any airport safety zones and airport improvements that the planning agency is required by statute to consider; and
7. In a municipality outside the metropolitan area and located in a county that is not a greater-than-80-percent area, whether the amendment should consider goals and objectives that protect open space and the environment.

H. City Council Action. The City Council may approve, approve with modifications, or deny the proposed Comprehensive Plan amendment by resolution after receipt of the Planning Commission recommendation or after expiration of the 60-day period stated above. .

I. Filing. A copy of a Comprehensive Plan amendment adopted by the planning agency under ~~Minnesota Statutes sections~~ Minn. Stat. §§ 462.351 to 462.364 shall be filed with the governing body of each contiguous municipality and with the regional planning agency, if any, established to serve the area in which the City is located. .

J. Effect on Official Controls. Following adoption of a Comprehensive Plan amendment, the City may consider any related amendment to the zoning ordinance, zoning map, subdivision regulations, capital improvements program, or other official controls to carry out the amended Plan. Official controls are among the statutory means for putting the Comprehensive Plan into effect.

§ 157.078 ZONING MAP AMENDMENT

A. Authority. The Official Zoning Map may be amended from time to time by ordinance of the City Council in accordance with ~~Minnesota Statutes section~~ Minn. Stat. § 462.357. The zoning ordinance consists of text and maps. .

B. Purpose. The purpose of a Zoning Map amendment is to implement the Comprehensive Plan through the reclassification of land to a zoning district that is appropriate to the property and surrounding area and that promotes the public health, safety, morals, and general welfare. After adoption of a land use plan, zoning regulations are a means of carrying out the policies and goals of that plan.

C. Initiation. A Zoning Map amendment may be initiated by the City Council, the Planning Commission, or by petition of affected property owners as defined by this chapter. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report. The City Council may not act upon such amendment until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date of referral without a report.

D. Application. An application for a Zoning Map amendment shall be filed with the Zoning Administrator on a form approved by the City and shall include, at a minimum:

- 1. The name and address of the applicant and the property owner, if different;**
 - 2. The legal description, parcel identification number, and street address of the subject property;**
 - 3. The existing zoning district and the proposed zoning district;**
 - 4. The existing use of the property and the proposed use, if known;**
 - 5. The area of the property in square feet or acres;**
 - 6. A map drawn to scale showing the subject property, surrounding zoning, and surrounding land uses; and**
 - 7. A written statement addressing the approval criteria of this section.**
- This subsection establishes local filing requirements in addition to the minimum procedural requirements of state law.

E. Public Hearing and Notice. No Zoning Map amendment shall be adopted until a public hearing has been held thereon by the Planning Commission or by the City Council. Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ten days before the hearing. When the amendment involves changes in district boundaries affecting an area of five acres or less, similar notice shall be mailed at least ten days before the hearing to each owner of affected property and to each owner of property situated wholly or partly within 350 feet of the property to which the amendment relates. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the person responsible for mailing and made part of the record. Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings if a bona fide attempt to comply with the statute has been made. .

F. Planning Commission Recommendation. After the public hearing, the Planning Commission shall recommend approval, approval with modifications, or denial of the amendment and shall transmit its recommendation and findings to the City Council..

G. Approval Criteria. In reviewing a proposed Zoning Map amendment, the Planning Commission and City Council shall consider at least the following:

- 1.** Whether the proposed zoning district is consistent with the Comprehensive Plan and with the purpose of the zoning ordinance;
 - 2.** Whether the proposed zoning classification is compatible with the surrounding area and existing or planned land use pattern;
 - 3.** Whether the property can be adequately served by streets, utilities, drainage, and other public services;
 - 4.** Whether the amendment will promote orderly and staged development or redevelopment;
 - 5.** Whether the amendment would create an isolated or unrelated district pattern inconsistent with the City's planning framework; and
 - 6.** Whether the proposed district is suitable for the subject property in light of its size, access, physical characteristics, and surrounding development.
- These criteria are intended to implement the statutory requirement that zoning regulations carry out the policies and goals of the land use plan and promote the public welfare.

H. City Council Action and Vote Required. Subject to the requirements of [Minnesota Minn. Stat. § Statutes section 462.357, subdivisions 3, 4, and 5](#), the City Council may adopt or deny a Zoning Map amendment by ordinance. Adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds vote of all members of the City Council. Any other zoning amendment requires a majority vote of all members of the City Council. If the City is a city of the first class, the special procedures of [Minnesota Statutes section Minn. Stat. § 462.357, subdivision 5](#), shall apply where applicable.

I. Relationship to Comprehensive Plan Amendment. If a requested Zoning Map amendment is not consistent with the Comprehensive Plan, the City Council shall not approve the Zoning Map amendment unless the Comprehensive Plan is amended first or concurrently so that the zoning amendment implements the amended Plan. Zoning regulations are a statutory means of carrying out the land use plan and the land use plan must provide guidelines for the timing and sequence of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan.

J. Effective Date. A Zoning Map amendment shall take effect upon adoption of the ordinance and publication as required by law, unless a later effective date is stated in the ordinance. The Official Zoning Map shall thereafter be revised to reflect the amendment.

K. Resubmittal After Denial. Whenever a Zoning Map amendment affecting substantially the same property has been denied, no application for substantially the same amendment shall be considered again for six months from the date of denial unless the City Council determines that a

material change in circumstances or new information justifies reconsideration. This is a local best-practice resubmittal rule and is not prescribed by statute.

L. Judicial Review. Any person aggrieved by an ordinance, rule, regulation, decision, or order of the City Council or Board of Appeals and Adjustments acting pursuant to [Minnesota Statutes sections Minn. Stat. §§ 462.351 to 462.364](#) may seek review by an appropriate remedy in district court, subject to the doctrine of exhaustion of remedies stated in statute.

~~§ 157.053~~ — ~~§ 157.079~~ ~~§ 157.1002~~ VARIANCES.

A. Authority. Pursuant to [Minn. Stat. § 462.357, Subd. 6](#), as it may be amended from time to time, the [Zoning](#) Board of ~~Zoning~~ Appeals may authorize such variances from the provisions of this chapter as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in this section thereof, and then only when the Zoning Board of Appeals has made findings of fact as thereafter required. A variance is a modification or variation of the provisions of this chapter as applied to a specific piece of property.

B. Procedures.

1. An application for a variance shall be submitted to the Zoning Administrator. A non-refundable application fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany each application. The application shall contain the following information, as well as such additional information as may be prescribed by rule of the Zoning Board of Appeals:
 - a. The particular requirements of this chapter which prevent the proposed use or construction;
 - b. The circumstances unique to the property which prevent compliance with the said requirements of this chapter;
 - c. The minimum reduction of the requirements of this chapter which would be necessary to permit the proposed use or construction; and
 - d. The practical difficulty that would result if said particular requirements of this chapter were applied to the subject property.
2. A public hearing shall be set, advertised and conducted by the Zoning Board of Appeals in accordance with [§ 157.101-080](#) of this chapter.
 - a. Within 30 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications and shall remain a part of the permanent records of the Zoning Board of Appeals. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. A decision rendered in accordance with the terms of this section, which grants a variance, shall be stayed until the next regularly scheduled meeting of the City Council. During that time, the City Council shall have authority to reverse the decision of the Zoning Board of Appeals.

- b. A denial by the Zoning Board of Appeals of a request for variance may be appealed to the City Council, subject to the procedures established in § 157.~~101~~080 of this chapter and payment of the fees established in § 157.~~081~~102 of this chapter.
- c. Upon filing of such application for appeal and payment of the applicable fees, the Zoning Administrator shall forward to the City Council the request for hearing of appeal along with the findings of fact of the Zoning Board of Appeals and transcript of hearing held by the Zoning Board of Appeals on the matter.
- d. The City Council shall set a day and time when the said appeal will be held and advertise the said hearing and notify parties of interest as in the original hearing by the Zoning Board of Appeals, and shall conduct the said hearing.
- e. Within 30 days following the close of the public hearing, the City Council may affirm or reverse the action of the Zoning Board of Appeals or return the variance request to the Zoning Board of Appeals for further proceedings.
- f. Notwithstanding the above language, deadlines for action by the Board of Appeals and City Council must meet any applicable requirements as established in state law.

C. Conditions for permitting a variance.

1. A variance shall be permitted only if it is established that it is in harmony with the general purposes and intent of this chapter is consistent with the city's Comprehensive Plan and that there are practical difficulties in complying with this chapter. In its consideration of the standards of practical difficulties, the Zoning Board of Appeals shall require evidence that:
 - a. The property owner proposes to use the property in a reasonable manner not permitted by this chapter;
 - b. The plight of the owner is due to ~~unique~~ circumstances unique to the property not created by the owner; and
 - c. The variance, if granted, will not alter the essential character of the locality.
2. A variance may be granted only if the evidence, in the judgment of the Zoning Board of Appeals, sustains each of the three conditions enumerated in ~~division § 157.079~~(C)(1) above. Variances may also be permitted if necessary to provide for adequate access to direct sunlight for solar energy systems, or for the construction of earth sheltered buildings, as defined in § 157.002 of this chapter, when the permitting of the variance is in harmony with the general purpose and intent of this chapter.
3. Economic considerations alone shall not constitute practical difficulties.
4. Variances shall not be permitted for any use that is not allowed under this chapter for property in the zone where such property is located.
5. Specific conditions and safeguards may be imposed upon the premises benefitted by a variance as considered necessary to prevent injurious effects upon other property in the neighborhood or upon public facilities and services. Violations of such conditions and

safeguards shall be a violation of this chapter. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

6. No variance permitting the erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. The applicant may petition the Zoning Board of Appeals for extension of time in which to complete the work. Such extensions shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original variance. There shall be no charge for the filing of such petition. Such petition shall be presented to the Zoning Board of Appeals for a recommendation and to the City Council for final a decision. The extension shall be valid for an additional six months.

D. Certified copy. A certified copy of the variance shall be filed with the County Recorder.

(Ord. 827, passed 4-19-1983; Ord. 1479, passed 2-6-2012)

~~§ 157.054~~ — § 157.080 ~~§ 157.1013~~ **PUBLIC HEARINGS.**

A. Setting of hearing. For all requests brought before the Zoning Board of Appeals or the Planning Commission for which a public hearing is required by this chapter, the body in charge of conducting the hearing shall select a reasonable time and place for the public hearing on the request. They may direct the Zoning Administrator to schedule hearings at the next Planning Commission meeting if an application is received at least 15 days before the meeting.

B. Notice of hearings.

1. Notice of public hearing shall be given not more than 30 days and not less than ten days before the hearing by publication at least once in the official newspaper of the city. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard and the address or location of the property to which the request applies.
2. In addition to the general notice to the public, separate notice by letter, ten days before the hearing, shall be required for all property owners residing within 350 feet of the area, where a request concerning property will be the subject of the hearing. Such notices shall be sent by the Zoning Administrator and addresses taken from current city records shall be deemed sufficient for such notification.
3. Where a rezoning request is to be considered, written notice shall be sent to the school district officials.

C. Conduct of hearing. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney.

(Ord. 827, passed 4-19-1983)

~~§ 157.055~~ — § 157.081 ~~§ 157.102~~ **ADMINISTRATIVE FEES.**

A. To defray administrative costs of processing requests for conditional uses, amendments, variances, appeals and site plan review for zoning compliance, a base fee in an amount set forth in Ch. 35 of

this code of ordinances per application shall be paid by all applicants. Applications for conditional uses and variances made after the fact of a construction or commencement of an activity shall pay double the established fee.

- B.** In order to defray the additional cost of processing applications (amendments, conditional uses, variances, appeals) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.
- 1.** "Materials" shall include, but not be limited to, maps, graphs, charts, drawings and the like and all printing or reproduction of materials.
 - 2.** "Staff and/or consulting time" shall include any time spent in either researching for or actual production of materials.
 - 3.** The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of projected time and/or material costs.
- C.** Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid. Where said costs of staff and/or consulting time exceed the initial deposit, monthly billing statements shall be forwarded to and subsequently paid in full by the applicant within 30 days of receipt. No application for zoning or subdivision action or other city permit shall be granted or approved until all fee statement balances are paid in full.
- D.** Fee for certificate of occupancy shall be \$10 per application.

(Ord. 827, passed 4-19-1983; Ord. 1061, passed 6-16-1992; Ord. 1320, passed 6-3-2003)

§ 157.999 ~~§ 157.999~~ PENALTY.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 827, passed 4-19-1983)

