

SUB-ANALYSIS

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CHAPTER 11

LAND USE REGULATION (ZONING)

SECTION 11.01. INTENT AND PURPOSE. This Chapter is adopted for the purpose of: (1) protecting the public health, safety, comfort, convenience and general welfare; (2) dividing the area in the City into zones and districts regulating therein the location, construction, reconstruction, alteration and use of structures and land; (3) promoting orderly development of the residential, business, industrial, recreational and public areas; (4) providing for the compatibility of different land uses and the most appropriate use of land throughout the City; (5) conserving the natural and scenic beauty and attractiveness of the City; and, (6) minimizing environmental pollution;

SEC. 11.02. PLANNING COMMISSION.

Subd. 1. Establishment of Planning Commission. A Planning Commission shall serve in an advisory capacity to the Council and shall have such duties and powers prescribed and limited by the Council in this Chapter.

Subd. 2. Composition. The Planning Commission shall consist of seven members, all residents of the City who shall be appointed for four years by the Council, receive such compensation as the Council may fix and who shall serve at the pleasure of the Council.

Subd. 3. Vacancies. Members of the Planning Commission shall continue as such until their successors are appointed. A vacancy in any membership shall occur by the discontinued resident citizenship of the member, by motion or resolution of the Council, by resignation of the member, or by expiration of the member's term. A vacancy shall be filled by appointment of the Council for the unexpired term of the member.

Subd. 4. Duties of the Planning Commission. The Planning Commission shall:

- A. Prepare, and from time to time review and/or revise the Comprehensive Plan.
- B. Prepare and recommend a zoning map of the City.
- C. Prepare and recommend a zoning map of the half mile area beyond the city limits that is within the jurisdiction of the City.
- D. Recommend the approval or rejection of all plats or registered land surveys as required in the Subdivision Regulation Chapter of the City Code.

E. Study future developments, consisting of proposed public buildings, present and future street locations and arrangements, necessity and location of parks and playgrounds and other similar proposed future physical developments.

F. Prepare, approve and recommend to the Council a zoning plan, including amendments of existing and future zoning plans.

G. Hold at least one regular meeting each month. The times and places for meetings shall be as the Commission shall determine, unless otherwise directed by the Council. A majority shall constitute a quorum, but an affirmative or negative vote of three members shall be necessary for the transaction of any business. At every meeting, the Commission shall take and keep minutes of the meeting, recording the time and place of the meeting, the names of the members present, motions and resolutions, the number voting for and against any matter, and other business procedures. As soon after any meeting as may reasonably be done, and in any event before the next regular meeting of the Council, the Commission shall deliver a copy of the minutes of the meeting to the City Manager as soon as the meeting minutes are accepted. A Chairperson and Vice-Chairperson shall be elected at the first meeting of each year.

H. Have such other responsibilities as may be assigned the Planning Commission elsewhere in this code.

Subd. 5. Dissolution of the Planning Commission. The Planning Commission may at any time be dissolved by unanimous vote of the Council, or in any manner as may be authorized by law.

SEC. 11.03. RULES AND DEFINITIONS.

Subd. 1. Rules. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

A. The present tense includes the past and future tenses and the future the present.

B. All measured distances expressed in feet shall be to the nearest tenth of a foot.

C. In the event of conflicting provisions, the more restrictive provisions shall apply.

Subd. 2. Definitions. The following terms, as used in this Chapter, shall have the meanings stated:

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

2. **"Agricultural Use"** – Use of land for rural residential and general agricultural purposes. Uses may include horticulture, animal husbandry where the number of animal units does not exceed one-half (1/2) per acre, row crops, or pastureland. Production of goods and food products for general sale to the public may be allowed where appropriate.

Source: Ordinance No. 28, 3rd Series
Effective Date: 06-09-02

3. **"Alley"** - A public right of way not less than 20 feet wide, and not more than 30 feet in width, which affords only a secondary means of access to abutting property.

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

5. **"Apartment Building"** - (See "Dwelling, Multiple").

6. **"Automobile Repair"** - General repair, engine rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting of motor vehicles.

7. **"Automobile Service Station"** - A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of motor vehicles, is retailed directly to the public on premises, and including minor accessories and services for motor vehicles, but not including motor vehicle repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

8. **"Auto Wrecking Yard"** - Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and used for wrecking or storing of such motor vehicles or parts thereof; and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles and merchandise.

9. **"Basement"** - A portion of a building located partially or wholly underground.

10. **"Billboard"** - A structure which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted or offered upon the premises where the structure is located.

11. **"Block"** - A tract of land within a platted subdivision bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or boundary lines or the corporate limits of the City.

12. **"Boarding House (Rooming or Lodging House)"** - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty (20) persons.

13. **"Building"** - Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

14. **"Building Height"** - The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

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

16. **"Building, Main or Principal"** - A building in which is conducted the principal use of the lot on which it is situated.

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

18. **"Carport"** - A private garage which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor driven vehicles.

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

20. **"Commercial Use"** - Use or establishment pertaining to commerce, or mercantile for the sale, lease, rental or trade of products, goods and services, having financial gain as its purpose, excluding public utilities, agricultural uses and industrial uses.

Source: Ordinance No. 28, 3rd Series
Effective Date: 06-09-00

(04-14-97)

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

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

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

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

25. **"Cottage Industry"** - (See Home Occupation)

26. **"Court"** - An open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

27. **"Curb Level"** - The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front to each street. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Chapter.

28. **"Day Care Center, Nursery"** - Means any day care center, nursery as defined by the Minnesota Department of Public Welfare.

29. **"District"** - A section or sections of the incorporated area of the City for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

30. **"Drive-In"** - A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

31. **"Drive-In Restaurant"** - Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted

to be consumed by patrons elsewhere on the site, outside the main building.

32. **"Dwelling"** - A building or portion thereof, including a house, trailer or mobile home, designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

33. **"Dwelling Unit"** - One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

34. **"Dwelling, Attached"** - A dwelling joined to other dwellings by part wall or walls.

35. **"Dwelling, Detached"** - A dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling.

36. **"Dwelling, One Family"** - A detached dwelling designed for or occupied exclusively by one family.

37. **"Dwelling, Two Family"** - A dwelling designed exclusively for occupancy by two families living independently of each other.

38. **"Dwelling, Multiple"** - A dwelling designed for and containing three or more dwelling units, the occupants of which live independently of each other.

39. **"Earth Sheltered Building"** - A building constructed so that fifty percent (50%) or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of liveable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or substructure for above-ground construction. A partially completed building shall not be considered earth shelter.

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

41. **"Efficiency Unit"** - A dwelling unit with one primary room which doubles as a living room, kitchen, and bedroom.

42. **"Essential Services"** - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structure or collection, communication, supply or

disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

43. Excavation - Any breaking of ground, except common household gardening and ground care.

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

45. "Family" - One or more persons related by blood, marriage or adoption, including foster children, or a group of adult individuals occupying a dwelling unit.

Source: Ordinance No. 22, 3rd Series
Effective Date: 11-27-99

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

47. "Floor Area, Gross" - The gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

48. "Floor Area, Liveable" - Liveable floor area shall be the same as "floor area gross" defined above, excluding all areas occupied by garages, porches, attics, stairways and storage, utility and heating rooms.

49. "Floor Area Ratio (F.A.R.)" - The floor area ratio of the building or buildings on any zoning lot is the gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot, or, in the case of planned developments, by the net site area.

50. "Fraternity or Sorority House" - A building occupied, or to be occupied by an organized group of ten or more students and providing for a succession of memberships, therein, where lodging or board, or both, are provided for only its members and guests of its members.

51. "Frontage" - All the property fronting on one side of a street between the nearest intersecting streets, or between a street and a right-of-way or other barrier.

52. "Garage, Private" - An accessory building designed to accommodate storage for vehicles having a load rating of one ton or less, used by the occupant of the building to which it is accessory.

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

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

55. "Garage, Truck" - A building which is used or intended to be used for storage of motor trucks, truck trailers, tractors, semi trailers and restricted vehicles exceeding one ton capacity.

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

57. "Group Home" - A group home as defined by the Minnesota Department of Human Services.

58. "High Rise Building" - Any structure designed for a specific use, the height of which exceeds 48 feet.

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

60. "Hospital" - An institution open to the public in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or incurable patients.

61. "Hotel" - A building which provides a common entrance, lobby, halls and stairway and in which twenty (20) or more people can be, for compensation, lodged with or without meals.

62. "Industrial Park" - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries.

63. **"Industrial Use"** – Use or establishment for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items, but where the sale or use thereof is not generally conducted on the premises.

Source: Ordinance No. 28, 3rd Series
Effective Date: 06-09-00

64. **"Institution"** - A building occupied by a non-profit corporation or a non-profit establishment for public or semi-public use.

65. **"Intensive Agricultural Use"** – Use of land for agricultural purposes including feedlots (as defined by the Minnesota Pollution Control Agency), center-pivot irrigation systems, and necessary accessory uses for packing, treating or storing products, provided that such uses are secondary to that of normal agricultural activity.

Source: Ordinance No. 28, 3rd Series
Effective Date: 06-09-00

66. **"Junk Yards/Salvage Yards"** - An open area including buildings where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles.

67. **"Kennel, Commercial"** - Any lot or premises on which more than three (3) dogs, cats or other household pets with a maximum age of four (4) months, are either permanently or temporarily boarded, bred or sold.

68. **"Laboratory"** - A place devoted to experimental study such as research, testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.

69. **"Loading Space/Dock"** - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

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

71. **"Lot of Record"** - A lot which is a part of a platted subdivision, the map of which has been recorded in the office of the County Recorder, or a lot described by metes and bounds, the deed to which was recorded in the office of the County Recorder at the time of the passing of the Zoning Chapter of 1963.

72. **"Lot Area"** - The lot area is the square feet of land area within the lot lines.

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

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

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

71. **"Lot Depth"** - The mean horizontal distance between the front and rear lot lines.

72. **"Lot Width"** - The maximum horizontal distance between the side lot lines of a lot measured with the first thirty (30) feet of the lot depth.

73. **"Lot, Double Frontage"** - A lot having frontage on two non-intersecting streets as distinguished from a corner lot.

74. **"Lot, Interior"** - A lot other than a corner or reversed corner lot.

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

76. **"Lot Line, Rear"** - The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

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

78. **"Manufactured/Mobile Home"** - A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet,

and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this Chapter.

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

80. "Manufactured/Mobile Home Sales Lot" - A lot, site, field or tract of land on which mobile homes are displayed for sale.

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

82. "Mining" - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removal thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

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

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

85. "Motor Home or Recreation Vehicle" - Any vehicle mounted on wheels and for which a license would be required if used on highways, roads or streets, and so constructed and designed as to permit occupance thereof for dwelling or sleeping purposes and used for recreational purposes.

86. "Municipal Water and Sewer Systems" - Utility systems serving a group of buildings, lots or an area of the City with the design and construction of such utility systems as approved by the City.

87. "Non-Conforming Buildings" - A building or structure or portion thereof which lawfully existed prior to the establishment of the zoning district in which it is now located

which does not conform to the regulations for the zoning district in which it is now located.

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

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

90. "Odorous Matter" - Any matter or material that yields an odor which is offensive in any way.

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

92. "Parking Space" - A land area of not less than 180 square feet, exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

93. "Particulate Matter" - Any dust, smoke or other form of airborne pollution in the form of minute separate particles.

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

95. "Planning Commission" - The City Planning Commission.

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

97. "Plot" - A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a public street or upon a thoroughfare or upon a highway or upon a traveled or used road.

98. "Principal Structure or Use" - One which determines the predominant use as contrasted to accessory use or structure.

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

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

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

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

103. **"Public Open Space"** - Any publicly owned open area, including but not limited to parks, playgrounds, school sites, parkways and boulevards.

104. **"Public Utility"** - Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

105. **"Public Way"** - Any sidewalk, bikeway, street, alley, highway or other public thoroughfare.

106. **"Railroad Right-of-Way"** - A stripe of land with tracks and auxiliary facilities for track operation, but not including depot, loading platforms, station, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

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

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

109. **"Restricted Vehicle"** - Any motor vehicle or instrument pushed, pulled or driven by a motor vehicle the primary use of which is the production of income of its owner, possessor or lessee. The term "restricted vehicle" shall in no case be deemed to include passenger cars, recreational vehicles or trucks of a load rating of one ton or less.

110. **"Semi-Trailer"** - A vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor semi-trailer combination.

111. **"Setback Line"** - The minimum horizontal distance between the lot line and the line of the building or the allowable building line as defined by the regulations of this Chapter.

112. **"Sign"** - The use of any words, numerals, figures, devices, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

113. **"Sign, Advertising"** - A sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold, or offered upon the premises where such a sign is located.

114. **"Sign, Billboard"** - A sign, the bottom of which is no more than four (4) feet from the ground and the top no more than twelve (12) feet from the ground, which directs attention to a business, commodity, service, activity or entertainment not conducted, sold, or offered for sale upon the premises where such a sign is located.

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

116. **"Sign, Display Surface"** - That portion of a sign on which information or advertisement may be displayed.

117. **"Sign, Flashing"** - A sign illuminated with an artificial light source not constant in intensity or color at all times while in use, excluding public service time and temperature signs, and traffic signs.

118. **"Sign, Home Occupation"** - A sign identifying a home occupation permitted as an accessory use in a Residential Zone.

119. **"Sign, Identification"** - A sign identifying a school, church, hospital or similar institution and identifying any club, lodge, farm estate, subdivision, home or similar use.

120. **"Sign, Illuminated"** - A sign lighted in any way with an artificial light source.

121. **"Sign, Non-Commercial"** - A sign setting forth a trespassing regulation,

the private nature of a driveway or premises, a danger warning, or similar types of messages.

122. **"Sign, Painted"** - A sign painted on a building or some other surface not intended as its primary use to be used as a sign display surface.

123. **"Sign, Political"** - A sign urging voters to vote for or support a specific issue(s) or a specific candidate(s).

124. **"Sign, Pylon"** - A free-standing sign erected upon a pylon(s) or a post(s) with a sign mounted on top thereof.

125. **"Sign, Real Estate"** - A sign advertising the sale or rental availability of a parcel of ground or a structure.

126. **"Sign, Rotating"** - A sign which revolves or rotates on its axis.

127. **"Sign, Street"** - A sign identifying a City street by name.

128. **"Sign, Surface Area of"** - The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign display surface. It does not include any structural elements outside the limits of the display surface and not forming an integral part of the display. Both sides of a double faced sign or a V-type sign structure shall be used in computing total surface area.

129. **"Sign, Temporary"** - A sign indicating the location of or direction to premises in the process of development or indicating the names of contractors, architects, mechanics, or artisans associates with a development.

130 **"Sign, Traffic"** - A sign regulating or directing the use of City streets or other public streets in the City.

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

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

133. **"Story, Half"** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level.

134. **"Street"** - A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road,

boulevard, thoroughfare or however otherwise designated but does not include driveways to buildings.

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

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

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

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

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

140. **"Structure"** - Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. This definition does not include driveways, sidewalks or patios.

Source: Ordinance No. 54, 3rd Series
Effective Date: 01-15-05

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

142. **"Subdivision"** - The division or redivision of a lot, tract, or parcel of land into two (2) or more lots either by plat or by metes and bounds description.

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

144. **"Trailer"** - Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

145. **"Unit"** - A lodging or rooming unit is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room or rooming unit for the purposes of this article.

146. **"Use"** - A purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is or may be occupied, utilized or maintained.

147. **"Use, Accessory"** - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

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

149. **"Use, Non-Conforming"** - A use of land, building or structure which was lawful prior to the establishment of the zoning district in which it is now located which does not conform to the use regulations for the zoning district in which it is now located.

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

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

152. **"Use, Temporary"** - A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

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

154. **"Veterinary Clinics for Small Animals"** - A business, institution or hospital providing medical or surgical treatment for small animals such as dogs, cats, birds, small pets, and the like in an enclosed building and where boarding may be incidental to such hospital use and where large animals such as sheep, pigs, horses, and the like may be treated on an outpatient basis.

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

156. **"Yard, Front"** - A yard extending along the full width of the front lot line

between side lot lines and extending from the abutting street right of way line to depth required in the setback regulations for the zoning district in which such lot is located.

157. "Yard, Rear" - An open space, unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

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

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

160. "Zoning Amendment" - A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

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

162. "Zoning Map" - The map or maps incorporated into this Chapter as part hereof, designating the use districts.

Source: Ordinance No. 500

Effective Date: 03-16-91

(Sections 11.04 through 11.09, inclusive, reserved for future expansion.)

(Pages 378 through 382 reserved)

SEC. 11.10. GENERAL PROVISIONS.

Subd. 1. Applicability. It is the intention of the City that the several provisions of this Chapter are applicable in accordance with the following:

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

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

Subd. 2. Nonconforming Uses. Any structure or use existing upon the effective date of this Chapter may be continued subject to the following provisions:

A. No such use and structure shall be expanded or enlarged except in conformity with the provisions of this Chapter.

B. A non-conforming use of a structure which has been discontinued for a period of twelve (12) months shall not be re-established and any further use shall be in conformity with the regulations of this Chapter.

C. A non-conforming structure which is damaged by any cause to the extent of more than fifty percent (50%) of its market value as determined by the current records of the County Assessor, shall not be restored except in conformity with the regulations of this Chapter.

D. Normal maintenance of a non-conforming use and structure is permitted. Maintenance may include necessary non-structural repairs and incidental alterations which do not enlarge or intensify the non-conforming use.

E. No junk yard may continue as a non-conforming use for more than one (1) year after the effective date of this Chapter, except that it may continue as a conditional use in a commercial or industrial district if within that period it is completely enclosed within a building or within a continuous solid fence, not less than eight (8) feet high so as to screen completely the operations of the junk yard. Plans of such building or fence shall be reviewed by the Planning Commission and approved by the Council before it is erected.

F. If a building permit has been issued for a non-conforming building or use prior to the establishment of the zoning district in which the new building or use is located, the proposed building or use shall be permitted provided that:

1. Construction is begun within 30 days after the establishment of the zoning district.
2. The construction is continuous until the building is completed.
3. The building permit was issued within 60 days prior to the establishment of the zoning district.

SEC. 11.11. ADMINISTRATION.

Subd. 1. Enforcing Officer. The Council shall appoint a Zoning Administrator. It shall be the duty of the Zoning Administrator to cause the provisions of this Chapter to be properly enforced through the proper legal channels. The Zoning Administrator shall perform the following duties:

- A. Review and approve zoning for building permits and approve other permits, and make and maintain records thereof.
- B. Conduct inspections of buildings and use of land to determined compliance with the terms of this Chapter.
- C. Maintain permanent and current records of this Chapter, including but not limited to, maps, amendments, conditional uses, variances, appeals and applications.
- D. Review, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- E. Institute in the name of the City any appropriate actions for proceedings against a violator as provided for in this Chapter.

Subd. 2. Board of Zoning Adjustment.

- A. The Planning Commission shall act as the Board of Zoning Adjustment and the Zoning Administrator and a member of the Council appointed by the Council shall serve as ex-officio non-voting members of the Board.
- B. The Board shall review all questions as they may arise in the administration of this Chapter, including the interpretation of zoning maps, and it shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by this administrative officer charged with enforcing this Chapter. Such appeal may be taken by any person, firm or corporation aggrieved or by any officer, department, board or bureau of the City. The Board shall also have the authority to grant variances to the provisions of this Chapter under certain conditions, as indicated in this Chapter.

C. Meetings by the Board shall be held within such times and upon such notice to interested parties as is provided in this Chapter.

SEC. 11.12. VARIANCES.

Subd. 1. Granting. A variance to the provisions of this Chapter may be granted by the Board of Adjustment in those cases where this Chapter is found to impose undue hardship to a property owner. A variance may be granted only in the event that the City finds that the current ordinances cause undue hardship to the land and only after all of the following circumstances have been considered and evaluated as part of the decision:

A. That because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulation were carried out.

B. That there are exceptional or extraordinary circumstances or conditions applying to the land or building which do not apply generally to land or building in the same zone classification.

C. That the purpose of the variance is not based exclusively upon a desire to increase the value of income potential of the parcel of land.

D. That granting of the variance is necessary for the preservation and employment of substantial property rights of the petitioner, and the alleged difficulty or hardship is caused by this Chapter and has not been created by any person presently having an interest in the parcel of land.

E. That granting of such variance will not, under the circumstances of this particular case, materially affect adversely the health and safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in said neighborhood.

Subd. 2. Procedures for Securing a Variance. A variance shall be granted subject to the following procedures:

A. Any person desiring a variance shall make written application providing a preliminary building and site development plan and other information as is necessary to the Zoning Administrator on a form supplied by the City and make payment of a filing fee as established by Council Resolution.

B. The Board of Zoning Adjustment shall hold a public hearing on the variance. Notice of the hearing shall be published in the official newspaper at least ten days before the hearing. Written notice shall be sent to all affected persons and to all property owners within 300 feet of the property for which a variance has been requested.

C. The Board of Zoning Adjustment, after review of the application and within 14 days after the hearing, shall make a decision on the variance. A copy of the decision shall be mailed to the person applying for the variance, and given to the City Manager.

D. In granting an adjustment or a variance under the provisions of this section, the Board of Zoning Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air and the public health, safety, comfort, convenience and general welfare.

E. The person applying for the variance, or the City may within 30 days file a written appeal to the Council from the decision of the Board.

F. The Board may recommend that a variance be revoked if any of the conditions established as part of granting the variance request are violated. The Council shall have the final authority to determine whether an approved variance is to be revoked.

SEC. 11.13. CONDITIONAL USE PERMITS.

Subd. 1. Criteria for Review of Conditional Use Permit Applications. In review of a conditional use permit application, the City Council of Morris shall consider the advice and recommendations of the Planning Commission. Each application shall be reviewed to determine the effect of the proposed use on the Comprehensive Plan and upon the health, safety, and general welfare of occupants of surrounding lands. At a minimum, the Council shall make the following findings here applicable:

A. The use will not create an excessive burden on existing parks, schools, streets and other public determine which serve or are proposed to serve the area.

B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land and there will be no deterrence to development of vacant land.

C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

D. The use, in the opinion of the Council, is reasonably related to the overall needs of the City and to the existing land use.

E. The use is consistent with the purposes of this Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.

F. The use is not in conflict with the Comprehensive Plan of the City.

G. The use will not cause traffic hazard or congestion.

H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

Subd. 2. Additional Conditions.

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

1. Increasing the required lot size or yard distance.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off street parking spaces.
6. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
7. Designation sites for open space.
8. Establish a time limit.

B. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Council, time limits, review dates, and such other information as may be appropriate.

Subd. 3. Procedures for Securing a Conditional Use Permit. A conditional use permit shall be granted subject to the following procedures:

A. Any person desiring a conditional use permit shall make written application providing a preliminary building and site development plan and any other information as is necessary to the Zoning Administrator on a form supplied by the City and make payment of a filing fee as established by Council Resolution.

B. Prior to the Council's consideration of a request for a conditional use permit, the Planning Commission shall:

1. Hold at least one public hearing thereon. Notice of the hearing shall be published in the official newspaper at least ten days before the hearing. Written notice shall be sent to all affected persons and all property owners within 300 feet of the property for which a conditional use permit has been requested.

2. Forward to the Council a report containing the Commission's findings and conclusions concerning the request for a conditional permit

C. The Council shall, within 30 days from the date of application and upon receipt of the Planning Commissions report, approve or reject the request for a conditional use permit with stipulations if desired.

D. Upon issuance of a conditional use permit by the Zoning Administrator the terms of the conditional use permit shall serve to regulate the use for which the conditional use permit was issued.

E. Where a conditional use permit has been issued pursuant to the provisions of this Chapter, such permit shall become null and void without further action by the Planning Commission or the Council unless work thereon commences within one (1) year of the date of granting such conditional use. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than twelve (12) consecutive months.

F. In the event that the applicant violates any of the conditions set forth in this permit, the conditional use permit may be revoked by the Council.

SEC. 11.14. ZONING AMENDMENTS. The Council may adopt by ordinance amendments to this Chapter and the zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions in the City.

Subd. 1. Kinds of Amendments.

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

Subd. 2. Initiation of Proceedings. Proceedings for amending this Chapter shall be initiated by at least one of the following three methods:

- A. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
- B. By recommendation of the Planning Commission.
- C. By action of the Council.

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

- A. An accurate listing showing property owners' names and addresses within the affected zone and within three hundred (300) feet of the outer boundaries of the property in question.
- B. An accurate boundary survey and preliminary development plan.

Subd. 4. Procedure for Initiating an Amendment Based Upon Petition by a Property Owner. The procedure for a property owner to initiate a rezoning or district regulation change applying to his property is as follows:

- A. A preliminary building and site development plan. The Council may also require a boundary survey of the property.
- B. Evidence of ownership or enforceable option on the property.
- C. The Planning Commission shall set the date for a public hearing and prepare notices of such hearing for publication in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within three hundred (300) feet of the property to which the amendment relates. Failure of a property owner to receive such

notification shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made.

D. Prior to the scheduled public hearing, the Zoning Administrator shall prepare the appropriate exhibits for distribution to the Planning Commission and to interested parties.

E. The Planning Commission shall hold the public hearing, adopt findings based upon the evidence established during the hearing, and recommend and transmit a recommendation to the Council.

F. The Council shall take action on the proposed amendment following the procedure for Chapters outlined in the Home Rule Charter provided, that if the Council amends the proposed amendment to this Chapter, the amended proposal shall not be enacted until the Planning Commission has taken action on the amended proposal as outlined in this Section.

G. Upon enactment of an amendment to this Chapter requiring a change in the zoning map, the Zoning Administrator shall record the change on the map which change shall take effect as outlined in the Home Rule Charter.

Subd. 5. Procedure for Initiating an Amendment Based Upon a Recommendation by the Planning Commission.

A. The Planning Commission shall pass a motion recommending an amendment to this Chapter.

B. The Planning Commission shall submit the proposed amendment to the Council for review and comment.

C. The Planning Commission shall set the date for a public hearing and prepare notices of such hearing for publication in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within three hundred (300) feet of the property to which the amendment relates. Failure of a property owner to receive such notification shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made.

D. Prior to the scheduled public hearing, the Zoning Administrator shall prepare the appropriate exhibits for distribution to the Planning Commission and to interested parties.

E. The Planning Commission shall hold the public hearing, adopt findings based upon the evidence established during the hearing, and shall make and transmit a recommendation to the Council.

F. The Council shall take action on the proposed amendment following the procedure for Chapters outlined in the Home Rule Charter provided that if the Council amends the proposed amendment to this Chapter the amended proposal shall not be enacted until the Planning Commission has taken action on the amended proposal as outlined in this Section.

G. Upon enactment of an amendment to this Chapter requiring a change in the zoning map, the Zoning Administrator shall record the change on the map which change shall take effect as outlined in the Home Rule Charter.

Subd. 6. Procedure for Initiating an Amendment Based Upon a Recommendation by the Council.

A. The Council shall pass a resolution of intent to amend this Chapter.

B. The Council shall submit the proposed amendment to the Planning Commission for review and comment.

C. The Planning Commission shall set the date for a public hearing and prepare notices of such hearing for publication in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property situated wholly or partly within three hundred (300) feet of the property to which the amendment relates. Failure of a property owner to receive such notification shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made.

D. Prior to the scheduled public hearing, the Zoning Administrator shall prepare the appropriate exhibits for distribution to the Planning Commission and to interested parties.

E. The Planning Commission shall hold the public hearing, adopt findings based upon the evidence established during the hearing, and make and transmit a recommendation to the Council.

F. The Council shall take action on the proposed amendment following the procedure for ordinances outlined in the Home Rule Charter provided that if the Council amends the proposed amendment to this Chapter the amended proposal shall not be enacted until the Planning Commission has taken action on the amended proposal as outlined in this Section.

G. Upon enactment of an amendment to this Chapter requiring a change in the zoning map, the Zoning Administrator shall record the change on the map which change shall take effect as outlined in the Home Rule Charter.

Source: Ordinance No. 500
Effective Date: 03-16-91

(Sections 11.15 through 11.19, inclusive, reserved for future expansion.)

(Pages 393 through 402 reserved)

SEC. 11.20. ZONING DISTRICTS. The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan and are based upon the Comprehensive Plan, which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this Chapter, the City is hereby divided into the following Zoning Districts.

Subd. 1. Residence Districts:

- A. RF - Farm Residence District.
- B. R - Single and Two Family Residence District.
- C. RM - Multiple Family Residence District.

Subd. 2. Business Districts.

- A. CBD - Central Business District.
- B. HB - Highway Business District.

Subd. 3. Industrial Districts.

- A. I1 - Light Industrial District.
- B. I2 - Heavy Industrial District.

Subd. 4. Special Districts.

- A. MC - Municipal Conservancy District.
- B. PUD - Planned Unit Development District.

SEC. 11.21. ZONING DISTRICT MAP.

Subd. 1. The districts established by this Chapter are hereby set forth on the zoning map and that map is hereby made a part of this Chapter. The map shall be known as the "City of Morris Zoning Map of 2002". The map and all notations, references and data shown are part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain the map, amendments thereto shall be recorded on the zoning map within 30 days after official publication of amendments. The official zoning map shall be kept on file in the City Hall. Copies of the official zoning map may be obtained from the City Manager upon request and at cost.

Source: Ordinance No. 41, 3rd Series
Effective Date: February 28, 2002

Subd. 2. Whenever any uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

A. Where district boundary lines are indicated as following streets, alleys, railroads, or similar right-of-way, they shall be construed as following the center line thereof.

B. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed to be such boundaries.

Subd. 3. All streets, alleys, public ways and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways and railroad right-of-ways. Where the center line of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated shall be deemed to be the same as that of the abutting property up to such center line.

Subd. 4. Whenever any street, alley or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, alley, or public way which has been vacated shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Subd. 5. Any land annexed to the city in the future shall be placed in the RF, Farm Residence District, until placed in another district by action of the Council amending this Chapter as outlined elsewhere in this Chapter.

SEC. 11.22. RF - FARM RESIDENCE DISTRICT.

Subd. 1. Purpose. The RF, Farm Residence District, is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space or agricultural uses and will secure economy in government expenditures for utilities and service.

Subd. 2. Use Regulations. In an RF, Farm Residence District, no building or land shall be used or divided, and no building shall be erected, converted or structurally altered in any manner, unless otherwise provided herein, except for one or more of the following uses and others of a similar nature:

A. Permitted Uses (Principal).

1. Single family dwellings.
2. General farming and orchards.
3. Stock raising and dairying.
4. Permanent stands for the sale of agricultural products produced on the premises

5. Public parks and playgrounds.
6. Veterinary clinics for small animals.

B. Permitted Uses (Accessory).

1. Farm buildings, stables.
2. Private garages, private swimming pools.
3. The renting of rooms or the providing of table board to not more than three persons per single family dwelling.
4. Recreation, refreshments and service buildings in public parks and playgrounds.
5. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

C. Conditional Uses (Requires a Conditional Use Permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.
3. Cemeteries.
4. Hospital and rest homes.
5. Publicly owned buildings or structures, utility buildings, telephone exchange transformer stations and electrical substations, but not to include maintenance yards or facilities.
6. Golf courses, tennis courts, parks and playgrounds.
7. Country clubs, private clubs and lodges.
8. Excavation and removal of sand, gravel, black dirt and other types of soil and mineral products.
9. Airports.
10. Commercial recreation.
11. Solar energy systems and solar structures.

D. Restrictions. All uses in the RF, Farm Residence District, shall be subject to the following restrictions:

1. **Lot Area.** No lot shall be smaller than two and one half acres.
2. **Lot Width.** A lot for a single family dwelling connected to the city sanitary sewer system shall be at least 100 feet wide. A lot for a single family dwelling not connected to the City sanitary sewer system shall be at least 100 feet wide.
3. **Lot Coverage.** No more than 25 percent of the gross lot area may be covered by buildings or structures.
4. **Height Restriction.** No structure shall be erected which is greater than 2.5 stories or 30 feet in height.
5. **Setback Requirements.** All principal uses shall comply with the following setback requirements:
 - (a) Front yard, a minimum of 50 feet.
 - (b) Rear yard, a minimum of 40 feet.
 - (c) Interior side yard, a minimum of 15 feet.
 - (d) Street side yard, a minimum of 50 feet.
 - (e) Where lots have a double frontage, the required front yard setback shall be provided on both streets.
 - (f) On a corner lot there shall be a front yard setback on each street side of such lot.
 - (g) When more than 30 percent of the frontage on the side of the street between intersections is occupied by structures having setbacks from street right-of-way of greater or lesser an amount than herein required, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required hereinafter and there are existing buildings on both sides of the new building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portions of the first adjacent building on each side.
 - (h) In such case where a lot of record with sewer has less than the width required, the required side yard setback from the side yard property line shall be reduced to ten percent of the width of the lot, except that in no case shall an interior side setback line be less than five feet nor a side street setback line be less than 25 feet. There shall be no deviation for lots of record without sewer.

<u>Land Use</u>	<u>Min. Lot Area/Acres</u>	<u>Min. Lot Width/Ft.</u>	<u>Max Lot coverage%</u>	<u>Max. Height</u>	<u>Front</u>	<u>Setbacks</u>		
						<u>Rear</u>	<u>Side (Interior)</u>	<u>Side (Interior)</u>
Single Family with Sewer	2.5	100	25	2.5 Stories or 30'	50	40	15	15
Single Family without Sewer	2.5	200	25	2.5 Stories or 30'	50	40	15	50

Subd. 5. General Regulations. Additional requirements for parking, signs, fencing, sewage systems and other items are set forth in this Chapter.

SEC. 11.23. R - Single and Two Family Residence District.

Subd. 1. Purpose. The R, Single and Two Family Residence District is intended to provide a district of low density residential dwelling units and directly related complimentary uses.

Subd. 2. Use Regulations. In an R, Residential District, no buildings or land shall be used and no building shall be erected, structurally altered, converted, or enlarged unless otherwise provided herein, except for one or more of the following uses and others of a similar nature.

A. Permitted Uses (Principal).

1. Single family dwellings.
2. Two family dwellings.
3. Public parks and playgrounds.

B. Permitted Use (Accessory).

1. Private garages, private swimming pools or other private recreation facilities.
2. Gardens and conservatories for plants and flowers, not as a business, trade or industry.
3. The renting of rooms or the providing of table board to not more than three persons per single family dwelling.

4. Buildings for the storage of yard care equipment.
5. Recreation refreshment and service buildings in public parks and playgrounds.
6. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

C. Conditional Uses (Requires a Conditional Use Permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.
3. Cemeteries.
4. Hospitals and rest homes.
5. Publicly owned buildings or structures, utility buildings, telephone exchange transformer stations and electrical sub-stations but not to include maintenance yards or facilities.
6. Neighborhood grocery.
7. Public schools, colleges and universities.
8. Veterinary clinic for small animals.
9. Solar energy systems and solar structures.

D. District Requirements. All uses in the R, Single and Two Family Residence District shall be subject to the following restrictions:

1. **Lot Area.** No lot for a single family dwelling shall be smaller than 9,000 square feet; no lot for a two family dwelling shall be smaller than 12,000 square feet.
2. **Lot Width.** A lot for a single family dwelling shall be at least 75 feet wide. A lot for a two family dwelling shall be at least 100 feet wide.
3. **Lot Coverage.** Buildings or structures may cover no more than 30% when lots are less than or equal to 7,000 square feet, and 25% when lots are greater than 7,000 square feet.

Source: Ordinance #71, 3rd Series
Effective Date: 01-02-07

4. Height Restrictions. No structure shall be erected which is greater than 2.5 stories or 30 feet in height.

5. Setback Requirements. All principal uses shall comply with the following setback requirements.

- (a) Front yard, a minimum of 25 feet.
- (b) Rear yard, a minimum of 20% of the lot depth.
- (c) Interior side yard, single family, a minimum of 10 feet.
- (d) Interior side yard, two family, a minimum of 15 feet.
- (e) Street side yard, a minimum of 25 feet.
- (f) Where lots have a double frontage, the required front yard setback shall be provided on both streets.
- (g) On a corner lot there shall be a front yard setback on each street side of such lot. No accessory building shall project beyond the front yard setback of either street.
- (h) When more than 30 percent of the frontage on the side of the street between intersections is occupied by structures having setbacks from street right-of-way of greater or lesser an amount than herein required, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required herein and there are existing buildings on both sides of the said new building, the front shall not be required to be greater than that which would be established by connecting a straight line between the forward most portions of the first adjacent building on each side.
- (i) In such cases where a lot of record has less than the width required, the required side yard setback for a single family dwelling from the side yard property line shall be reduced to ten percent of the width of the lot, except that in no case shall an interior side setback line be less than five feet nor a side street setback line be less than 25 feet. Similarly the area requirements shall be reduced to not less than 7,000 square feet. There shall be no deviation for a two-family dwelling.

<u>Land Use</u>	<u>Min. Lot Area/Acres</u>	<u>Min. Lot Width/Ft.</u>	<u>Max Lot coverage%</u>	<u>Max. Height</u>	<u>Setbacks</u>			
					<u>Front</u>	<u>Rear</u>	<u>Side (Interior)</u>	<u>Side (Street)</u>
Single Family	9,000	75	25	2.5 Stories or 30'	25	20% of lot depth	10	25
Two Family	12,000	100	25	2.5 Stories or 30'	25	20% of lot depth	15	25

E. General Regulations. Additional requirements for parking, signs, fencing, sewage systems and other items are set forth in this Chapter.

SEC. 11.24. RM - MULTIPLE FAMILY RESIDENCE DISTRICT.

Subd. 1. Purpose. The RM, Multiple Family Residence District is intended to provide a district of medium density housing in multiple family structures and directly related complimentary uses.

Subd. 2. Use Regulations. In an RM, Residence District, no building or land shall be used and no building shall be hereafter erected, structurally altered, or converted or enlarged unless otherwise provided herein, except for one or more of the following uses and others of a similar nature:

A. Permitted Uses (Principal).

1. Single family dwellings.
2. Two family dwellings.
3. Multiple dwellings and apartment buildings.
4. Attached dwellings.
5. Boarding and lodging houses.
6. Fraternity and sorority houses.
7. Public parks and playgrounds.

B. Permitted Uses (Accessory).

1. Private garages, private swimming pools or other private recreation facilities.
2. Gardens and conservatories for plants and flowers not as a business trade or industry.
3. The renting of rooms or the providing of table board to not more than three persons per single family dwelling.
4. Buildings for the storage of yard care equipment.
5. Recreation, refreshments and service buildings in public parks and playgrounds.
6. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

C. Conditional Uses (Requires a Conditional Use Permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.
3. Cemeteries.
4. Hospitals and rest homes.
5. Publicly owned buildings or structures, utility buildings, telephone exchanges, transformer stations and electrical sub-stations.
6. Neighborhood grocery.
7. Public schools, colleges and universities.
8. Public parks and playgrounds and recreation refreshment and service buildings.
9. Home occupations utilizing not more than one third of the gross floor area of the dwelling.
10. Mobile home parks.
11. Hotels and motels.
12. Solar energy systems and solar structures.

D. District Requirements. All uses in the RM - Multiple Family Residence District shall be subject to the following restrictions in addition to those set forth in District Requirements, R, Single and Two Family Residence District.

1. Lot Area. No lot for a multiple dwelling of two units shall be smaller than 10,000 square feet. For each additional dwelling unit the required minimum lot shall be increased by 2,000 square feet.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

2. Lot Width. A lot for a multiple dwelling of two units shall be at least 100 feet wide. For each additional dwelling unit the required minimum lot width shall be increased by five feet.

3. Lot Coverage. Not more than 30 percent of the gross lot area of a lot may be covered by buildings or structures.

4. Height Restrictions. No structure shall be erected which is greater than five stories of 60 feet in height.

5. Setback Requirements. All principal uses shall comply with the following setback requirements:

- (a) Front yard, a minimum of 25 feet.
- (b) Rear yard, a minimum of 30 feet.

(c) Interior side yard for a multiple dwelling of two units, a minimum of 20 feet. For each additional dwelling unit the required minimum interior side yard setback shall be increased by one foot. In no event shall the interior side yard setback be less than the height of the structure.

- (d) Street side yard, a minimum of 25 feet

6. Livable Floor Area Requirements. Each unit of a multiple dwelling shall meet the appropriate minimum livable floor area requirement as herein set forth:

- (a) Efficiency units.....400 sq. ft.
- (b) 1 Bedroom Apartment.....650 sq. ft.
- (c) 2 Bedroom Apartment.....850 sq. ft.
- (d) 3 Bedroom Apartment.....1040 sq. ft.

(e) Row houses, condominium.. ...960 sq. ft. for 2 bedroom, and 1040 sq. ft. for 3 bedroom units in townhouses and apartments to be sold as individual units.

<u>Land Use</u>	<u>Min. Lot Area/sq. ft.</u>	<u>Min. Lot Width/ft.</u>	<u>Max. Lot Coverage %</u>	<u>Max. Height</u>	<u>Front</u>	<u>Rear</u>	<u>Side (Interior)</u>	<u>Side (Street)</u>
Multiple dwlg. Units (1 st two)	10,000	100	30	5 stories of 60'	25	30	25*	25
Each additional Dwelling unit	2,000	add 5'	30	N/A	N/A	N/A	add 1'	N/A

E. General Regulations. Additional requirements for parking, signs, fencing, sewage systems and other items are set forth in this Chapter.

Source: Ordinance No. 500
Effective Date: 03-16-91

SEC. 11.25 NC – Neighborhood Commercial District

Subd. 1. Purpose. The NC, Neighborhood Commercial District, is intended to provide a mix of housing and small-scale businesses that are compatible with surrounding residential areas. Uses in this district are restricted to limit adverse impacts on nearby residential areas. The scale of buildings and parking areas are also restricted so as not to conflict with the character of surrounding residential development.

Subd. 2. Use Regulations. In an NC, Neighborhood Commercial District, no building or land shall be used and no building shall be hereafter erected, structurally altered, or converted or enlarged unless otherwise provided herein, except for one or more of the following uses and others of a similar nature:

A. Permitted Uses (Principal).

1. Single family dwellings.
2. Two family dwellings.
3. Multiple family dwellings and apartment buildings.
4. Attached dwellings.
5. Boarding and lodging houses.
6. Fraternity and sorority houses.
7. Public parks and playgrounds.
8. Commercial establishments offering merchandise and services

to the general public in return for compensation. Such establishments to include but not to be limited to the following:

(a) Retail establishments such as groceries, hardware, drug, clothing and furniture stores, restaurants, coffee shops, and bakeries.

(b) Personal services such as laundries, barber and beauty shops, shoe repair shops, photography studios, and fitness centers.

(c) Professional services such as medical and dental clinics, architecture and attorney offices.

(d) Repair services such as jewelry, radio, computer and television.

(e) Finance, insurance and real estate services.

9. Small engine repair shops.

10. Automotive parts stores.

11. Seasonal produce stands.

12. Small scale automotive agencies selling and displaying new and used vehicles.

13. Bait and sporting goods shops.

B. Permitted Uses (Accessory)

1. Private garages, private swimming pools or other private recreation facilities.

2. Gardens and conservatories for plants and flowers not as a business trade or industry.

3. The renting of rooms or the providing of table board to not more than three persons per single family dwelling.

4. Buildings for the storage of yard care equipment.

5. Recreation, refreshment and service buildings in public parks and playgrounds.

6. Home occupations.

7. Bus or taxi loading or unloading facilities.

8. Public rest rooms.

9. Storage of merchandise, solely intended to be retailed by a related and established principal use.

10. Parking lots.

C. Conditional Uses (Requires a Conditional Use Permit)

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.

2. Nurseries and greenhouses.

3. Cemeteries.

4. Hospitals and rest homes.
5. Public schools, colleges and universities.
6. Publicly owned buildings or structures, utility buildings, telephone exchange transformer stations and electrical substations, but not to include maintenance yards or facilities.
7. Public and semi-public buildings and government offices, such as post office, city hall, fire and police stations.
8. Warehouses and wholesale businesses.
9. Automotive repair shops and car wash establishments.
10. Privately owned commercial recreational uses.
11. Small scale malls.
12. Solar energy systems and solar structures.
13. Private clubs.
14. Automobile parking lots as a primary use.
15. On and off sale liquor establishments.
16. Mortuaries.
17. Veterinary clinics for small animals.

D. District Requirements. All uses in the NC-Neighborhood Commercial District shall be subject to the following restrictions in addition to those set forth in the District Requirements for the RM, Multiple Family Residence District.

1. Maximum Parcel Size. No parcel shall be larger than three (3) standards 50 X 140 ft. lots or 21,000 sq. ft.

2. Lot Coverage. No lot for a multiple dwelling of two units shall be smaller than 10,000 square feet. For each additional dwelling unit the required minimum lot shall be increased by 2,000 square feet. For non-residential structures, not more than 40 percent of the gross lot area up to a standard single lot may be covered by buildings or structures, 30 percent of the gross lot area up to a double standard lot and 25 percent of the gross lot area up to a triple standard lot.

3. Height Restrictions. No residential multi-family structure shall be erected which is greater than five (5) stories or 60 feet in height. No non-residential structure shall be erected which is greater than two and one half stories or 30 feet in height.

4. Setback Requirements. All uses shall comply with the following setback requirements:

(a) The setback requirements in the Multiple Family Residence District for all multiple dwellings and apartment buildings.

(b) For non-residential uses, there shall be a front yard of not less than 25 feet which can be used to provide off-street parking, but not loading spaces;

(c) For non-residential uses, there shall be a rear yard of a width not less than 20 feet which can be used to provide off-street parking and loading spaces;

(d) For non-residential uses, there shall be a side yard of a width not less than 10 feet which may not be used to provide off-street parking and loading.

(e) For non-residential uses, there shall be a street side yard width not less than 25 feet which may be used to provide off-street parking, but not loading spaces.

5. Vehicular and Pedestrian Traffic Requirements.

(a) All non-residential buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust-free material and properly drained.

(b) Vehicular traffic generated by a non-residential use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the City Engineer who may require such additional measures for traffic control as they may deem necessary, including but not limited to the following; (1) directional; (2) signalization; (3) channelization; (4) standby turn lanes; (5) illumination; and, (6) storage area and distribution facilities within the commercial site to prevent back-up of vehicles on public streets.

(c) No area used by motor vehicles other than driveways serving ingress and egress to the non-residential site shall be located within the public street right-of-way.

6. Screening Requirements. All principal and accessory uses, except business signs, which are situated within 50 feet of a residential district, shall be screened from such district by a wall or fence of not less than 90 percent opacity and not less than five nor more than seven feet in height above the level of the residential district property at the district boundary. However, the Planning Commission may permit a lesser degree of screening, if it is presented with an alternative plan that adequately promotes and protects the use and enjoyment of properties within the adjacent residential district, or there is a finding that a screening of the type required would interfere with the providing of adequate amounts of light and air to the properties. Loading docks in the NC, Neighborhood Commercial District, shall be screened so as not to be visible from any public street within a residential district.

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

8. Livable Floor Area Requirements. Each unit of a multiple dwelling shall meet the appropriate minimum livable floor area requirement as herein set forth:

- (a) Efficiency units 400 sq. ft.
- (b) 1 Bedroom Apartment 650 sq. ft.

- (c) 2 Bedroom Apartment 850 sq. ft.
- (d) 3 Bedroom Apartment 1,040 sq. ft.

(e) Row houses, condominium 960 sq. ft. for 2 bedroom, and 1,040 sq. ft. for 3 bedroom units in townhouses and apartments to be sold as individual units.

9. Storage and Display Requirements. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the NC, Neighborhood Commercial District, or within the confines of a 100 percent opaque wall or fence not less than five feet high. Merchandise which is offered for sale may be displayed beyond the confines of a building in the NC District. No storage will be permitted in violation of the setback requirements.

10. Residential Versus Commercial District Language Interpretation Requirements. Since this is a unique Zoning District that allows both residential and commercial uses, there may be some confusion as to how to interpret language in City Code pertaining to each type of use. For interpretation purposes, this district shall be both residential and commercial. If there are conflicting requirements in City Code between residential and commercial, the more restrictive requirement will be enforced.

E. General Regulations. Additional requirements for parking, signs, fencing, sewage systems and other items are set forth in this Chapter.

Source: Ordinance #95, 3rd Series
Effective Date; 04-15-14

(Sections 11.26 through 11.29, inclusive, reserved for future expansion.)

(Pages 419 through 423 reserved)

SEC. 11.30. HB - HIGHWAY BUSINESS DISTRICT.

Subd. 1. Purpose. The HB, Highway Business District, is intended to provide a district of centralized areas for service oriented enterprises, and for quasi-industrial and wholesale enterprises that do not require an industrial setting but have considerable contact and a dependence on transient trade and traffic.

Subd. 2. Use Regulations. In a HB, Highway Business District, no buildings or land shall be used and no building shall be hereafter erected, structurally altered, or converted or enlarged unless otherwise provided herein except for one or more of the following uses and others of a similar nature:

A. Permitted Uses (Principal).

1. Single family and two family dwellings.
2. Multiple dwellings and apartment buildings.
3. Attached dwellings.
4. Boarding and lodging houses.
5. Fraternity, sorority houses whose chief activity is a service carried on as a business.
6. Automotive agencies selling and displaying new and used vehicles.
7. Automotive accessory stores service stations, and car wash establishments
8. Bowling alleys and roller skating rinks.
9. Drive-in restaurants, retail stores or service uses.
10. Agricultural implement and other construction sales and showrooms.
11. Motels and camp grounds.
12. Professional businesses and governmental offices.
13. Travel trailer, motor home, recreational equipment, marine and boat sales lots.
14. Public and truck garage.
15. Warehouses and wholesale businesses.
16. Parking lots, malls and transient corridors.
17. Automobile repair shops and establishments.
18. Veterinary clinics for small animals.
19. Liquor Stores, lounges and private clubs.

20. Taverns, restaurants and night clubs.
21. Seasonal produce stands.

22. Cafes and restaurants.
23. Bait and sporting goods shops.

24. Lumber yards and construction materials sales.
25. Garden and landscaping sales and service.
26. Parks.

B. Permitted Uses (Accessory).

1. Private garages.

2. Gardens and conservatories for plants and flowers not as a business trade or industry.

3. The renting of rooms or the providing of table board for not more than three persons per single family dwelling.

4. Buildings for the storage of yard care equipment.
5. Bus or taxi loading and unloading facilities.

6. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

7. Storage of merchandise, solely intended to be retailed by a related established principal use.

8. Parking lots, malls and transient corridors.

C. Conditional Uses (Requires a Conditional Use Permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.

2. Nurseries and greenhouses.
3. Cemeteries.
4. Hospitals and rest homes.

5. Publicly owned buildings, telephone exchange transformer stations and electrical sub-stations, but not to include maintenance.

6. Neighborhood grocery.
7. Public schools, colleges and universities.
8. Public parks and playgrounds and recreation, refreshment and service buildings in those.

9. Mobile home parks and sales lots.
10. Billboards.
11. Distributing station for milk and other beverages, carting or hauling stations.

12. Outdoor or drive-in theatre.
13. Fabricating and light manufacture.
14. Privately owned commercial outdoor recreational uses including, but not limited to, auto and go-cart racing tracks, golf driving ranges, skating rinks and tennis clubs.

15. Retail establishments not listed under permitted uses which may meet the purpose of the district.

16. Solar energy systems, solar and earth-sheltered structures.

17. Offices and other highway businesses, which in the opinion of the Planning Commission and Council will not have a detrimental effect on the Central Business District.

18. On-line auction collection sites.

Source: Ordinance #98, 3rd Series
Effective Date: 11-29-14

19. Precision machining shops.

Source: Ordinance #101, 3rd Series
Effective Date: 01-27-14

20. Residential single-family homes.

Source: Ordinance #89, 3rd Series
Effective Date: 12-26-11

D. District Requirements. All uses in the HB, Highway Business

District, shall be subject to the following restrictions:

1. Lot Coverage. Not more than 30 percent of the gross lot area of a lot may be covered by buildings or structures.

2. Height Restrictions. No structure shall be erected which is greater than three (3) stories high.

Source: Ordinance #100, 3rd Series
Effective Date; 12-29-14

3. Setback Requirements. All uses shall comply with the following setback requirements:

(a) No front yard shall be required except that on every lot in the district the front of which is directly opposite any of the classes of residential districts (across the street) there shall be a front yard of not less than 25 feet which shall not be used to provide off-street parking or loading spaces.

(b) No rear yard shall be required except that on every lot in the district the rear of which abuts or adjoins any of the classes of residential district, there shall be a rear yard of a depth equal to not less than twice the width of a side yard required in the residential district.

(c) No side yard shall be required except that along that side of every lot in the district that abuts or adjoins any of the classes of residential districts there shall be a side yard of a width not less than twice that required in the residential district it borders, which may not be used to provide off-street parking and loading space.

4. Vehicular and Pedestrian Traffic Requirements.

(a) All commercial buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust-free material and properly drained.

(b) Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the City Engineer who may require such additional measures for traffic control as he may deem necessary, including but not limited to the following: (1) directional; (2) signalization; (3) channelization; (4) standby turn lanes; (5) illumination; and, (6) storage area and distribution

facilities within the commercial site to prevent back-up of vehicles on public streets.

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

5. Screening Requirements. All principal and accessory uses, except business signs, which are situated within 50 feet of a residential district, shall be screened from such district by a wall or fence of not less than 90 percent opacity and not less than five nor more than seven feet in height above the level of the residential district property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted if there is a finding by the Planning Commission that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that a screening of the type required would interfere with the providing of adequate amounts of light and air to the properties. Loading docks in the HB, Highway Business District, shall be screened so as not to be visible from any public street within a residential district.

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

7. Storage and Display Requirements. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the HB, and within the confines of a 100 percent opaque wall or fence not less than five feet high. Merchandise which is offered for sale may be displayed beyond the confines of a building in the HB district. No storage will be permitted in violation of the setback requirements.

E. General Regulations. Requirements and standards for signs, parking, etc., as set forth in this Chapter

SEC. 11.31. CBD - CENTRAL BUSINESS DISTRICT.

Subd. 1. Purpose. The CBD, Central Business District is intended to provide a district designed to serve an area of urban functions that are enhanced by central location, ease of access and are the type of activities that gain economic advantage from close proximity.

Subd. 2. Use Regulations. In the CBD, Central Business District, no building or land shall be used and no building shall be hereafter erected, structurally altered or converted or

enlarged unless otherwise provided herein except for one or more of the following uses and others of a similar nature:

A. Permitted Uses (Principal).

1. Single Family and two family dwellings.
2. Multiple dwellings and apartment buildings.
3. Attached dwellings.
4. Boarding and lodging houses.
5. Fraternity and sorority houses.
6. Commercial establishments offering merchandise of services to the general public in return for compensation. Such establishments to include but not be limited to the following:
 - (a) Retail establishments such as groceries, hardware, drug, clothing and furniture stores, eating and drinking places, and bakeries.
 - (b) Personal services such as laundries, barber and beauty shops, shoe repair shops and photography studios.
 - (c) Professional services such as medical and dental clinics, architect and attorney offices.
 - (d) Repair services such as jewelry, radio and television repair shops.
 - (e) Finance, insurance and real estate services.
 - (f) Entertainment and amusement services such as motion picture theaters, bowling alleys.
7. Automotive accessory stores, service stations and car wash establishments.
8. Business and governmental officer.
9. Public and semi-public buildings such as post office, city hall, fire and police stations.
10. Private clubs.
11. Apartments and condominiums, provided they are located above the first floor.

12. Automobile parking lots.
13. On and off-sale liquor establishments.
14. Automobile service stations.
15. Mortuaries.

B. Permitted Uses (Accessory).

1. Private garages.
2. The renting of rooms or the providing of table board for not more than three persons per single family dwelling.
3. Bus or taxi loading or unloading facilities.
4. Public rest rooms.
5. Telephone booth.
6. Storage of merchandise, solely intended to be retailed by a related and established principal use.

C. Conditional Uses (Requires a Conditional Use Permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.
3. Publicly owned buildings or structures, utility buildings, telephone exchange transformer stations and electrical substations, but not to include maintenance yards or facilities.
4. Home occupations when located in an area not to exceed one third of the gross floor area of the dwelling.
5. Wholesale businesses.
6. Warehouses.
7. Automobile repair shops and establishments.
8. Privately owned commercial recreational uses.
9. Solar energy systems and solar structures.
10. Precision machining shops.

Source: Ordinance #101, 3rd Series
Effective Date: 01-27-15

D. District Requirements. All uses in the CBD, Central Business District, shall be subject to the following restrictions:

1. Lot Coverage. The floor area ratio (F.A.R.) shall be not greater than 2.0.

2. Height Restrictions. Structure heights shall be governed by the floor area ratio as established in this Chapter.

3. Setback Requirements. All uses shall comply with the following setback requirements:

(a) There shall be no required minimum front yard or exterior side yard setback requirements except that there shall be a required setback from the CBD boundaries when the district boundaries are adjacent to a residential zone. The setback shall be the same as required on the adjacent residential lot line.

(b) There shall be no required minimum interior side yard setback requirements except that when a side yard is provided there shall be a minimum interior side yard of five feet provided that the structure contains a solid, fireproof wall. In the case where the structure contains windows and doors on the interior building side yard, a setback equal to one-half the height of the structure shall be required.

4. Vehicular and Pedestrian Traffic Requirements.

(a) All commercial buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust free material and properly drained.

(b) Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. The adequacy of the proposed traffic circulation system to accomplish these objectives shall be determined by the City Engineer and traffic safety committee who may require such additional measures for traffic control as he may deem necessary, including but not limited to the following: (1) directional; (2) signalization; (3) channelization; (4) standby turn lanes; (5) illumination; and, (6) storage area and distribution facilities within the commercial site to prevent back-up of vehicles on public streets

5. Screening Requirements. Loading docks in the central business district may be screened so as not to be visible from any public street or designed so that

they are architecturally harmonious with the principal structure on the site and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.

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

7. Storage and Display Requirements. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the CBD and within the confines of a 100 percent opaque wall or fence not less than five feet high. Merchandise which is offered for sale may be displayed beyond the confines of a building in the CBD but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies.

E. Building Design and Construction. To provide a CBD, Central Business District, with a pleasant visual or aesthetic environment while promoting beauty, order, continuity and restraint, the following provisions shall regulate the design and construction of buildings in the CBD, Central Business District.

1. All exterior wall finishes on a building shall be any single one or combination of the following:

- (a) Face brick.
- (b) Natural stone.

(c) Especially designed pre-cast concrete units if the surfaces have been integrally treated with an applied material or texture.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

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

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

(e) Other material as may be recommended by the Planning Commission and approved by the Council.

(f) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be designed in a manner harmonizing with the original architectural design and general appearance.

2. The Building Official upon receipt of a request for a building permit for construction in the CBD, Central Business District, may, after review of plans and specifications, issue the building permit or refer the application to the Planning Commission.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

3. The Planning Commission when reviewing an application for a building permit for construction in CBD, shall act only in an advisory and review capacity. However, the Planning Commission may make recommendations to the official issuing the building permit or to the owners or persons requesting the building permit related to the design of the proposed construction.

4. Any changes in the design of a proposed construction which has been reviewed by the Planning Commission shall be approved by the Planning Commission.

F. General Regulations. Requirements and standards for signs, parking, and other items, as set forth in this Chapter.

Source: Ordinance No. 500
Effective Date: 03-16-91

(Sections 11.32 through 11.39, inclusive, reserved for future expansion.)

(Pages 434 through 443 reserved)

SEC. 11.40. I1 - LIGHT INDUSTRIAL DISTRICT.

Subd. 1. Purpose. The I1, Light Industrial District, is intended to provide a district for light industrial uses which do not detract from an adjacent area of less intense land use or become a blighting influence to the area.

Subd. 2. Use Regulations. In the I1, Light Industrial District, no building or land shall be used and no building shall be hereafter erected, structurally altered or converted or enlarged unless otherwise provided herein, except for one or more of the following uses and others of similar nature:

A. Permitted Uses (Principal).

1. Assembly plants.
2. Bottling works, including milk bottling or distribution station.
3. Cold storage plants and warehousing.
4. Carpet cleaning, dry cleaning and dyeing, laundry employing any number of persons, provided the cleaning fluid used has a base which is of non-explosive material.
5. Custom shop for making articles or products sold at retail on the premises.
6. Electric appliance assembly.
7. Growing, handling, crating, sorting and shipping nursery stock.
8. Dry cleaning establishments.
9. Laboratory, research, experimental and testing.
10. Manufacture or assembly of medical or dental equipment, drafting optical and musical instruments, watches, clocks, games, toys and electronic or electrical items.
11. Storage and sale of lumber, coal, brick, stone, contractors supply yard, provided such use is entirely enclosed within a substantial fence not less than eight feet in height.
12. Plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, and electrical contractors; blacksmith shop, carpentry, soldering, and welding establishments.

13. The manufacturing, compounding, processing and packaging of treatment of food products such as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and toiletries.

14. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvass, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, (excluding planning mill), yarns, and paint not requiring a boiling process.

15. Any other manufacturing or industrial enterprise, operation or process, whether making assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping, or storing, provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse, matter, smoke, vapor or vibration is confined effectively to the premises and no extra fire hazard is created.

16. Printing shop, newspaper plant.

17. Railway and motor freight depot or trucking terminal, provided that the truck entrance is from and exit to a street where railway is at least 30 feet between curbs.

18. Storage in bulk of, or warehouse for, such material as building material, contractor's equipment, furniture, food, fabrics, hardware, and similar goods when entirely contained in an enclosed roofed building; provided that such permitted storage buildings shall not store or junk metals, petroleum and other inflammable fluids in above-ground tanks, paint and paint materials, discarded or salvaging material, or be used for wrecking or dismantling of motor vehicles.

19. Sheet metal shop, plumbing supply shop.

20. The sale or distribution, storage and distribution of supplies, equipment and goods not including bulk petroleum, gasoline or explosives.

21. Automobile repairs shops and establishments.

22. Veterinary clinics for small animals.

23. Commercial and private storage buildings.

Source: Ordinance #106, 3rd Series
Effective: 06-27-16

B. Permitted Uses (Accessory).

1. Buildings for the storage of yard care equipment.
2. Bus or taxi loading or unloading facilities.
3. Storage of merchandise solely intended to be retailed by a related and established principal use.
4. Parking lots.

C. Conditional Uses (Requires a Conditional Use Permit).

1. Feed mills and elevators.
2. Billboards.

D. District Requirements. All uses in the I1, Light Industrial District shall be subject to the following restrictions:

1. **Lot Width.** No lot shall be less than 100 feet in width.
2. **Lot Coverage.** No more than 50 percent of the gross lot area of a lot may be covered by buildings or structures.

3. **Setback Requirements.** All principal uses shall comply with the following setback requirements:

- (a) Front yard, a minimum of 25 feet.
- (b) Rear yard, a minimum of 15 feet.
- (c) Interior side yard, a minimum of 15 feet.
- (d) Street side yard, a minimum of 25 feet.
- (e) No building shall be erected closer than 30 feet to any boundary line which separates an I1, Light Industrial District, from an RF, R or RM, Residence District. The areas between buildings in the I1 District and such streets and boundaries of an RF, R or RM Residence District shall be a buffer strip which is planted with grass, shrubs, or trees and shall be continuously maintained by the I1 property owner.
- (f) No building shall be erected closer than 30 feet to the right-of-way line of any State Highway, major or secondary thoroughfare, or to any County Highway or road in use by the public prior to the creation of an I1, Light Industrial District, which serves as the boundary line of such a district.

4. Landscaping Requirements. All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives, or storage, shall be landscaped with trees, shrubs, ornamental landscape materials, or planted ground cover. Plans for the landscaping and screening shall be submitted for approval to the City before any permit shall be issued. The plan shall show the location, type, quality and size of all existing and proposed trees and plantings in or proposed for the landscaping area. No certificate of occupancy shall be issued until the landscaping is completed in accordance with the approved plans. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well kept condition. All vacant lots, tracts or parcels shall also be properly maintained.

5. Storage of Materials. No accessory building shall be constructed to permit the keeping of articles, goods or materials in the open or exposed to public view. When necessary to store or keep such materials in the open, the lot or area shall be fenced with a screening fence at least six feet high. Such storage shall be limited to the rear two-thirds of the property.

6. Noise. Noise emanating from manufacturing processes shall not be audible beyond 300 feet from the boundary limits of the district.

7. Glare, Fumes, Heat. No glare, fumes, or heat shall be produced in any building in this district which is noticeable at a distance of more than 50 feet from the building in which it is produced.

8. Exterior Lighting. Any lights used for exterior illumination shall be directed away from adjacent properties.

9. Waste Material. Waste material shall not be washed into the public storm sewer system without first having received a permit to do so from the director of utilities. If the permit is not granted, a method of disposal shall be devised which will not require additional land for continual operation, will not cause a detrimental effect to the adjacent land and the waste disposal plan shall be submitted to the Planning Commission and City Council for approval. All solid waste material, debris, refuse or garbage shall be kept within a completely enclosed building or properly contained in a closed contained and stored in racks designed for such purpose.

10. Drainage. In the development, improvement or alteration of land, the natural direction of drainage shall not be changed unless plans for the development are submitted to the City and unless the change is approved by the Council. Run-off shall be properly channeled into a storm drain, water course, or ponding area.

11. Erosion and Sediment Control. In any development, improvement, or alteration of land, a plan will be presented with the site plans which will show

the measures to be taken before, during, and after construction to prevent erosion and to control any sedimentation that may occur on or adjacent to the site because of the development. This plan may include seeding or sodding procedures, special grading for berms, terraces, settling ponds, dikes or channels or other appropriate procedures.

12. Inspections and Testing for Compliance. In order to assure compliance with the standards set forth above, the Council may require the owner or operator of any permitted use to make such investigations and tests as may be required to insure adherence to the standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Council after 30 days notice. The costs incurred in having such investigations or tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

13. Additional District Requirements. Additional district requirements may be imposed to establish a I1, Light Industrial District, which will best serve the general welfare and benefit of the entire City.

E. General Regulations. Requirements and standards for signs, parking, and other items as set forth in this Chapter.

SEC. 11.41. I2 - HEAVY INDUSTRIAL DISTRICT.

Subd. 1. Purpose. The I2, Heavy Industrial District, is intended to provide a district for heavy industrial uses and intensive land use.

Subd. 2. Use Regulations. Within the Heavy Industrial District, no building or land shall be used in whole or in part, and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided, except for one or more of the following uses:

A. Permitted Uses (Principal).

1. Any principal use permitted in the I1, Light Industrial District
2. Any business, commercial or industrial uses which are not likely to create hazards of fire, explosion, noise, vibration, dust, lint or the emission of smoke, odor or toxic gases comparable to those uses requiring a special use permit as delineated below.

B. Permitted Uses (Accessory). Any accessory use permitted in the I1, Light Industrial District

C. Conditional Uses (Required a Conditional Use Permit). The following uses having accompanying hazards, such as fire, explosion, noise, dust, vibration, lint or the emission of smoke, odor or toxic gases, may, if not in conflict with any law of the State of Minnesota or City Code provision, be located in the I2, Heavy Industrial District, only after the location and nature of such use shall have been approved by the Council, after a public hearing and recommendation by the Planning Commission:

1. Conditional uses as permitted in the I1, Light Industrial District
2. Automobile wrecking and junk yards, provided such use as conducted is entirely enclosed within a solid substantial fence, except for gates, not less than eight feet in height. The term "solid" as herein used shall mean a fence having an opacity of 100 percent.
3. Battery manufacture, tire recapping or retreading.
4. Boiler or take works.
5. Brewery or malt houses.
6. Brick, pottery, tile or terra cotta manufacture.
7. Cement products and ready-mix plants.
8. Foundry or metal fabricating plant.
9. Food processing, smoking, curing, canning.
10. Freight terminal and yard.
11. Glass and plastics manufacture.
12. Grain elevator and grain drying or food manufacture from refuse, mash or grain.
13. Iron, steel, brass or copper processing
14. Oiled or rubber goods manufacture.
15. Power forge riveting, hammering, punching, chipping, drawing, rolling or rumbling of iron, steel, brass or copper.
16. Quarrying, extracting, grinding, crushing and processing of minerals and earths.
17. Acid, alcohol and gas manufacture.
18. Ammonia bleaching powder or chlorine manufacture.

19. Asphalt manufacture or refining.
20. Cement, lime, gypsum or plaster of paris manufacturing.
21. Paint, oil, petroleum manufacturing and storage.
22. Rendering plants, meat process and tanning of hides.
23. Slaughter of animals.

D. District Requirements. All uses in the I2, Heavy Industrial District shall be subject to the following conditions:

1. **Lot Width.** No lot shall be less than 100 feet in width.
2. **Lot Coverage.** No more than 70 percent of the gross lot area of a lot may be covered by buildings or structures.
3. **Setback Requirements.** All principal uses shall comply with the following setback requirements:

(a) No front yard shall be required except where the frontage on one side of the street between two streets intersecting said street is located partly in the I2, Heavy Industrial District, and partly in a residence district, or the frontage of the I2, Heavy Industrial District is directly across the street from a residence district, in which cases there shall be a minimum front yard of 50 feet.

(b) No rear yard shall be required except where the rear of a lot in the I2, Heavy Industrial District abuts on the rear side of a lot in a residence district, in which case, there shall be a minimum rear yard of 75 feet.

(c) No side yard shall be required except on that side of a lot abutting upon the side of a lot in a residence district, in which case there shall be a side yard of not less than 50 feet.

(d) The areas between buildings or structures in the I2 District and such streets and boundaries of an RF, R or RM Residence District shall be a buffer strip which is planted with grass, shrubs or trees and shall be continuously maintained by the I2 property owner.

4. **Landscaping Requirements.** All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage and except for areas used for parking, drives, or storage, shall be landscaped with trees, shrubs, ornamental landscape materials, or planted ground cover. Plans for the landscaping and screening shall be submitted for approval to the City before any permit shall be issued. The plan shall show the location, type, quality and

size of all existing and proposed trees and plantings in, or proposed for the landscaping area. No certificate of occupancy shall be issued until the landscaping is completed in accordance with the approved plans. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well kept condition. All vacant lots, tracts or parcels shall also be properly maintained.

5. Storage of Materials. No accessory building shall be constructed to permit the keeping of articles, goods or materials in the open or exposed to public view. When necessary to store or keep such materials in the open, the lot or area shall be fenced with a screening fence at least six feet high. Such storage shall be limited to the rear two-thirds of the property.

6. Noise. Noise emanating from manufacturing processes shall not be audible beyond 300 feet from the boundary limits of the district.

7. Glare, Fumes, Heat. No glare, fumes or heat shall be produced in any building in this district which is noticeable at a distance of more than 50 feet from the building in which it is produced.

8. Exterior Lighting. Any lights used for exterior illumination shall be directed away from adjacent properties.

9. Waste Material. Waste material shall not be washed into the public storm sewer system without first having received a permit to do so from the Director of Utilities. If the permit is not granted, a method of disposal shall be devised which will not require additional land for continual operation, will not cause a detrimental effect to the adjacent land and the disposal plan shall be submitted to the Planning Commission and Council for approval. All solid waste material, debris, refuse or garbage shall be kept within a completely enclosed building or properly contained in a closed container and stored in racks designed for such purpose.

10. Drainage. In the development, improvement or alteration of land, the natural direction of drainage shall not be changed unless plans for the development are submitted to the City and unless the change is approved by the Council. Run-off shall be properly channeled into a storm drain, water course, or ponding area.

11. Erosion and Sediment Control. In any development, improvement or alteration of land, a plan will be presented with the site plans which will show the measures to be taken before, during and after construction. This plan may include seeding or sodding procedures, special grading for berms, terraces, settling ponds, dikes or channels, or other appropriate procedures.

12. Inspections and Testing for Compliance. In order to assure compliance with the standards set forth above, the Council may require the owner or operator of any permitted use to make such investigations and tests as may be required to adhere to the standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Council after 30 days' notice. The costs incurred in having such investigations or tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the City from making any tests and investigations it finds appropriate to determined compliance with these performance standards.

13. Additional District Requirements. Additional district requirements may be imposed to establish an I2, Heavy Industrial District, which will best serve the general welfare of the entire City.

E. General Regulations. Requirements and standards for signs, parking, and other items as set forth in this Chapter.

Source: Ordinance No. 500

Effective Date: 03-16-91

(Sections 11.42 through 11.49, inclusive, reserved for future expansion.)

(Pages 453 through 462 reserved)

SEC. 11.50. MC - MUNICIPAL CONSERVANCY DISTRICT.

Subd. 1. Purpose. The MC District is provided to protect the integrity of sensitive natural resources and the aesthetic beauty of the natural areas in and around the City of Morris, while at the same time providing the opportunity for compatible use and development of land within the District. All uses and development of areas within the District must be reviewed and approved by the Planning Commission and the Council.

Areas that may be zoned MC may include but are not limited to: Lakeshore areas, floodplain areas, ground water source areas, wetlands, native prairie areas and forested areas.

Subd. 2. Use Regulations. In an MC, Municipal Conservancy District, no land shall be used except in the following manner:

A. Use Classification Lists.

1. Allowed Uses. The following uses shall be allowed within the MC-Municipal Conservancy Zoning District:

- General agricultural pasture and cropland uses, including agricultural buildings,
but not including agricultural and commercial feedlots
- Public parks and public campgrounds
- Tree farms
- Nature preserves
- Wildlife management areas
- Bow hunting and firearm hunting outside the City limits must be in compliance
with Department of Natural Resources regulations

2. Accessory Uses. The following accessory uses shall be allowed within the MC-Municipal Conservancy Zoning District:

- Public waters accesses
- Bike/hike trails
- Public utilities

3. Conditional Uses. The following uses may be allowed within the MC-Municipal Conservancy Zoning District, subject to the conditional use permit.

- Single family residential use not exceeding one dwelling unit per 5 acres
- Public educational facilities
- Retail sale of agricultural products to the general public
- Cemeteries
- Home occupations

Parking areas (lighted and non lighted)
 Private campgrounds
 Public or private recreational facilities
 Billboards and signs
 Agricultural uses that require center-pivot irrigation systems, agricultural and commercial feedlots, subject to the following restrictions:

- a. It shall in no way pollute any lake, wetlands, stream, or other waterway.
- b. It shall not pollute the ground water of the area in any way.
- c. An uncovered enclosure containing the animals shall provide a minimum of four hundred (400) square feet per animal for cattle.
- d. Any new or expanded commercial feedlot shall not be located within one-half (1/2) mile of concentration of ten (10) or more dwelling units located on ten (10) or less acres.

4. Prohibited Uses. The following uses shall NOT be allowed within the MC-Municipal Conservancy Zoning District:

Commercial uses
 Industrial uses
 Single family residential uses with a density exceeding one unit per 5 acres
 Duplex or multi-family residential uses
 Extractive uses
 Communication towers
 Livestock waste lagoon
 Junkyard/Salvage Depot

B. Performance Standards.

1. Structure Setbacks.

a. No permanent or temporary structure shall be placed or constructed within the following prescribed setbacks.

Setback From	Setback Distance
Pomme de Terre River	300 feet
Other public waters	150 feet
County/local roads	150 feet
State highways	150 feet
Side or rear property line	50 feet

b. No agricultural uses shall be conducted within the following prescribed setbacks.

Setback From	Agricultural Uses			
	Agricultural Feedlot	Commercial Feedlot	Pasture	Cropland
Pomme de Terre River from high water mark	500	1000	35	100
Other public waters from high water mark	1000	1000	35	100
County/local roads from edge of right of way	75	75	20	20
State highways from edge of right of way	75	75	40	40
Side or rear property line	50	50	0	0
Residential structure	600	1000	0	0

2. No permanent or temporary structure that has the potential to contaminate the ground water shall be placed in an area designated as a composite one-year (emergency) wellhead protection area by the City of Morris except city buildings designed for this area.

3. **Structure Height.** No permanent or temporary structure exceeding 25 feet in height shall be placed or constructed.

4. **Screening.** All structures or accessory uses shall be effectively screened. The City of Morris Planning Commission shall review and approve all screening plans prior to the issuance of a building permit.

5. No permanent structure shall be placed or constructed within the flood plain or flood fringe area of the Pomme de Terre River.

6. **Non Conforming Use.** Any non-conforming use of land or structure shall be allowed to continue in its current location and its current size. No expansion, movement or alterations that intensify or physically expand or extend the non-conforming use shall be allowed unless the operation is brought into compliance with the provisions of this chapter.

7. **Discontinuance.** In the event that a non-conforming use of any building or premises is discontinued or normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the MC, Municipal Conservancy Zone. In the event that a non-conforming sign is discontinued or normal operation is stopped for six (6) months, the use of the same shall thereafter conform to the regulations of the MC, Municipal Conservancy Zone.

C. Definitions.

1. Accessory Uses. A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

2. Agriculture. The art or science of cultivating the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry on agricultural feedlots; farming.

3. Allowed Uses. Allowed uses of land or buildings, as listed, shall be permitted in the districts indicated under the conditions specified.

4. Commercial Uses. Use or establishment pertaining to commerce, or mercantile for the sale, lease, rental or trade of products, goods and services, having financial gain as its purpose, excluding public utilities, agricultural uses and industrial uses.

5. Conditional Uses. Conditional uses of land or buildings, as listed, may be allowed in the district indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of Sect. 11.13.

6. Extractive Uses. Any artificial excavation of the earth; dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon at a time coinciding with or immediately following such excavations and covering or to cover such excavations when completed are excepted, if a permit has been issued for such construction or installation.

7. Feedlots. The confined feeding, breeding, raising, or holding of livestock or poultry in enclosures specifically designed as confinement areas where animal wastes may accumulate. This shall not include areas normally used for pasture.

8. Feedlot, Commercial. Commercial feedlots as a primary use (not meeting the requirements of an agricultural feedlot).

9. Feedlot, Agricultural. An accessory use incidental to, and situated on a parcel of land contiguous to, a farming operation under the same ownership or interest. An agricultural feedlot shall not occupy more than five (5) percent of the land area of the farm.

10. Industrial Use. Use or establishment for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items, but where the sale or use thereof is not generally conducted on the premises.

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

12. Pasture. An area grazed by domesticated livestock.

13. Public water.

a. Waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;

b. Meandered lakes, excluding lakes that have been legally drained;

c. Water basins previously designated for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;

d. Water basins located within and totally surrounded by publicly owned lands;

e. Water basins where the State of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;

f. Water basins where there is a publicly owned and controlled access that is intended to provide for public access to the water basin;

g. Natural and altered watercourses with a total drainage area greater than two square miles.

h. Natural and altered watercourses designated as trout streams.

14. Setback. The minimum horizontal distance between a building, lake, river, property line, and a road right of way. The distance from a lake and river is measured from the normal high water mark.

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

Source: Ordinance No. 63, 3rd Series
Effective Date: 05/01/06

(Sections 11.51 through 11.59, inclusive, reserved for future expansion.)

SEC. 11.60. PUD - PLANNED UNIT DEVELOPMENT DISTRICT.

Subd. 1. Purpose. The purposes of this Section are:

A. To encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan and preserving the health, safety, and welfare of the citizens of the City.

B. To allow for a mixture of residential units in an integrated and well-planned area.

C. To ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

D. To facilitate the economical provision of streets and public utilities.

Subd. 2. Permitted Uses. Dwelling units in detached, clustered, semi-detached, attached or multi-storied structures or combinations thereof and customary accessory uses.

Subd. 3. General Requirements. A conditional use permit shall be required of all planned unit developments. The City may approve the planned unit development only if it is found that the development satisfies all the following standards:

A. The proposed planned unit development is in conformance with the Comprehensive Plan. At a minimum, the City shall find that the planned unit development does not conflict with the Comprehensive Plan with regards to the following:

1. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

2. The use is reasonably related to the overall needs of the City and is compatible with the surrounding land use.

3. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.

4. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighborhood property, and will not be detrimental to surrounding uses.

B. The planned unit development meets or exceeds the following development criteria:

1. A minimum of two (2) principal structures are proposed.

2. The tract is at least five (5) acres in size.

C. The use is consistent with the requirements of this Chapter.

D. The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

E. Each phase of the proposed development is of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as to complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

F. Financing is available to the applicant on conditions and in an amount which is efficient to assure completion of the planned unit development. To evidence this finding, a written statement of financial feasibility which is accepted by the City shall be submitted by the applicant.

G. One (1) individual has been designated by the property owners(s) to be in control of the development.

H. It is reasonable to anticipate that the entire planned unit development will be fully platted in final form within five (5) years of approving the preliminary development plan.

Subd. 4. Density Transfer.

A. In order to encourage the protection of natural resources, to allow limited development in an area with unusual building characteristics due to subsoil characteristics or to encourage creative land use, a density transfer system may be allowed whereby lot sizes smaller than that normally required in a district will be allowed on the developable land in return for leaving the natural resource areas open from development. The number of dwelling units proposed for the entire site shall not exceed the total number permitted under the density indicated in the Comprehensive Plan where the land is located. If the planned

unit development is in more than one (1) density area, the number of allowable dwelling units must be separately calculated for each portion of the planned unit development that is in a separate area, and must then be combined to determine the number of dwelling units allowable in the entire planned unit development.

B. The Zoning Administrator shall determine the number of dwelling units which may be constructed within the planned unit development by dividing the gross acreage of the project area by the maximum allowable density as set forth in this Chapter.

Subd. 5. Coordination with Subdivision Chapter.

A. It is the intent of this Chapter that subdivision review under the Subdivision Chapter be carried out simultaneously with the review of a planned unit development under this Section.

B. The plans required under this Section must be submitted in a form which will satisfy the requirements of the Subdivision Chapter for the Preliminary and Final Plats required under the Subdivision Chapter.

Subd. 6. Pre-Application Meeting. Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator and, if necessary, with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a Conditional Use Permit and a Preliminary Plat. The applicant may submit the simple sketch plat at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the preliminary development plan and Preliminary Plat.

Subd. 7. Preliminary Development Plan.

A. An applicant shall make an application for a Conditional Use Permit following the procedural steps as set forth in this Chapter.

B. In order to grant approval to a Conditional Use Permit as required by this Section, or to grant approval to a preliminary development plan, the Council shall find that the planned unit development complies with the requirements as established in this Chapter.

Subd. 8. Preliminary Development Plan Documentation. The following exhibits shall be submitted by the developer as part of the application for a Conditional Use Permit, as required by the Zoning Administrator and the Planning Commission.

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

B. A statement of proposed financing of the planned unit development.

C. A statement of the present ownership of all of the land included within the planned development and a list of property owners within three hundred (300) feet of the outer boundaries of the property.

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

E. A map giving the legal description of the property including approximately total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easements, street right of way, utilities (see PUD Utilities), and buildings for the property, and for the area three hundred fifty (350) feet beyond.

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

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

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

I. An engineering report presenting results of a soils review of the site. If conditions warrant, soil boring of the site may also be required.

J. Any additional information requested by the Planning Commission and Council that may be required for clarification of the proposed project.

Subd. 9. Preliminary Plat. The applicant shall also submit a preliminary plat and all the necessary documentation of all or that portion of the project to be platted as required under the Subdivision Chapter. For purposes of administrative simplification, the public hearings required for the Conditional Use Permit and Preliminary Plat may be combined into one hearing or may be held concurrently.

Subd. 10. Final Development Plan.

A. Within sixty (60) days of Council approval of the preliminary development plan and the Preliminary Plat, the applicant shall file with the Zoning Administrator a final development plan and the Final Plat shall contain those changes as recommended by the Planning Commission and approved by the Council during the preliminary review process.

B. The Zoning Administrator shall submit the final development plan and the Final Plat to the Planning Commission for review.

C. The Commission shall review the final development plan and Final Plat and make its recommendation to the Council within sixty (60) days of receiving the final development plan and Final Plat.

D. The Council shall review the final development plan and act on the Final Plat within sixty (60) days of receiving the recommendation of the Planning Commission. The Council shall give notice and provide opportunity to be heard on the final development plan to any person who has indicated to the Council in writing that he/she wishes to be notified.

E. If the final development plan is approved by the Council, the Zoning Administrator shall issue a Conditional Use Permit for the total development to the applicant, said Permit to include any and all conditions as required by the preliminary development plan and the final development plan.

F. Once the final development plan and the Final Plat have been approved, the Final Plat shall be filed with the County Recorder's office.

G. A building permit may thereafter be issued for the area which is in compliance with the approved plans without further review of the plans by the City.

Subd. 11. Enforcing Development Schedule.

A. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six (6) months following the approval of the final development, the Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site.

B. If he/she shall find that the rate of construction of dwelling units is faster than the rate at which common open space and public and recreational facilities have been constructed and provided, he/she shall forward this information to the Council, which may revoke the Conditional Use Permit. If the developer or landowners fail to complete the open

spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the City may finish the open space area and assess the cost back to the developer or landowner.

Subd. 12. Conveyance and Maintenance of Common Open Space.

A. All land shown on the final development plan as common open space must be conveyed under one of the following methods at the discretion of the City:

1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings structures or improvements which have been placed on it.

2. It may be conveyed to a corporation, developer, homeowner association(incorporated or non-incorporated) or trustee provided in an indenture establishing association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved subject to covenants approved by the Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended space.

B. If the common open space is conveyed to a private party and is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs incurred back to the land benefitted by the improvement.

Subd. 13. Standards for Common Open Space. No open area may be accepted as common open space under the provisions of this Chapter unless it meets the following standards:

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

B. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected population, topography, and the number and type of dwellings to be provided.

C. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and

must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

Subd. 14. PUD Review and Amendments.

A. Annual Review. The Zoning Administrator and Planning Commission shall review all PUDs within the City by March 1 of each year and shall make a report to the Council on the status of the development in each of the PUD Districts. If the Commission find that development has not occurred within one (1) year after the original approval of the conditional use for the PUD, the Commission may recommend that the Council revoke the Conditional Use Permit as set forth in this Chapter.

B. Revision to the PUD.

1. Changes in the location, placement, and heights of buildings or structures may be authorized by the Zoning Administrator if required by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the Final Plan was approved.

2. Approval of the Planning Commission and the Council shall be required for other changes such as rearrangement of lots, blocks and building tracts. These changes shall be consistent with the purpose and intent of the approved final development plan.

C. Amendments to the PUD. Any amendment to the PUD shall require the same procedures as for the application for a Conditional Use Permit as set forth in this Chapter.

Source: Ordinance No. 500
Effective Date: 03-16-91

(Sections 11.61 through 11.69, inclusive, reserved for future expansion.)

(Pages 476 through 485 reserved)

SEC. 11.70. PERFORMANCE STANDARDS. The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to the environment.

Subd. 1. Access Drives and Access.

A. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than five (5) feet to any side or rear lot line. The number and type of access drive onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

B. Access drives onto county roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interests of public safety and efficient traffic flow.

C. Access drives to principal structures which traverse wooded, steep or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Zoning Administrator shall review all access drives. The Zoning Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards.

D. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the City Council.

Subd. 2. Private Driveways. All private driveways to or from public streets shall be subject to the following restrictions:

A. Driveway Widths: Driveway widths shall be a maximum of 36'-0" for a single family home or 48'-0" for a duplex with side-by-side garages. For garages less than three (3) stalls or 32'-0", the driveway shall not exceed the width of the garage, plus 4'-0" as it meets the property line. The driveway width is measured from the edges of the driveway at the property line, excluding any returns that start along the edge of the driveway and meet the street curb. If a series of garages are joined, a 2'-0" grass area must separate each driveway from the garage to the street. This requirement does not apply to a series of garages abutting an alley or parking lot.

Source: Ordinance #65, 3rd Series
Effective Date: 05-15-06

B. Minimum Driveway Angle to Streets: 45 degrees when street is one way or divided, otherwise 90 degrees.

C. Minimum Distance of Driveway from Street Intersection: Measured along street curb line between intersecting street curb and driveway end of return shall be as follows:

If the driveway enters a street <u>classified as a:</u>	and the intersecting street is classified <u>as a:</u>	and driveway enters lane approaching or leaving an intersection, then the minimum distance of driveway from street intersection shall be <u>as follows:</u>
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		<u>approaching</u>	<u>leaving</u>
Minor Residential Street	Minor Residential Street, Collector Street, or Minor Arterial	15 feet	15 feet
	Major Arterial	20 feet	20 feet
Collector Street or Minor Arterial	Minor Residential St.	25 feet	15 feet
	Collector, Minor Arterial	25 feet	20 feet
	Major Arterial	35 feet	20 feet
Major Arterial	Minor Residential St.	20 feet	15 feet
	Collector, Minor Arterial	25 feet	15 feet
	Major Arterial	40 feet	20 feet

D. The City may prohibit the construction of a private driveway entering collector or arterial streets when the use of that driveway may create a traffic hazard.

Subd. 3. Accessory Buildings or Structures (Unattached). Unattached accessory buildings or structures in any zone shall be subject to the following conditions:

A. Dwelling Unit. No accessory building or structure constructed on any lot prior to the time of construction of the principle building to which it is accessory shall be used for living purposes or as a dwelling unit.

B. Area. No detached accessory building or structure shall occupy more than thirty percent of the area of a required yard.

C. Height. No detached accessory building or structure shall exceed the height of the principal building or structure.

D. Setbacks.

1. Front Yard. Detached accessory buildings or structures shall have the same front yard setback requirements as the principal building or structure, and in no case shall be allowed to encroach upon the front yard or beyond the front building line.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

2. Rear Yard (No Alley). No detached accessory building or structure shall be closer than five feet from the rear lot line where no alley exists.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

3. Rear Yard (Alley). No detached accessory building or structure shall be closer than two feet from the rear lot line where an alley exists.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

4. Side Yard. No detached accessory building or structure shall be closer than three feet from the side lot line.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

E. Minimum Clearance. The minimum distance between the principal building and an unattached accessory building or structure shall be six feet.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

F. Double Frontage. In the case of a double frontage lot, no detached accessory building shall be erected or altered so as to encroach upon the one-fourth of the lot nearest either street or in any case nearer than the established building lines on either street frontage.

G. Corner Lot. The setback requirements listed under (4) shall apply to all types of corner lots as well.

H. Swimming Pool. Where non-commercial swimming pools are constructed as accessory structures in residence districts, a safety fence shall be required subject to the requirements of Subd. 11 and the UBC.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

I. Air Conditioning Units. Air conditioning units, excluding window units, shall be located a minimum of five (5) feet from all lot lines but not within the front yard.

J. The foregoing rules shall not require:

1. Any detached accessory building or structure to be more than 75 feet from any street line bounding the lot.

2. The street side of any detached accessory building or structure to be nearer to the lot line opposite the street line than 20 feet.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

Subd. 4. Agricultural Operations.

A. All farms in existence upon the effective date of this Chapter within the City limits shall be a permitted use where the operator may conduct a farming operation. However, all regulations contained in these performance standards shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. The State Building Code shall not apply to agricultural buildings except with respect to State inspections required or rule-making authorized. The Council may require any farm operator to secure a Conditional Use Permit to expand or intensify said operations in the event of the following:

B. The farm is adjacent to, or within four hundred (400) feet of any dwelling unit and may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or similar nuisances.

C. The farming operations are so intensive as to constitute an industrial type of use consisting of the compounding, processing, and packaging of products for wholesale or retail trade.

Subd. 5. Apartments, Townhouses and Other Multi-Family Structures.

A. All multi-family structures shall be subject to the following standards:

B. All requests for building or Conditional Use Permits shall be accompanied by a series of site plans and data showing:

1. Building locations, dimensions and elevations, all sign, structures, entry areas, storage sites and other structural improvements to the site.
2. Circulation plans for both pedestrian and vehicular traffic.
3. Fences and screening devices.
4. Solid waste disposal provisions and facilities.
5. Storm drainage plans.
6. Firefighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
7. Data pertaining to numbers of dwelling units, size, lot area, ratios, etc.
8. Exterior wall materials and design information.
9. A two (2) foot contour topographical map of the existing site.
10. A grading plan illustrating the proposed grade changes from the original topographical map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical run-off.
11. A recreation plan illustrating in detail all recreational facilities and structures.
12. A landscape plan specifying the size, type and location of all trees and shrubbery and the location of all seeded and sodded areas. The site, when fully developed, shall be landscaped according to a plan approved by the Planning Commission.

C. **Performance Standards.** Same as those listed in the RM District.

D. Parking Requirements.

1. One and one-half (1-1/2) parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Zoning Administrator, and each space shall be served adequately with access drives.

2. Bituminous concrete driveways and parking areas with concrete curbing shall be required.

E. Landscape Provisions.

1. The design shall make due of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.

2. A minimum of twenty percent (20%) of the site shall be landscaped.

F. Screening.

1. Screening to a height of at least five (5) feet shall be required where:

(a) Any off street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone; and

(b) Where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.

2. All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street, driveway or lot line.

3. Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrances of the building.

4. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.

G. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance of each exterior vertical surface.

H. General Building or Structural Requirements.

1. Each multiple family dwelling development containing more than four (4) dwelling units shall include a play area, part of which shall be a paved surface.

2. Any blighting or deteriorating aspects of the multiple family dwelling development shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.

3. The design shall make use of all land contained within the site. All of the site shall be related to the multiple family use, either by parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.

4. **Trash Incinerators and Garbage.** Except with townhouses and multiple family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.

Subd. 6. Auto Service Station Standards.

A. Lot Size. A service station site shall be a minimum of twenty thousand (20,000) square feet in size.

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

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

D. Vehicles. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting for service longer than fifteen (15) days.

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

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

G. Outdoor Displays. The storage of used tires, batteries, and other such items for sale outside the building shall be controlled to protect public safety and prevent nuisances.

Subd. 7. Bulk Storage (Liquid). Must conform to Minnesota Pollution Control Agency and State Fire Code Regulations.

Subd. 8. Drive-In Business Standards. The following standards shall apply to drive-in businesses in all districts:

A. Design Standards.

1. The entire area of any drive-in business shall have a drainage system approved by the City Engineer.

2. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.

3. A fence or screen of acceptable design not over six and one-half (6-1/2) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained.

B. General.

1. Any drive-in business serving food or beverages may also provide, in addition to vehicular service area, indoor food and beverage service seating area.

2. Each drive-in business serving food may have outside seating.

3. Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.

4. Electronic devices such as loudspeakers, automobile service odor devices, drive-in theatre car speakers and similar instruments shall not be located within three hundred (300) feet of any residential district.

5. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

6. No access drive shall be within fifty (50) feet of intersecting street curb lines.

7. In the case of a drive-in theatre, a solid fence no less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

8. The lighting shall be designed so as to have no direct source of light visible from the public right of way or adjacent land in residential use.

C. Locations.

1. No drive-in business serving food or beverage shall be located within two hundred fifty (250) feet of a public or parochial school, church, or any residential use.

2. No drive-in shall be located on any street other than one designated as a principal arterial or business service road in the Comprehensive Plan.

D. Site Plan.

1. The site plan shall clearly indicate suitable storage containers for all waste materials. All commercial refuse containers shall be screened.

2. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.

3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

Subd. 9. Dwelling Units Prohibited. No garage, tent, trailer, recreational vehicle or accessory building shall at any time be used as a residence. Existing uses shall comply with this provision within six (6) months following the effective date of this Chapter.

Subd. 10. Exterior Storage.

A. In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises, off street parking of passenger automobiles and pick-up trucks. Boats and unoccupied trailers less than twenty-five (25) feet in length are permissible. Existing uses shall comply with this provision within twelve (12) months following the effective date of this Chapter.

B. The City shall require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety, or impairs scenic views, or constitutes a threat to living amenities.

Subd. 11. Fences.

A. The following provisions shall regulate fences in all districts.

1. In any residence zone on any corner lot, no fence or accessory structure or planting shall rise over three feet in height above the level of the public sidewalk, in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point of 30 feet from the intersection and the third of which is the line between the latter two points.

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

3. No fence or wall or shrub planting of more than three feet in height above the level of the public sidewalk shall be erected on any interior lot within ten (10) feet of the front property line where it will interfere with traffic visibility from a driveway.

4. No fence or wall, other than a retaining wall, along a side line of a lot in a residence zone shall be higher than six (6) feet.

5. Fences may be wood, concrete, block, stone, steel, chain-link, or plantings, or other ornamental materials. All such fences shall be kept in good repair, painted, trimmed and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence may be placed on the property line provided the fence is not greater than 3'0" high to a point 10'0" back from the front property line. An exception would be a gate entrance, an arbor, or other architectural or landscaping feature or planting greater than 3'0" high that does not impair site line visibility on corner lots and/or along driveways.

Source: Ordinance No. 71, 3rd Series
Effective Date: 01-02-07

B. Barbed wire fences may be erected and maintained in the RF District for the control of livestock. In all other districts barbed wire fences may be erected and maintained only after the person desiring to erect and maintain the barbed wire fence has secured a Conditional Use Permit.

Subd. 12. Glare. In all districts, any lighting used to illuminate an off street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right of way.

Subd. 13. Height Regulations. The following provisions in addition to any regulations prescribed for any district shall regulate the height of buildings in all districts.

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

B. In any district with a height limit of less than 50 feet, public and semi-public buildings, schools and churches, hospitals and other institutions permitted in the district may be erected to a height not exceeding 50 feet. The front, rear and side yards shall be increased one foot for each one foot by which the building exceeds the height limit hereinafter established for such district.

C. Height limitations set forth elsewhere in these provisions may be increased with no limitation when applied to the following: Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broad-casting towers, masts or aerials, and necessary mechanical appurtenances.

D. Where more than one half of a basement is above the average level of the adjoining ground, a basement shall be counted as a story for the purpose of height measurement.

Subd. 14. Home Occupations. Customary home occupations shall be allowed if they meet the following conditions:

A. Such occupation is carried on in the principal building.

B. Not more than 33-1/3% of the gross floor area of the residence is used for this purpose.

C. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to a permitted commercial service.

D. No articles for sale shall be displayed so as to be visible from any street.

E. No person is employed other than a member of the household residing on the premises.

F. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residence is endangered.

G. Such occupation does not generate more than two (2) vehicles at one time.

H. A person having a home occupation shall provide proof of meeting the above seven (7) requirements if complaints are received by the Council.

Subd. 15. Landscaping and Screening.

A. Landscaping.

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

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

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

B. Screening.

1. Screening shall be required in residential zones where (1) any off street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone; and/or (2) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.

2. Where any business or industry (structure, parking or storage) is located adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is located across the street from a residential

zone, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator.

3. All exterior storage shall be screened. The exceptions are merchandise being displayed for sale and materials and equipment presently being used for construction on the premises.

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

Subd. 16. Lots.

A. Lot Building Relationship. There shall be no more than one main building and the customary accessory buildings on any lot except in the case of PUD, Planned Unit Development District.

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

Subd. 17. Manufactured/Mobile Homes. Mobile/Manufactured homes shall be permitted in the Residential District (R) provided they meet the following minimum standards:

A. Exceeds twenty-four (24) feet in width, with a minimum of a 4" X 12" roof slope.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

B. Has a minimum floor area of eight hundred (800) square feet.

C. The dwelling shall be placed and affixed to a permanent foundation as defined by the State Building Code. In addition to the requirements of the State Building Code, the permanent foundation, whether masonry, concrete, or treated wood, shall be constructed in a contiguous fashion, having no openings except as required by the State Building Code or as needed for windows.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

- D. The dwelling shall be connected to City sewer and water system.
- E. All other requirements of State law and City Code provisions are met.

Subd. 18. Manufactured/Mobile Home Parks.

A. Public Health.

1. Soils and Topography. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion shall be subject to unpredictable and/or sudden flooding.

2. Sewage Disposal and Water Supply. All mobile homes shall be properly connected to a central water supply and a central sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the City and State Department of Health.

3. Refuse. The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

4. Fuel Systems. All fuel systems shall be maintained from a common central source metered to the individual mobile home site and maintained in accordance with applicable codes and regulations governing such system.

B. Fire Protection.

1. Mobile home parks shall be kept free of litter, rubbish, and other flammable material.

2. Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements: fire hydrants, if provided, shall be located within five hundred (500) feet of any mobile home, service building or other structure in the park. Fire hydrant location and water main size shall be approved by the engineer.

Subd. 19. Nuisances.**A. Nuisance Characteristics.**

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

B. Noise; Prohibitions.

1. It is unlawful to make, continue or cause to be made or continued, any noise that will in any way have an objectionable affect upon adjacent or nearby property unless the noise be reasonably necessary to the preservation of live, health, safety or property.

2. Sounds emanating from the operation of (1) motor vehicles on a public highway; (2) aircraft; (3) outdoor implements such as power lawn mowers, snowblowers, power hedge clippers, and power saws; (4) pile drivers or jackhammers and other construction equipments are exempt from the provisions of this section. Sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places wherein athletic contests take place are exempt from the provisions of this Chapter.

C. Vibration. The following vibrations are prohibited:

1. Any vibration discernible (beyond property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.

2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of most current standards of the United States Bureau of Mines on any structure.

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

E. Air Pollution. Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public. For the purpose of this

Ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

F. Miscellaneous Nuisances.

1. It is unlawful for any person to create or maintain a junkyard or vehicle dismantling yard except as provided herein.

2. The following are declared to be nuisances affecting public health or safety:

(a) The effluence from any cesspool, septic tank, drainfield or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.

(b) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

(c) The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges, or latches or providing locks to prevent access by the public.

Subd. 20. Parking.

A. The following regulations and requirements shall apply to all off-street parking and loading facilities in all zoning district in the City.

1. Off-street parking spaces and loading spaces or parking lot area existing upon the effective date of these provisions shall not be reduced in number or size unless the number or size exceeds the requirements set forth herein for a similar new use.

2. 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, any off-street parking or loading space which existed before shall be retained.

3. 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. Any change of use or occupancy of any building or buildings

including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

5. In computing the number of parking or loading spaces required, the following rules shall govern:

(a) Floor space shall mean the gross floor area of the specific use.

(b) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar as determined by the zoning administrator.

6. It shall be the joint and several responsibility of the lessee and the owner of the principal use, uses or buildings to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping and required screening.

B. Off-Street Parking Areas. All off-street parking and loading spaces required by these provisions shall be designated as follows:

1. Off-street parking areas shall be so designated that vehicles are parked in an orderly fashion. Site plans shall show proposed parking spaces, driveways, loading areas, landscaping and screening, and the parking area shall conform to such site plans. Aisle entrance shall be kept clear by appropriate design.

2. Each parking space shall be not less than nine feet wide measured at right angles and twenty feet in length and shall in no case be less than 180 square feet in area. Each space shall be served adequately by access aisles.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

3. All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Off-street parking areas, except for single family residences, shall be paved with concrete or plant mixed bituminous surface. In addition to the minimum number of required parking spaces, three percent of the gross parking area lying more than 20 feet from the street right-of-way shall be improved and maintained with landscaping of grass and evergreens or other approved plants or ornamental materials.

4. Except for single, two family and town houses, all parking stalls shall be marked with white painted lines not less than four inches wide.

5. All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting the residential uses and public right-of-ways.

6. Except for single, two family and town houses, all open off-street parking shall have a perimeter curb barrier around the entire parking lot, said curb barrier shall not be closer than five feet to any lot line. Grass, plantings, or surfacing material shall be provided in all areas bordering the parking area.

7. In any off-street parking area providing parking spaces for more than 20 vehicles, traffic safety islands shall be installed at the ends of each parking tier. Additional traffic safety islands may be required to maintain a safe and orderly flow of traffic within the parking lot.

8. All required parking spaces shall be off-street and located on the same lot as the building or use to be served. Required off-street parking spaces may be provided within the principal building for which they are required. Except in the case of single two family and town houses parking areas requiring backing into the public street is prohibited.

C. Off-Street Loading Areas.

1. The first required loading space shall be not less than 55 feet long and additional required loading spaces shall be not less than 30 feet in length. All loading spaces shall be not less than 10 feet in width and 14 feet in height.

2. Off-street loading areas shall be paved with concrete or plant mixed bituminous surface.

3. No required loading space shall be used for the storage of goods, inoperable vehicles or snow and shall not be counted as required parking space.

4. Except in the case of multiple dwellings, all loading areas shall be screened from abutting and surrounding residential uses in compliance with other provisions of this code.

5. All required loading spaces shall be off-street and located on the same lot as the building or use to be served.

D. Schedule of Off-Street Parking and Loading Space Requirements:

Use	Number of Parking Spaces Required	Off-Street Loading and Unloading Spaces Required
1. Single family - Two family	one space for each family	N.A.
2. Multiple family	1.5 spaces per dwelling unit	N.A.
3. Hotel, Motel, tourist cabin court	1 space per lodging unit	1 space for each structure over 20,000 sq. ft. over gross floor area
4. Drive-in Restaurant or similar use	Minimum of twenty (20) spaces	N.A.
5. Restaurant, cafe, tea room lounge or similar use	1 space for each 200 square feet of floor space	1 space for each structure over 10,000 square feet gross floor area
6. Auditorium, theatre, churches, or other places of public assemblage	1 space for every 10 seats. High Schools and colleges must have a minimum of 1 space for every 20 seats in the main auditorium or three spaces for each classroom whichever is greater	1 for each structure over 100 square feet of gross floor area
7. Assembly or exhibition hall without fixed seats	1 space for each 100 square feet of gross floor area	N.A.
8. Filling or gasoline service stations	1 space for each 100 square feet of building space devoted strictly to automobile service	N.A.

9. Retail stores and other commercial establishments	2 spaces for each 500 square feet of gross floor area over 1,000 square ft.	1 space for each 10,000 square feet of gross floor area
10. Office Building, medical or dental clinic	2 spaces plus 1 additional space for each 500 square feet of gross floor area over 1,000 square feet	N.A.
11. Manufacturing and warehousing buildings	1 space for each 3 employees based on peak employment of the largest shift, but no less than 1 space for every 1,000 square feet of floor area	1 space for each 10,000 square feet of gross floor area
12. Buildings and other structures in the I-1 and I-1, Industrial Districts	1 space for each 500 square feet of gross floor area or 1 space for every 1.5 employees based on peak employment, whichever is greater	N.A.
13. Rest homes, nursing homes, sanitariums, homes for the aged and for children	1 space for each four beds plus one space for each person during the shift when the maximum number of staff are present.	N.A.
14. Uses not covered by this schedule	Spaces as required for the most similar use, or as determined by the Zoning Administrator	As determined by the Zoning Administrator

E. Off-Street Parking and Loading Special Restrictions. The following special off-street parking and loading requirements shall apply:

1. Open sales lots for cars, trucks and other equipment shall be graded, drained and paved but interior landscaping is not required.

2. A snowmobile or other recreational equipment may be parked on any lot in the City provided that:

(a) No recreational equipment may be occupied for a period exceeding 30 days and

(b) Any snowmobile or recreational equipment parked for a period exceeding 48 hours shall conform with the setback and yard requirements for the zone in which it is located.

3. No restricted vehicles or equipment, such as contractors equipment, supplies or tools, shall be parked, stored or otherwise continued on residential property in a residential district for a period greater than one hour unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises except as provided elsewhere in this Chapter.

F. Exemptions. Establishments in any business or industrial district which have paid an assessment for the provision of off-street City parking lots may be exempted from the provisions of this section which refer to off-street parking.

Subd. 21. PUD Utilities.

A. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.

B. PUD Utility Connections.

1. 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.

2. Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for the manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owner.

Subd. 22. Recreational Vehicles, Boats, Campers and Equipment.

A. Recreational trailers may be parked on the premises of any occupied dwelling or any lot, provided it meets the setback requirements for that district and is not the primary building on that lot in any district. Living quarters may be maintained in the camper or business may be practiced in the business style trailer provided it does not exceed the time limit (occupancy not exceeding ten [10] continuous days).

B. Public Property. Recreation trailers, boats, campers, or associated equipment shall not be allowed to be parked in excess of (48) continuous hours on any public

property except in those public areas specifically designed and identified for that purpose. This equipment shall not be used as living quarters during this time.

Source: Ordinance #62, 3rd Series
Effective Date: 9/12/05

Subd. 23. Refuse.

A. In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes, with the exception of crop residue. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within twelve (12) months following enactment of this Chapter.

B. Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven (7) days. "Inoperative" shall mean incapable of movement under its own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use, conditional use, or otherwise permitted by provisions of this Ordinance, shall be considered as refuse.

Subd. 24. Sewer Systems, Private. The standards as found in Minnesota Pollution Control Agency's Standards for Sewage Treatment 6MCA 4.8040 are hereby adopted by reference. If there are any inconsistencies between the standards found in this Chapter and the State standards, or if the State standards are amended, the State standards as amended shall govern.

Subd. 25. Signs and Billboards.

A. Sign Permit Required. It is unlawful for any person to erect or maintain any sign except traffic signs, street signs, real estate signs, non-commercial signs, temporary signs, political signs, or identification signs of less than one (1) square foot, even though erected as required by law, without first securing a permit to do so from the Zoning Administrator.

B. Application for Sign Permit. Any person desiring a sign permit shall submit to the Zoning Administrator a written application containing the following information:

1. The name and permanent address of the person desiring the permit;

2. The location, the legal description, and the name and address of the owner of the premises on which the sign is to be erected and maintained;

3. The size of the sign's display surface, the material of which the sign is to be constructed and the nature of the information to be displayed on the sign;

4. The proposed location of the proposed sign on the premises;

5. The total surface area and types of existing signs on the premises.

C. Issuance of Permit. The Zoning Administrator may issue a sign permit if he or she is satisfied that all conditions have been met and that the sign will be constructed and maintained in compliance with law.

D. Sign Regulations. All signs whether permitted or exempt from the permit requirements shall conform with the requirements and regulations set forth in this section.

1. Maximum surface area and maximum number of signs per premises.

<u>Type of Sign</u>	<u>Maximum Surface Area in Square Feet Per Premises</u>	<u>Maximum Number of Signs Per Premises</u>
(a) Home Occupation	3	1
(b) Non-Commercial	3	1
(c) Real Estate in Residential Zones	6	1
(d) Real Estate in CBD, HB, I-1 or I-2 Zones	No Limit	1
(e) Political	No Limit	1
(f) Identification	1/10 per lineal foot of lot width or 30, whichever is less	1
(g) Temporary	30	1
(h) Business or Industrial in CBD Districts:		

(i) Pylon	2 per lineal foot of lot width	1 per street frontage
(ii) Attached or painted on premises	No Limit	No Limit
(i) Business or Industrial in HB, I-1 or I-2 Districts:		
(i) Pylon	1 per lineal foot	1 per street frontage of lot width
(ii) Attached or painted on premises	No Limit	No Limit
(j) Advertising	Same as (h) and (i) above.	2

E. General Regulations.

1. Permitted signs which become rotted, unsafe, or unsightly shall be repaired or removed by the person to whom the sign belongs immediately upon notification to do so by the Zoning Administrator.

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

3. The City reserves the right to regulate the illumination of any sign in the event the public health, safety, and general welfare are adversely affected.

4. The City reserves the right to regulate the hours of operation of illuminated signs as a condition to a sign permit.

5. No illuminated signs are permitted in a Residence District of the City and no illuminated signs in other districts shall be directed into a Residence District.

6. No revolving or flashing signs are permitted in the City with the exception of time/temperature or message signs.

7. No signs shall be displayed which resemble any official marker erected by a governmental agency and no signs shall display such words as "stop" and "danger" unless they are non-commercial signs serving to warn the public.

8. Only non-commercial signs, identification signs, home occupation signs and temporary signs are permitted in a Residence District of the City.

Source: Ordinance No. 500

Effective Date: 03-16-91

F. Location of Signs.

1. No sign shall be located so that traffic visibility is affected. On corner lots no sign shall rise more than three (3) feet in height above the level of the public sidewalk in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point thirty (30) feet from the intersection and the third of which is the line between the latter two points.

2. No sign shall be located so that it will disrupt traffic on a street.

3. A sign in the HB, I-1, or I-2 Districts may project to public right of way line.

4. In the Central Business District, a sign attached to a building, a canopy sign, or a pylon sign may project a distance of four (4) feet into the public right of way, but in no case project any closer than two (2) feet from the face of the street curbing. The bottom of such a sign so situated shall be at a height of at least seven (7) feet above the public sidewalk or public walkway. Said sign shall otherwise be in compliance with all other provisions of this Subdivision.

5. Signs must be attached to buildings so as to insure maximum secure attachment to said building and must be constructed in such a way as to not permit "swaying" caused by wind.

6. No sign attached or adjacent to a structure shall extend more than ten (10) feet above the structure to which attached or adjacent.

7. No sign shall violate the side or rear yard setbacks of the district in which it is placed.

8. No sign shall be permitted to physically obstruct any window or door of a dwelling, nor any fire escape, stairway or opening intended to provide air, ingress or egress to any building or structure.

Source: Ordinance No. 514

Effective Date: 05-25-94

G. Lifetime of Signs.

1. Temporary signs are permitted during construction and shall be removed promptly upon completion of work.
2. Signs not expressly limited in lifetime in this subsection may be limited by other parts of this Subdivision.

H. Non-Conforming Signs. Signs which do not conform to the regulation herein set forth shall be declared a non-conforming use and as such may continue and be maintained until taken down, replaced, destroyed or damaged to the point that reparation would equal or exceed the cost of replacement.

I. Billboards.

1. Billboards, Generally. A billboard shall be a structure which is a special use of a lot or premises and as such shall not be erected or maintained by any person who has not first obtained a special use permit and a building permit.

2. Lot Size Requirement. No billboard may be located on any premises which is smaller than the billboard's total display surface area.

3. Display Surface Size. The display surface of one side of any billboard shall not exceed 275 square feet. The total display surface of billboards on a particular premises shall not exceed 825 square feet and shall decrease by two (20) square feet for each square foot of other sign area displayed.

4. Location and Maintenance of Billboards. All billboards shall be located and maintained in the manner prescribed in this section.

(a) Billboards may be located only in the HB, Highway Business District, I1, Light Industrial District, and I2, Heavy Industrial District.

(b) Billboards which become rotted, unsafe or unsightly shall be repaired or removed by the person to whom the appropriate permits have been issued, immediately upon notification to do so by the Zoning Administrator.

Subd. 26. Solar Energy Systems and Solar Structures.

A. Solar energy systems and solar structures shall be a permitted use in all districts except commercial, provided that the system is in compliance with minimum lot requirements and setbacks.

B. Solar energy systems and solar structures may be exempted from setback, height and lot coverage restrictions in residential districts by a Conditional Use Permit.

C. Solar energy systems and solar structures shall be permitted in commercial districts by a Conditional Use Permit.

D. In a residential zone no owner, occupier, or person in control of property shall allow vegetation or structures to be placed or grow so as to cast a shadow on a solar energy system which is greater than the shadow along the boundary line of said property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21; provided, however, this standard shall not apply to vegetation or structures which cast a shadow upon the solar energy systems or to vegetation existing at the time of installation of said solar energy system.

Subd. 27. Towers and Satellite Dish Antennas.

A. Building permits shall be required for towers, antennas and dish antennas. All such towers, antennas and dish antennas shall meet the following regulations:

B. Distance of any guy anchorage or similar device in Residential districts shall be at least five (5) feet from any property line. In commercial districts, guy anchorage or similar device may be placed on property line.

C. Suitable protective anti-climb device shall be provided for all towers.

D. In residential districts, antennas may be permitted to be constructed to a height no greater than forty-five (45) feet above the ground. In commercial districts the heights shall not be greater than sixty (60) feet.

E. In Residential districts, antennas, towers or dishes shall be located at least twenty-five (25) feet from the front property line, but at no time shall the antennas, towers or dishes extend beyond the front building line.

Subd. 28. Traffic Control and Sight Distance.

A. Intersections With Traffic Controls. On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersecting streets and a straight line joining the two said centerlines at points thirty-five (35) feet distant from their point of intersection.

B. Intersections Without Traffic Controls. On any corner lot, in all districts, at a street intersection which does not have any form of traffic control, there shall be no

obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of the two intersecting streets and a straight line joining the two said centerlines at points a given number of feet distant from their points of intersection. The distances from said points of intersection are specified in the following table for various speeds in miles per hour of enforced speed limit.

C. Distance Measurement for Clear Sight Triangle.

<u>Miles Per Hour</u>	<u>Distance Measurement</u>
30	88 feet
40	120 feet
50	156 feet
55	174 feet

Subd. 29. Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of said vacated area shall not be affected by such proceeding.

Subd. 30. Yard Regulations. The following general provisions, in addition to the regulations prescribed for each district, shall apply to all districts:

A. Yard size measurements shall be taken from the nearest point of the wall of the building to the lot line in question.

B. Except as may be herein provided:

1. Architectural features of principal or accessory buildings may extend into the required front, rear or side yard a distance not exceeding four feet six inches.

2. Fire escapes may extend into the required front, rear or side yard a distance not exceeding four feet six inches.

3. A landing place or uncovered porch may extend into the required front, rear or side yard a distance not exceeding six feet if the landing place has its floor no higher than the entrance floor of the building. An open railing may be placed around such place.

C. None of the above enumerated items may project within three feet of a property line when a yard is required.

Source: Ordinance No. 35, 3rd Series
Effective Date: 12-16-00

D. No porch, deck, terrace or outside stairway may extend into any required side yard.

E. Walls, fences or hedges shall be permitted in any front or side yard subject to height and visibility requirements of section

F. On double frontage lots the required front yard shall be provided on both streets.

G. Where filling stations are allowed, pumps and pump islands may be located within a required yard provided that they are not less than 15 feet from any street right of way.

H. In determining the depth of rear yards for any principal building where the rear yard opens into the alley, one half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard subject to the following:

1. The depth of the rear yard shall not be reduced to less than ten feet by the application of the exception.

2. If the door of any building or improvement, except a fence, opens forward to an alley, it shall not be erected or established closer to the center line of an alley than a distance of 15 feet, but in no case closer than five feet from the property line.

Source: Ordinance No. 500

Effective Date: 03-16-91

(Sections 11.71 through 11.89, inclusive, reserved for future expansion.)

(Pages 515 through 523 reserved)

SEC. 11.90. UNLAWFUL ACTS. It is unlawful for any person to construct, enlarge, alter or repair, demolish or move any building or structure on any lot or parcel until all requirements of this Chapter have been fully met.

Source: Ordinance No. 500
Effective Date: 03-16-91

(Sections 11.91 through 11.98, inclusive, reserved for future expansion.)

(Pages 525 through 529 reserved)

SEC. 11.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when s/he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. Each day that a violation is permitted to exist shall constitute a separate offense. All violations shall be considered a nuisance. The City may, through the issuance of an injunction, stop any violation of this Chapter.

Source: Ordinance No. 500

Effective Date: 03-16-91