

**CITY OF  
REDWOOD FALLS, MINNESOTA**

**UNIFIED DEVELOPMENT ORDINANCE**

**Adopted**

**November 7, 2014**

**Amended by Ordinance No. 90 - May 2024**

**Amended by Ordinance No. 94 - January 2025**



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## **Chapter 1    Introductory Provisions**

### **1.01    Title**

Designated development ordinance. This ordinance shall be known and cited as the “Unified Development Ordinance of the City of Redwood Falls, Minnesota” and may be referred to herein as “this ordinance” or “this development ordinance.”

### **1.02    Authority**

This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351 to 462.365, as amended from time to time.

### **1.03    Intent and Purpose**

- (A)    To implement the policies of the City’s Land Use Plan.
- (B)    To promote and protect the public health, safety, aesthetics, economic viability, and general welfare of the community and its people.
- (C)    To encourage the most appropriate use of land throughout the City.
- (D)    To provide and protect adequate light, air, privacy, and convenience of access to property, and to secure from fire, flood, and other dangers.
- (E)    To prevent over-crowding of land and undue concentration of population and structures.
- (F)    To protect the stability and character of residential, commercial, and industrial areas within the City, and to promote the orderly and beneficial development of those areas.
- (G)    To preserve and increase the amenities of the City.
- (H)    To provide for the safe and efficient circulation of all modes of transportation, with particular regard to the avoidance of congestion within the public right-of-way.
- (I)    To provide for the administration of this title including powers and duties of the administrative officers and bodies, procedures and standards for land use approvals, and procedures for enforcement.
- (J)    This chapter shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.
- (K)    To prescribed penalties for violation of such regulations and to define powers and duties of the City staff, the Board of Adjustment and Appeals, the Planning Commission and the Council in relation to this ordinance.

### **1.04    Scope of These Regulations**

All uses of land or structures, subdivision of land, structural alterations or relocation of existing buildings, and enlargements of, additions to, or intensification of existing uses shall be subject to all applicable regulations of this ordinance.

### **1.05    Provisions Held as Minimum Requirements**

The application of the provisions of this ordinance shall be held to be minimum requirements for the promotion and protection of the public health, safety, aesthetics, economic viability, and general welfare.

### **1.06 Relationship to Other City, County, State and Federal Regulations**

- (A) *Compliance required.* In addition to the requirements of this development ordinance, all uses and development shall comply with all other applicable City, county, state, and federal regulations. If a provision of this ordinance conflicts with any other provision of this ordinance, the Redwood Falls Code of Ordinances, or with any other provision of law, the more restrictive provision shall apply, except as otherwise provided.
- (B) *References to other regulations.* All references within this development ordinance to other City, county, state, and federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of county, state, or federal regulations.
- (C) *Current versions and citations.* All references to other City, county, state, and federal regulations within this ordinance are intended to refer to the most current version and citation for those regulations. If such references are invalid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern unless otherwise specified.
- (D) *Comprehensive revision.* This ordinance is a comprehensive revision of Chapter 11 and Chapter 12 of the Redwood Falls Code of Ordinances. Any act done, offense committed, or rights accruing or accrued, or liability, or penalty incurred or imposed prior to the effective date of this ordinance is not affected by its enactment.

### **1.07 Private Easements or Protective Covenants**

This development ordinance is not meant to invalidate any easement, covenant, or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards, the regulations of this ordinance shall prevail.

### **1.08 Severability**

- (A) *Severability of text.* If any portion of this ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from this ordinance, and such determination shall not affect the validity of the remainder of the ordinance.
- (B) *Severability of application.* If the application of any provision of this ordinance to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

### **1.09 Repeal**

Chapter 11 and Chapter 12 of the Redwood Falls Code of Ordinances are hereby repealed and replaced by this development ordinance.

### **1.10 Rules of Construction**

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- (A) The singular number includes the plural, and the plural the singular.
- (B) The present tense includes the past and the future tenses, and the future the present.
- (C) The word "shall" is mandatory while the word "may" is permissible.
- (D) The word "person" includes, but is not limited to, individuals, partnerships, corporations, clubs, associations and other business, social, religious or charitable entities.
- (E) The words "lot", "zoning lot", "parcel", or "premises" may be used interchangeably.

- (F) Distance shall be measured in a straight line, from lot line to lot line, except as otherwise provided in this ordinance.
- (G) All measured distances shall be to the nearest integral foot. If a fraction is one-half ( $\frac{1}{2}$ ) foot or less, the integral foot next below shall be taken. In no case, however, shall rounding of fractional requirements occur when measuring for required building setbacks or building height.

**1.11 Illustrations**

Illustrations in this ordinance are provided for the purpose of clarifying, describing, or providing examples. Such illustrations are not to scale, and do not replace, limit, or expand the meaning of the text.

## Chapter 2 Zoning Definitions

For the purpose of interpreting this chapter, certain words, terms or expressions are herein defined.

- The present tense includes the past and the future tenses, and the future the present.
  - The singular number includes the plural, and the plural the singular.
  - The word "shall" is mandatory while the word "may" is permissible.
  - The word "person" includes, but is not limited to, individuals, partnerships, corporations, clubs, associations and other business, social, religious or charitable entities.
  - The words "used" or "occupied" also includes intended, designed or arranged to be used;
  - The word "includes" means including but is not limited to.
1. **ACTIVE SOLAR ENERGY SYSTEM:** means solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.
  2. **ACCESSORY BUILDING OR USE:** means a subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of the building or main use. "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
  3. **ACCESSORY STRUCTURE OR FACILITY:** means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
  4. **ADDITION:** means any construction which increases the site coverage, height, length, width, or floor area of a structure.
  5. **ADDRESS SIGN:** means a sign communicating street address only, whether written or in numerical form.
  6. **ADULT DAY CARE CENTER:** means a facility that provides adult day care to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator.
  7. **ADULT ENTERTAINMENT USES:** means any use, including, but not limited to, adult movie theaters, adult minimovie theaters, adult motion picture arcades, adult novelty businesses, and adult cabarets, which is conducted exclusively for the patronage of adults and from which minors are excluded by law or by the owners, or which offer patrons services or entertainment characterized by an emphasis on the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities. Adult entertainment uses do not include uses offering goods displaying or describing specified anatomical areas or specified sexual activities for sale or rent for use off the premises where such transactions constitute less than ten (10) per cent of the gross sales of the business and the physical display of such goods occupies less than five (5) per cent of the display area, up to a maximum of five-thousand (5,000) square feet.
  8. **ADVERTISING SIGNS:** means a billboard, poster panel board, painted bulletin board or other communicative device which is used to advertise products, goods and/or services which are not exclusively related to the premise on which the sign is located.
  9. **AGRICULTURE USES:** means those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower nursery without building; truck gardening; roadside stand for sale in season or products grown on premises, and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.
  10. **AIRPORT:** means the Redwood Falls Municipal Airport which is located in a portion of Section 32, Township 113, north of Range 35, west of the Fifth Principal Meridian, Redwood County, Minnesota, the area being used or intended to be used for the landing and takeoff of aircraft and includes its buildings and facilities, if any.

11. AIRPORT ELEVATION: means the established elevation of the highest point on the usable landing area which elevation is established to be 1,023 feet above mean sea level.
12. AIRPORT HAZARD: means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.
13. AISLE: means a driveway that provides access for vehicles entering and departing parking spaces.
14. ALLEY: means a public right-of-way less than 30 feet in width which affords secondary access to abutting property.
15. ALTERATION: means any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders.
16. ANNEXATION: means an incorporation of a land area into the City of Redwood Falls with a resulting change to the corporate limits of the City.
17. ANTENNA: means a device used for transmitting or receiving electromagnetic waves, including but not limited to, television or video, AM/FM radio, analog or digital, microwave, cellular or personal communications service (PCS), telephone or data, or similar signals.
18. ANTIQUES OR COLLECTIBLES STORE: means an establishment where valuable merchandise in excess of seventy-five (75) years in age, or cultural or collectible objects such as stamps, coins, sports memorabilia, and art works, are sold for collective purposes.
19. APARTMENT: means a room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes "dwelling unit" and "efficiency unit".
20. AQUIFER RECHARGE AREAS: means all land surface areas which by nature of their surface and/or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies.
21. AREA IDENTIFICATION SIGN: means a free standing sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more structures, a shopping center consisting of five or more separate business concerns, an industrial area, an office complex consisting of three or more structures or any combination of the above, located on contiguous property.
22. ARTIFICIAL OBSTRUCTION: means any obstruction which is not a natural obstruction (see "Obstruction").
23. AUTOMOBILE CONVENIENCE FACILITY: means an establishment where the principal use is the sale of gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease or minor accessories, directly to the public on the premises. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.
24. AUTOMOBILE REPAIR: means an establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease or minor accessories may be sold. Repair may include engine rebuilding, rebuilding or re-conditioning of passenger automobiles, body, frame or fender straightening and repair, painting, rust-proofing, engine overhaul or replacement, and transmission overhaul. Such work excludes commercial wrecking, dismantling, junkyard, tire recapping and truck-tractor repair. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.
25. AUTOMOBILE WRECKING OR JUNK YARD: means any place where two or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

26. **AWNING:** means a roof-like cover, often constructed of fabric, plastic, vinyl, metal, or glass, designed and intended for protection from the elements or as a decorative embellishment, and which projects from a wall of a structure.
27. **BANNERS AND PENNANTS:** means attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
28. **BASEMENT:** means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below the average land grade.
29. **BED AND BREAKFAST FACILITY:** means any residence other than a hotel, motel, boarding or lodging house which:
  - (A) Provides the breakfast meal and lodging for compensation pursuant to prior arrangements which arrangements generally do not exceed two-nights' stay at any one time;
  - (B) Allows the guests to use the living room, dining room, library and the like of the residence as common areas available to everyone; and
  - (C) Is owner occupied and managed.
30. **BENCH SIGNS:** means a sign which is affixed to a bench such as at a bus stop.
31. **BERM:** means a landscaped and contoured formation of land that is raised from natural grade.
32. **BLUFF:** means a topographic feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff).
33. **BLOCK:** means a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the City.
34. **BOARD:** means the Redwood Falls Planning Commission.
35. **BOARD OF ADJUSTMENT:** means The Planning Commission of the City of Redwood Falls.
36. **BOARDING (HOUSE) HOME - FOSTER CHILDREN:** means a family dwelling where children out of their own homes are cared for.
37. **BOARDING HOUSE:** means a building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten persons.
38. **BOATHOUSE:** means a structure designed and used solely for the storage of boats or boating equipment.
39. **BUFFER AREA:** means an area including plant materials, fencing, landforms, or a combination thereof, between two or more land uses, buildings, lots or parcels of land, or adjacent rights-of-way, which is intended to eliminate or minimize negative impacts between the adjoining land uses lots or parcels and/or rights-of-way.
40. **BUILDABLE AREA:** means the portion of a lot remaining after required yards or setback requirements of this ordinance have been provided.
41. **BUILDING, ACCESSORY:** means a building detached from a principal building, incidental and subordinate to the principal building or use, including, but not limited to, garages, sheds, and fences.
42. **BUILDING HEIGHT:** means a distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

43. **BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS:** means an active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and/or awnings.
44. **BUILDING LINE:** means a line parallel to the front lot line at a distance equal to the minimum depth of the front setback required for the zoning district in which the zoning lot is located.
45. **BUILDING, PRINCIPAL:** means a building on a zoning lot in which the principal use of the lot is conducted.
46. **BUILDING WIDTH:** means the shortest horizontal distance of the smallest wall of a building as measured at right angles to its longest walls. Width measurements shall not take into account overhangs and other projections beyond the principal walls.
47. **BUILDING:** means any structure used or intended for supporting or sheltering any use or occupancy.
48. **BULK REGULATIONS:** means standards and controls that establish the maximum size of structures and the buildable area within which the structure can be located, including height, gross floor area, lot area, lot coverage, impervious surface coverage and yard requirements, but excluding residential density regulations.
49. **BUSINESS SIGN:** means any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where the sign is located.
50. **BUSINESS:** means any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
51. **CANOPY AND MARQUEE SIGNS:** means any message or identification which is affixed to projection or extension of a building or structure, erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly.
52. **CARPORT:** means a canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three sides.
53. **CERTIFICATE OF OCCUPANCY:** means a document issued by the Building Official allowing for the occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances.
54. **CHANNEL:** means a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.
55. **CHURCH:** means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
56. **CITY:** The City of Redwood Falls, MN.
57. **CITY ADMINISTRATOR:** The City Administrator of the City of Redwood Falls or his or her authorized representative.
58. **CITY COUNCIL:** The City Council of the City of Redwood Falls.
59. **CITY ENGINEER:** the City engineer of the City of Redwood Falls or his or her authorized representative.
60. **CLEAR CUTTING:** means the removal of entire stand of trees.
61. **CLINIC:** means an establishment where patients are admitted for medical and dental exams and treatment on an outpatient basis only.

62. CLUB OR LODGE: means a club or lodge is a non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.
63. COFFEE SHOP: means an establishment engaged principally in the sale of coffee and other non-alcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.
64. COMMERCIAL PLANNED DEVELOPMENT: means a planned development of a mix of commercial use.
65. COMMERCIAL USE: means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
66. COMMERCIAL RECREATION: means bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, theater, fire arms range, boat rental, amusement rides, campgrounds and similar uses.
67. COMMERCIAL WECS: means a WECS of 40 KW or more in total name plate generating capacity.
68. COMMUNITY CENTER: means a building, together with lawful accessory buildings and uses, used for recreational and cultural activities and not operated for profit. Membership may be restricted to persons living in a specific geographical area, but shall not be based upon race or creed.
69. CONCRETE, ASPHALT, AND ROCK CRUSHING FACILITY: means a use in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled. Such facility does not include the use, on a public roadway construction or repair project approved by the City Engineer, of equipment which directly moves along the roadway surface and grinds, reconstitutes, or resurfaces the roadway, or the temporary on-site crushing, grinding, or pulverizing of a razed building, parking area, or structural materials.
70. CONDITIONAL USE PERMIT: means a permit, issued by the Council in accordance with procedures specified in this chapter, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
71. CONDITIONAL USE: means a use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the municipal land use plan.
72. CONDOMINIUM: means a multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which is subject to the provision of the Minnesota Condominium Law, M.S. §§ 515.01 to 515.29, as amended from time to time.
73. CONSTRUCTION SIGN: means a non-illuminated sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise, or the purpose for which the building is intended.
74. CONVENIENCE FOOD ESTABLISHMENT: means an establishment which serves food in or on disposal or edible containers in individual services for consumption on or off the premises.
75. COOPERATIVE (HOUSING): means a multiple-family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.
76. COUNTY ASSESSOR: The county assessor of Redwood County or his or her authorized representative.
77. COURT: means an unoccupied open space other than a yard which is bounded on two or more sides by the walls of the buildings.
78. CURB: means a stone, asphalt, or concrete boundary marking the edge of a roadway or paved area.

79. CURB LEVEL: means the level of the established curb in front of a building or structure measured at the center of such frontage. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.
80. DAY CARE CENTER, ADULT: (See “adult day care center”.)
81. DAY CARE - GROUP NURSERY: means a service provided to the public, in which children of school or pre-school age are cared for during established business hours.
82. DAY CARE - HOME: means a family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided.
83. DAY CARE HOME - FAMILY: means a residence or portion of a residence licensed by the Department of Human Services under Minn. Rules Chapter 9502 for no more than ten children at one time of which no more than six are under school age and must meet Group R, Division 3 occupancy requirements.
84. DECK: means a horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site.
85. DEPARTMENT STORE: means a business which is conducted under a single owner’s name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.
86. DEPOSITION: means any rock, soil, gravel, sand or other material deposited naturally or by humans into a waterbody, watercourse, floodplains or wetlands.
87. DISTRICT: means a section or sections of the City for which the regulations and provision governing the use of buildings and lands are uniform for each class or use permitted therein.
88. DIVISION: means a channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.
89. DNR: means the Commissioner of the Department of Natural Resources.
90. DOG KENNEL: means any place where five dogs or more over six months of age are boarded, bred and/or offered for sale, except a veterinary clinic.
91. DRAINING: means the removal of surface water or groundwater from land.
92. DREDGING: means to enlarge or clean-out a waterbody, watercourse or wetland.
93. DRIVE-IN ESTABLISHMENT: means an establishment which accommodates the patron’s automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
94. DUPLEX: means a dwelling structure on a single lot, having two units, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.
95. DWELLING, MANUFACTURED HOME: (See “manufactured home”.)
96. DWELLING, MOBILE HOME: (See “mobile home”.)
97. DWELLING, MULTIPLE (APARTMENT): means a building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits.
98. DWELLING, SINGLE-FAMILY: means a detached dwelling unit designed exclusively for occupancy by one family, including site built and manufactured homes which comply with the design standards set forth in this chapter.
99. DWELLING, TWO-FAMILY: means a dwelling designed exclusively for occupancy by two families living independently of each other which comply with the design standards set forth in this chapter.

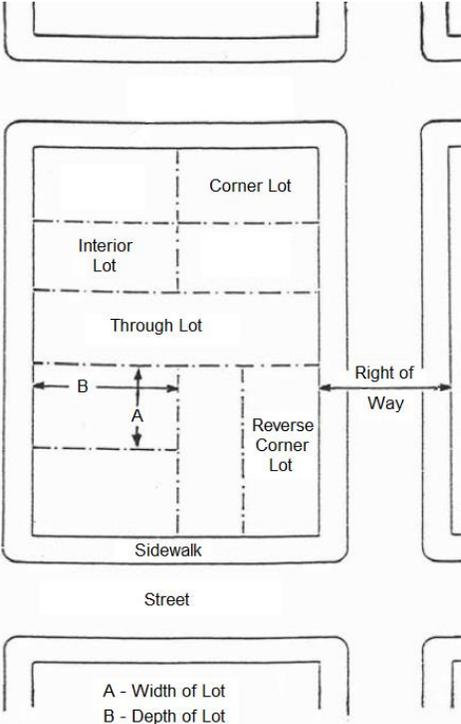
100. DWELLING UNIT: means a residential building or portion thereof intended for occupancy by a family, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.
101. DWELLING: means a building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels and boarding houses.
102. DYNAMIC DISPLAY: means any characteristic of a Sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the Sign or its components, whether the apparent movement or change is in the display, the Sign structure itself, or any other component of the Sign. This includes a display that incorporates a technology or method allowing the Sign face to change the image without having to physically or mechanically replace the Sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking or animated display or structural element and any display that incorporates rotating panels, LED lights, manipulated through digital input, "digital ink" or any other method of technology that allows the Sign face to present a series of images or displays.
103. EFFICIENCY APARTMENT: means a dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets or dining alcove.
104. ELDERLY (SENIOR CITIZEN) HOUSING: means a controlled multiple dwelling building with open
105. EQUAL DEGREE OF ENCROACHMENT: means a method of determining the location of encroachment lines so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.
106. ESSENTIAL SERVICES: means the erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.
107. FAMILY: means one or more persons each related to the other by blood, marriage, adoption or foster care, or a group of not more than five persons not so related (not to exceed two persons per bedroom) maintaining a common household and using common cooking and kitchen facilities.
108. FILLING: means the act of depositing any rock, soil, gravel, sand or other material so as to fill or partly fill a waterbody, watercourse or wetland.
109. FLASHING SIGN: means an illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.
110. FLOOD FREQUENCY: means the average frequency, statistically determined for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedance frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specific number of years.
111. FLOOD FRINGE: means that portion of the floodplain outside of the floodway.
112. FLOODPLAIN: means the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
113. FLOOD PROFILE: means a graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.
114. FLOOD: means a temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.
115. FLOODWAY: means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

116. FLOOR AREA: means the sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods or to business or professional offices.
117. FOREST LAND CONVERSION: means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
118. GARAGE - PRIVATE: means an accessory building or accessory portion of the principal building which is intended for and used to store the private recreational and passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.
119. GARAGE - PUBLIC: means a building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil and accessories is only incidental to the principal use.
120. GOVERNMENTAL SIGN: means a sign which is erected by a governmental unit for the purpose of identification and directing or grading traffic.
121. GRADE - (ADJACENT GROUND ELEVATION): means the lowest point of elevation of the finished surface of the ground paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.
122. GRADING: means changing the natural or existing topography of land.
123. GRID-INTERTIE SOLAR ENERGY SYSTEM: means a photovoltaic solar system that is connected to an electric circuit served by an electric utility company.
124. GROUP FAMILY DAY CARE HOME: means any residence or portion of a residence licensed by the Department of Human Services under Minn. Rules Chapter 9502 for no more than 14 children at one time and must meet Group R, Division 3 occupancy requirements.
125. GUEST ROOM: means a room occupied by one or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.
126. HALFWAY HOUSE: means a social rehabilitation setting that provides a program of services to assist in making transition from treatment to responsible community living in a supportive environment with a home-like atmosphere.
127. HARDSHIP: means where property cannot be put to reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.
128. HEIGHT: for the purpose of determining the height limits in all zones set forth in this subdivision and shown on the zoning map, the datum shall be mean sea level elevation as determined by U.S. Geological Survey.
129. HOLIDAY SIGNS: means signs or displays which contain or depict a message pertaining to a national or state holiday and no other matter.
130. HOME BUSINESS: means any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises, shall not cause exterior storage of equipment or materials used in the home occupation, and shall not adversely affect the character of the uses permitted within the zoning district within which it is located. The home

occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.

131. HOSPITAL: means an institution open to the public in which sick or injured persons are given medical or surgical care, or care of contagious or incurable diseases. This care is conducted on a 24-hour basis and is designed for overnight occupancy of the patient.
132. HOTEL: means any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six or more guests rooms, used, designated or intended to be used, let or hired out to be occupied, or which are occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly.
133. IDENTIFICATION SIGNS: means signs in all districts which identify the business or owner, or manager or resident and set forth the address of the premises where the sign is located and which contain no other material.
134. ILLUMINATED SIGN: means any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
135. IMPERVIOUS SURFACE: means an artificial or natural surface through which water, air or roots cannot penetrate.
136. INDIVIDUAL PROPERTY SALE OR RENTAL SIGNS: means any on-premise sign announcing the name of the owner, manager, realtor or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.
137. INDUSTRIAL USE: means the use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.
138. INDUSTRIALIZED/MODULAR BUILDING: means a building of closed construction, constructed so that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and made or assembled in manufacturing facilities, off the building site, for installation or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing that is factory-built single-family and multi-family housing, including closed wall panelized housing, and other modular, non-residential buildings. "Industrialized/modular building" does not include a structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, being 42 U.S.C. §§ 5401 et seq., or prefabricated buildings, as defined in Part 1360.0200, Subpart 15.
139. INFORMATIONAL/DIRECTIONAL SIGN: means any sign giving information to employees, visitors or delivery vehicles, but containing no advertising. May include name of business but must predominantly represent a directional or informational message.
140. INTENSIVE VEGETATION CLEARING: means the complete removal of trees, grasses or shrubs in a contiguous patch, strip, row or block.
141. INSTITUTIONAL SIGN: means a sign or bulletin board which identifies the name and other characteristics of a public, semi-public or private institution on the site where the sign is located. Institutions shall include churches, hospitals, nursing homes, schools and other non-profit and charitable organizations.
142. INSTITUTIONAL SIGNS, OFF PREMISES: means any institutional sign located on private property not constituting the premises of the institution described thereon which gives information to employees, visitors or delivery vehicles but predominantly represents a directional or informational message.
143. INTEGRAL SIGNS: means names of buildings, date of construction, commemorative tablets and the like, which are of a permanent type of construction and which are an integral part of the building or the structure.
144. INTERMITTENT: means a stream or portion of a stream that flows only in direct response to precipitation.
145. LAND AREA: means the area of the airport used for landing, taking off or taxiing of aircraft.

- 146. LANDING STRIP or RUNWAY: means any grass or turf covered area of the airport specifically designated and used for the landing and/or takeoff of aircraft. This term shall have the same meaning throughout this subdivision as does the term "runway".
- 147. LICENSED ENGINEER: means an engineer that is licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture and Interior Design.
- 148. LODGING HOUSE: means a building other than a hotel, where for compensation for definite periods, lodging is provided for three or more persons not of the principal family, but not including a building providing this service for more than ten persons.
- 149. LODGING ROOM: means a room rented as sleeping and living quarter but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.
- 150. LOT (OF RECORD): means a parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the City as a lot subsequent to such dated and which his or her occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings and such open spaces as required by this chapter and having its principal frontage upon a public right-of-way.
- 151. LOT AREA: means the area of a horizontal plane within the lot lines.
- 152. LOT, CORNER: means a lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.
- 153. LOT, DEPTH: means the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.
- 154. LOT, FRONTAGE: means the front of a lot shall be, for purposes of complying with this chapter, that boundary abutting a public right-of-way having the least width.
- 155. LOT, INTERIOR: means a lot, other than a corner lot, including through lots.
- 156. LOT, LINE: means a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
- 157. LOT, THROUGH: means a lot fronting on two parallel streets.
- 158. LOT WIDTH: means the shortest distance between lot lines measured at the midpoint of the building line.
- 159. LOT: means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot or other accepted means and separated from other parcels or portions by the description for the purpose of sale, lease or separation. The land that's occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of these zoning regulations, having not less than the minimum area required by this chapter for a building site in the district in which the lot is situated and having its principal frontage on a public right-of-way.



160. **MANUFACTURED HOME PARK:** means an approved manufactured home park which has underground utility service to each site and also restroom and washing facilities as specified by the state.
161. **MANUFACTURED HOME:** means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and included the plumbing, heating, air conditioning and electrical systems contained therein. Such structure, when it exceeds twenty (20) feet in width and is placed on a permanent foundation, shall be classified as a single-family detached dwelling.
162. **MEDICAL AND DENTAL CLINIC:** means a structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.
163. **MOBILE HOME:** means a detached residential dwelling unit designed to be transportable after fabrication which does not meet the design standards set forth for a manufactured home, as defined herein. A travel trailer is not considered to be a mobile home.
164. **MONUMENT SIGN:** A freestanding Sign that is attached to the ground by means of a freestanding support structure, solid from grade to the top of the Sign structure and is typically encased or supported by masonry materials.
165. **MOTEL/MOTOR HOTEL:** means a building or group of detached, semi- detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, 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 transient guests traveling by automobile.
166. **MOTION SIGN:** means any sign which revolves, rotates, has any moving parts, or given the illusion of motion.
167. **MOTOR FREIGHT TERMINAL (TRUCK TERMINAL):** means a building in which freight brought by motor truck is assembled and sorted for routing in intra-state and interstate shipment.
168. **MOTOR FUEL STATION:** means a place where gasoline is stored only in underground tanks, kerosene, fuel oil, diesel fuel or motor oil and lubricants or grease, for operation of automobiles or trucks, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.
169. **MYLAR OR METALLIC BALLOONS:** are typically from gift or party shops that are made of metalized nylon and typically filled with helium.
170. **NACELLE:** means the compartment containing the electrical generator.
171. **NAME PLATE:** means a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.
172. **NATURAL DRAINAGE SYSTEM:** means all land surface areas which by nature of their contour configuration, collect, store and channel surface water run-off.
173. **NATURAL OBSTRUCTION:** means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse or wetland by a non-human cause.
174. **NON-CONFORMING STRUCTURE OR USE:** means any structure or use which on the effective date of this chapter does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this chapter.
175. **NORMAL HIGH WATER MARK:** means a continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

176. **NURSING HOME (REST HOME):** means a building having accommodations where care is provided for two or more invalids, infirm, aged convalescent or physically or mentally disabled persons that are not of the immediate family; but not including hospitals, clinics or similar institutions.
177. **OBSTRUCTION (FLOODPLAIN):** means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across or projecting into any channel, watercourse, lake bed, or regulatory floodplain which may impede, retard or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.
178. **OFF-STREET LOADING SPACE:** means a space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. The space shall be of a size as to accommodate one truck of the type typically used in the particular business.
179. **OPEN SALES LOT:** means any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.
180. **ORDINARY HIGH WATER LEVEL (OHWL):** means the boundary of public waters and wetlands, shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the "ordinary high water level" is the elevation of the top of the bank of the channel. For reservoirs and flowage, the "ordinary high water level" is the operating elevations of the summer pool.
181. **OUT-PATIENT CARE:** means medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.
182. **PARAPET:** means a parapet wall is that part of any wall entirely above the roof line.
183. **PARKING RAMP:** means an accessory structure designed and used for the storage of motor vehicles at, below and/or above grade.
184. **PARKING SPACE:** means an area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.
185. **PERMITTED USE:** means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of the districts.
186. **PERSON:** when used herein, shall include an individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.
187. **PHOTOVOLTAIC SYSTEM:** means an active solar energy system that converts solar energy directly into electricity.
188. **PLANNED UNIT DEVELOPMENT:** means planned unit development or cluster development means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common space, density, increase and/or mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses or apartment buildings, and accessory land uses to the principal users.
189. **POLE BARN (POLE SHED):** means a building with no foundation and sides consisting of corrugate steel or aluminum panels and wood planks supported by poles set in the ground.

190. **POLITICAL SIGNS:** means signs or posters announcing, advertising or promoting a candidate(s) seeking political office, political party and/or a political issue or ballot issue. A sign which advertises or promotes a negative position of a political candidate, political party or public issue or ballot issue is a "political sign".
191. **PORTABLE SIGN:** means a sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device or structure. "Portable signs" include, but are not limited to signs designed and constructed with a chassis or support with or without wheels.
192. **PREFABRICATED BUILDING:** means any building or building module intended for use as an R-3, one- or two-family dwelling, or a U-1 accessory building, which is of closed construction and which is constructed on or off the building site, for installation, or assembly and installation, on the building site, but does not include relocatable contractors offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.
193. **PRINCIPAL USE:** means the main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
194. **PROJECTING SIGN:** means a sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.
195. **PROTECTED RESIDENTIAL PROPERTY:** means any property or parcel of property within the City that meets all of the following requirements:
- (A) The property is zoned R-1, R-2, R-3, R-4 or R-M and the property may or may not also have a Planned Unit Development Overlay (PUD) classification;
  - (B) The property is designated on the Comprehensive Plan as Low-Density, Residential, Medium-Density Residential or High-Density Residential; and
  - (C) The property is used or subdivided for use as residential.
196. **PUBLIC SIGN:** means signs of a public, non-commercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
197. **PUBLIC USES:** means uses owned or operated by municipal, school districts, county, state or other governmental units.
198. **PUBLIC UTILITY:** means persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone service to the general public. For the purpose of this chapter, commercial wireless telecommunication service facilities shall not be considered public utility uses and are defined separately.
199. **PUBLIC UTILITY TOWER:** permanent steel tower structure which is owned by the City or a public utility corporation or cooperative and is designed and constructed to carry high voltage transmission lines and will bear the additional weight of an antenna as defined herein.
200. **PUBLIC WATERS:** means any waters as defined in M.S. § 103G.005(15), as amended from time to time.
201. **REAL ESTATE DEVELOPMENT SIGN:** means a business sign placed on premises of a subdivision or other real estate development.
202. **REAL ESTATE SIGN:** means a business sign placed upon a property advertising that particular property for sale, for rent, for lease or sold.

203. REAR PLANE OF HOUSE: means the horizontal line from side property line to side property line, which is on the rear most part of a principle structure, which shall include enclosed patios and enclosed decks, but not decks and patios by themselves.
204. RECREATION, FIELD OR BUILDING: means an area of land, water or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this chapter.
205. REGIONAL FLOOD: means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. "Regional flood" is synonymous with the term "base flood" used in the Flood Insurance Rate Map.
206. REGULATORY FLOOD PROTECTION ELEVATION: means a point not less than one foot above the elevation of the floodplain, plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this chapter are required to be elevated or flood proofed.
207. RESTAURANT: means an establishment which serves food in or on non- disposable dishes to be consumed primarily while seated at tables or booths within the building.
208. RESIDENTIAL PLANNED UNIT DEVELOPMENT: means a use where the nature of residency is nontransient and the major or primary focus of the development is not service- oriented. For example, residential apartments, manufactured home parks, townhouses and cooperative, would be considered as "residential planned unit developments".
209. RESIDENTIAL WECS: means a WECS of less than 40 KW in total name plate generating capacity.
210. ROOF LINE: means the top of the coping; or, when the building has a pitched roof, the intersection of the outside wall with the roof.
211. ROOF PITCH: means the final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
212. ROTOR DIAMETER: means the diameter of the circle described by the moving rotor blades.
213. SCHOOL: means an institution of education and training with an enrollment of pupils in grades 1 through 12, or their equivalent, and which has three essential components:
- (A) A curriculum;
  - (B) A plant consisting of adequate physical facilities; and
  - (C) A qualified staff to carry out its educational objectives.
214. SEMI-PUBLIC USE: means the use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
215. SENSITIVE RESOURCE MANAGEMENT: means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora and fauna in need of special protection.
216. SETBACK: means the minimum horizontal distance between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.
217. SETBACK, CORNER SIDE: A line parallel to any side lot line, located immediately adjacent to and extending along a public or private street, and extending from the front setback line to the rear setback line.

218. **SETBACK, FRONT:** A line parallel to the front lot line and extending from side lot line to side lot line.
219. **SETBACK, REAR:** A line parallel to all rear lot lines and extending from side lot line to side lot line.
220. **SETBACK, SIDE:** A line parallel to any side lot line and extending from the front setback line to the rear setback line.
221. **SEWAGE TREATMENT SYSTEM:** means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated herein.
222. **SEWER SYSTEM:** means the pipelines or conduits, pumping stations and force main, and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal and treatment.
223. **SHED:** means a simple enclosed roofed structure, typically made of wood or metal, used as storage space or workshop.
224. **SHOPPING CENTER:** means an integrated grouping of commercial stores, under single ownership or control.
225. **SHORE IMPACT ZONE:** means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.
226. **SHORELAND:** means land located within the following distances from public waters; 1,000 feet from the ordinary high water level of any lake, pond or flowage; and 300 feet from rivers and streams or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.
227. **SIGN AREA:** means that area within the marginal lines created by the sign surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.
228. **SIGN STRUCTURE:** means the supports, foundations, uprights, bracing and frame-work for a sign, including the sign area.
229. **SIGN:** means 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.
230. **SIGNIFICANT HISTORIC SITE:** means any archaeological site, standing structure, or other property that meets the criteria for eligibility to National Register of Historic Places or is listed in the state's Register of Historic Sites, or is determined to be unplatted cemetery that falls under the provision of M.S. § 307.08, as amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be "significant historic sites".
231. **SLOPE:** means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
232. **SOLAR COLLECTOR:** means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
233. **SOLAR ENERGY:** means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
234. **SOLAR ENERGY SYSTEM:** means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar energy system includes solar hot water systems and active solar systems.

235. **SOLAR HOT WATER SYSTEM:** means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
236. **STEEP SLOPES:** means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this section. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.
237. **STORY:** means that portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above.
238. **STREET FRONTAGE:** means the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two frontages.
239. **STREET:** means a public right-of-way providing principal access to a property whether designated as a street, lane or otherwise.
240. **STRUCTURE:** means anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.
241. **SUBDIVISION:** means land that is divided for the purpose of sale, rent or lease including planned unit development.
242. **SUPERVISED LIVING FACILITY:** means a facility in which there is provided supervision, lodging, meals and, in accordance with the provisions of rules of the Minnesota Department of Human Services, and the Minnesota Department of Health, counseling and developmental habilitative or rehabilitative services to persons who are mentally retarded, chemically dependent, adult mentally ill or physically handicapped.
- (A) The term "Class A-1 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self- preservation under emergency conditions as determined by program licensure provisions for six or fewer persons and must meet Group R, Division 3 occupancy requirements.
- (B) The term "Class A-2 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self- preservation under emergency conditions as determined by program licensure provisions for more than six persons and must meet Group R, Division 1 occupancy requirements.
- (C) The term "Class B-1 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons and must meet Group R, Division 3 occupancy requirements.
- (D) The term "Class B-2 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons and must meet Group R, Division 1 occupancy requirements.
- (E) The term "Class B-3 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking

appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for over 17 persons and must meet Group I, Division 2 occupancy requirements.

243. SURFACE WATER-ORIENTED COMMERCIAL USE: means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of the use.
244. TELECOMMUNICATION SERVICE: means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit or any closed transmission medium.
245. TELECOMMUNICATIONS FACILITIES: means the plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunication services.
246. TEMPORARY SIGN: means any sign which is erected or displayed for a specified period of time. "Temporary signs" include, but are not limited to, informational and advertising signs and other promotional devices such as posters, banners, wooden, metal, or plastic "stake" or "yard" signs, and posters or banners affixed to windows, railings, overhangs.
247. TOE OF THE BLUFF: means the lower point of a 50-foot segment with an average slope exceeding 18%.
248. TOP OF THE BLUFF: means the higher point of a 50-foot segment with an average slope exceeding 18%.
249. TOTAL HEIGHT OF WECS: means the height shall be measured from the surrounding grade at the base of the tower before construction to top of the rotor radius or top of the tower, whichever is higher.
250. TOWER: means any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and other similar structures. This term also includes any antenna or antenna array attached to the tower structure. Also means all vertical structures that support the electrical generator or rotor blades of a WECS.
251. TOWER, MULTI-USER: means a tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.
252. TOWER, SINGLE-USER: means a tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Code.
253. TOWNHOUSES: means structures housing three or more dwelling units of not more than two stories each and contiguous to each other only by the sharing of one common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrances.
254. TREE: means any object of natural growth.
255. UPLAND: means all lands at an elevation above the normal high water mark.
256. USABLE OPEN SPACE: means a required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests.
  - (A) The areas shall be grassed and landscaped or covered only for a recreational purpose.
  - (B) Roofs, driveways and parking areas shall not constitute "usable open space".

257. **USE:** means the purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance of the activity as defined by the performance standards of this chapter.
258. **VARIANCE:** means the waiving by Board action of the literal provisions of this chapter in instances where their strict enforcement would cause practical difficulties because of physical circumstances unique to the individual property under consideration.
259. **VEGETATION:** means the sum total of plant life in some area or a plant community with distinguishable characteristics.
260. **VEHICLE SIGN:** Any Sign exceeding 10 square feet in Display Surface Area that is mounted, painted, placed, affixed or attached to a trailer, watercraft, truck, automobile or other form of motor vehicle that is parked so that the Sign is discernable from a public street or right-of-way as a means of communication. The vehicle upon which the Sign is affixed must function primarily as a means to display the Sign rather than as a transportation device, as determined by consideration of any combination of the following factors:
- (A) The absence of a current, lawful license plate affixed to the vehicle on which the Sign is displayed.
  - (B) The vehicle on which the Sign is displayed is inoperable.
  - (C) The vehicle on which the Sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot.
  - (D) The vehicle displaying the Sign remains parked on the premises after normal business hours when customers and employees are not normally present on the premises.
  - (E) The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.
261. **WALL GRAPHICS:** means a sign which is painted directly on an exterior wall surface.
262. **WALL LETTERS:** means a sign composed of individual letters which are attached separately on a wall surface.
263. **WALL SIGN:** means a sign which is affixed to the exterior wall of a building. A “wall sign” does not project more than 18 inches from the surface to which it is attached, nor extend beyond top of parapet wall.
264. **WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY:** means a small, above ground building or other improvement, except stairways, fences, docks and retaining walls which, because of the relationship of its use to a surface water feature, reasonably need to be located closer to public waters than the normal structure setback.
265. **WATER SURFACES:** shall have the same meaning as land for the establishment of protected zones.
266. **WATERBODY:** means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and surrounded by land.
267. **WATERCOURSE:** means a channel or depression through which water flows, such as rivers, streams or creeks, and may flow year-around or intermittently.
268. **WATERSHED:** means the area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
269. **WETLANDS:** means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971). means an area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation. Swamps, bogs, marches, potholes, wet meadows and sloughs are wetlands, and properly, may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents, and may at

times be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. "Wetlands" may have the following characteristics:

- (A) Vegetation belonging to the marsh (emergent aquatic) gov, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood) and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S., 1956");
- (B) Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and muck); and/or
- (C) Soil which is water logged or covered with water at least three (3) months of the year.

270. WILDLIFE: means all free living animals.

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

272. WIND TURBINE: means any electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

273. YARD: means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A "yard" extends along a lot like at right angles to the lot line to a depth of width specified in the yard regulations for the zoning district in which the lot is located.

274. YARD, FRONT: means a yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

275. YARD, REAR: means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

276. YARD, SIDE: means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

## **Chapter 3 Administration and Enforcement**

### **ARTICLE 1. GENERAL PROVISIONS**

#### **3.01 Purpose**

This chapter is established to set forth the procedures required for the administration of this ordinance, to outline the powers and duties of the officials and bodies charged with such administration, to establish standards for required zoning approvals, and to provide for its enforcement in a manner which adds to the quality of land use and development and protection of the public health, safety, and welfare.

#### **3.02 Concurrent Review**

In order to provide for the efficient administration of this ordinance, whenever a project or proposal requires more than one land use review, including but not limited to conditional use permit, site plan review, rezoning, variance, or platting, all applications shall be processed concurrently.

#### **3.03 Compliance with Conditions of Approval**

All land use approvals made pursuant to this ordinance shall remain in effect as long as all of the conditions and guarantees of such approval are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this ordinance and may result in termination of the land use approval.

#### **3.04 Pending Applications**

No new application for zoning approval for the same project or proposal shall be submitted or accepted until all previous applications for such project or proposal have been finally acted upon or withdrawn.

#### **3.05 Substantially Similar Uses**

Whenever an application contains a use not included in this ordinance, the Zoning Administrator, after review by the Development Review Committee, shall issue a statement of clarification, finding that the use either is substantially similar in character and impact to a use regulated herein or that the use is not sufficiently similar to any other use regulated in this ordinance. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the Zoning Administrator. If said use is not sufficiently similar to any other use regulated in this ordinance, the use shall be prohibited.

### **ARTICLE 2. DUTIES OF DECISION-MAKING BODIES AND OFFICIALS**

#### **3.06 Administrating Officer**

This chapter shall be administered and enforced by the Zoning Administrator who shall be appointed by the Council.

#### **3.07 Development Review Committee**

The Development Review Committee, consisting of City staff members as appointed by the City Administrator, is established to review plans for conformance with the technical requirements of this ordinance and to make recommendations to the Planning Commission and City Council regarding applications for land use approval.

#### **3.08 Planning Commission**

The Planning Commission, as established and organized under Chapter 2 of the Redwood Falls Code of Ordinances, shall have the advisory and decision-making powers granted to it as identified within this chapter and elsewhere in this ordinance.

### **3.09 Board of Adjustment and Appeals**

The Planning Commission shall act as a Board of Adjustment and Appeals. The decision of the Board on matters within its jurisdiction are advisory to the Council.

## **ARTICLE 3. GENERAL APPLICATION PROCEDURES**

### **3.10 Application Procedures**

- (A) *In general.* All applications for land use approval shall be made on forms approved by the City and available from the Zoning Administrator.
- (B) *Pre-application conference.* A pre-application conference with the Zoning Administrator shall be required prior to submission of any application for land use approval. The purpose of the conference is to acquaint the applicant with applicable procedure and ordinance requirements, to provide for an exchange of information regarding the proposed project, and to identify potential opportunities and constraints for development of a given site.
- (C) *Submission of technical studies.* The City may require applicants for land use approval to submit such technical studies as may be necessary to enable the Planning Commission and City Council to evaluate the application. Such studies may include, but not be limited to, traffic studies, engineering studies, environmental impact assessments, and economic impact reports. The costs of such studies shall be borne by the applicant, with the persons or firms preparing the study approved by the Zoning Administrator.
- (D) *Completeness of application.* No application for land use approval shall be deemed complete until all items that are required in support of the application have been submitted.
- (E) *Application and submission deadlines.* The Zoning Administrator shall administratively set submission deadlines for all applications requiring public hearing. Compliance with such deadlines shall generally be required in order to have the application placed on an agenda to be heard by the Planning Commission. At the discretion of the Zoning Administrator, non-agenda items may be brought before the Planning Commission for consideration, provided, however, that the Planning Commission may refuse to hear a non-agenda item at its sole discretion.
- (F) *Application Fees.*
  - (1) To defray administrative costs of processing or requests for conditional uses, amendments, variances or appeals a base fee per application shall be paid by all applicants, as established by resolution of the Council.
  - (2) In order to defray the additional cost of processing applications (amendment, conditional use, variance, appeal) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for the request.
    - (a) "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, public hearing notification and the like and all printing or reproduction of same.
    - (b) "Staff and/or consulting time" shall include any time spent in either researching for or actual production of materials.
    - (c) The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any

materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.

- (3) Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid.
- (G) *Required action by review bodies.* Pursuant to Minnesota Statutes 15.99, any application for zoning approval, excluding preliminary plat requests, shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless the applicant waives this limitation. Pursuant to Minnesota Statutes 462.358, any application for approval of a preliminary plat shall be approved or denied within one-hundred twenty (120) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant.
- (H) *Reconsideration of land use approval applications.* No application for land use approval which has been denied by the City Council, in whole or in part, shall be reconsidered for a period of six (6) months from the date of City Council action on the application, except on grounds of new evidence or proof of a change in conditions.

### **3.11 Public Hearings**

- (A) *Notice.*
  - (1) *Land use applications.* For all land use applications requiring a public hearing as set forth in this ordinance, notice of the public hearing shall be given in the following manner. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.
    - (a) *Newspaper of general circulation.* The Zoning Administrator shall publish notice of the time, place, and purpose of the public hearing at least once, not less than ten (10) days nor more than thirty (30) days before the hearing, in a legal newspaper of general circulation. For purposes of computing time, both the day of publication and the day of the public hearing shall be excluded.
    - (b) *Affected property owners.* The Zoning Administrator shall mail notice to all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property, as identified in the records of the Redwood County Assessor's office, not less than ten (10) days nor more than thirty (30) days before the hearing.
- (B) *Notification regarding natural resources.* When an application for a conditional use permit, variance, appeal, zoning amendment, expansion of a non-conforming use, or other similar land use review relates to the Floodplain Management or Shoreland overlay districts, as established in Chapter 14, Overlay Districts, the Zoning Administrator shall submit to the Minnesota Commissioner of Natural Resources a written notice of public hearing at least twenty-one (21) days in advance of the hearing.
- (C) *Procedures.* All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by duly appointed agent or attorney. Upon the conclusion of public input, the review body shall announce its decision or recommendation or shall continue the matter to a subsequent meeting. No additional public notice shall be required once the public hearing on an item has been opened. The review body shall keep minutes of its public hearings, and shall also keep records of its official actions. Decisions of the review body shall be filed in the office of the Zoning Administrator.

- (D) *Continuances.* Any applicant or authorized agent may request the continuance of a public hearing, provided that a written request is filed with the Zoning Administrator at least two business days prior to the date of scheduled public hearing. The Planning Commission and City Council, upon majority vote, may grant a continuance upon good cause, provided that the record indicates the reason for such continuance, any conditions placed upon said continuance, and the date on which the item will be considered. At the discretion of the Planning Commission or City Council, re-notification of public hearing may be required as specified in Section 3.11(A).
- (E) *Notice to applicant regarding decision.* The Zoning Administrator shall notify the applicant for any land use approval, in writing, of the City Council's decision within ten (10) days. In the event that the request for approval was denied, the letter shall clearly state the reasons for such denial.
- (F) *Filing of resolutions and ordinances.* The Zoning Administrator shall file with the Redwood County Recorder's office a certified copy of all resolutions and ordinances pertaining to land use approvals and amendments to this ordinance.

## ARTICLE 4. APPEALS

### **3.12 Appeals of Decisions by Administrative Staff**

All findings and decisions of the Zoning Administrator, or other official involved in the administration of this ordinance shall be final subject to appeal to the Planning Commission acting as the Board of Adjustment, except as otherwise provided by this ordinance. Any affected person may initiate such a request by filing an appeal with the Zoning Administrator on an approved form. All appeals shall be filed within thirty (30) days of the date of the decision. The Planning Commission shall hold a public hearing on each complete application for appeal in the manner set forth in Section 3.11 and, after the close of the hearing, shall make findings and submit its recommendations to the City Council.

### **3.13 Action by the City Council on Appeals**

The Planning Commission serving as the Board of Adjustment and Appeals shall make a finding of fact and shall recommend whether to approve or deny a request for a variance or an appeal within 30 days after the public hearing on said request. The Commission's recommendation and the City staff's reports shall be presented to the Council for its review and action at its next regular meeting. Where an appeal of this chapter or grant of an appeal shall be by four-fifths vote of the full Council.

### **3.14 Expiration of Appeal**

If substantial development or construction has not taken place within one (1) year of the date of approval of an appeal, such appeal shall be considered void unless a petition for a time extension has been granted by the City Council. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the appeal and shall state facts showing a good faith effort to complete work permitted under the original approval.

## ARTICLE 5. ZONING AMENDMENTS

### **3.15 Purpose of Zoning Amendments**

Amendments to the text of this ordinance and the official zoning map are made for the purpose of promoting the public health, safety, and general welfare, and in consideration of changing conditions, conservation of property values, the trend of development, and the current and anticipated future uses of property.

### **3.16 Initiation of Zoning Amendments**

Amendments shall be initiated by the City Council, Planning Commission, or by petition of any person with a legal or equitable interest in a property.

- (A) *Amendments initiated by petition.* An application for amendment to the zoning classification of a particular property shall be filed with the Zoning Administrator on an approved form and be accompanied by an accurate boundary survey of the property, concept development plan, and any other information determined by the Zoning Administrator to be necessary for review of the request.
- (B) *Amendments initiated by the City Council or Planning Commission.* The City Council or the Planning Commission may initiate amendments to the text of this ordinance or to the zoning classification of specific properties in the manner provided by Minnesota Statutes 462.357.

### **3.17 Hearing on Zoning Amendments**

The Planning Commission shall hold a public hearing on each valid and complete application for zoning amendment and all amendments initiated by the City Council or Planning Commission, as provided in Section 3.11. After the close of the hearing on a proposed zoning amendment, the Planning Commission shall make findings, pursuant to Section 3.19, and shall submit the same together with its recommendations to the City Council.

### **3.18 Action by the City Council on Zoning Amendments**

The City Council shall make the final decision regarding all zoning amendments. Amendment of this ordinance or the zoning district boundaries shall require a four-fifths vote of the City Council.

### **3.19 Required Findings on Zoning Amendments**

The City Council shall make each of the following findings before granting approval of a request to amend this ordinance or to change the zoning designation of an individual property:

- (A) Whether the amendment is consistent with the applicable policies of the City's Comprehensive and Land Use Plan.
- (B) Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.
- (C) Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.
- (D) Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.
- (E) Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

## ARTICLE 6. ZONING CERTIFICATE

### **3.20 Purpose of Zoning Certificate**

A zoning certificate is a permit authorizing the development of land or use of land upon evidence that all requirements of this ordinance are satisfied.

### **3.21 Zoning Certificate Required**

Except for single and twin-family residential uses, a zoning certificate shall be obtained from the Zoning Administrator prior to the following:

- (A) The construction, reconstruction, enlargement, relocation, or structural alteration of any building or structure or part thereof, including any principal use, accessory use, or any other use that requires a building permit.
- (B) Any change or expansion of use of any building or land.

### **3.22 Application for Zoning Certificate**

Any person having a legal or equitable interest in a property may file an application for a zoning certificate. An application for a zoning certificate shall be filed with the Zoning Administrator on an approved form and shall be accompanied by a plan so dimensioned and annotated as to show the proposed building, including building dimensions, height, and use, and existing buildings and uses, if any, in exact relation to lot lines, as well as any other information required by the Zoning Administrator to determine compliance with this ordinance.

### **3.23 Zoning Certificate Approval**

Upon review of the application and plan for consistency with the regulations of this ordinance, the Zoning Administrator shall affix a stamp to the plan, which shall serve as the zoning certificate.

In such instances where only a change of use and no structural alterations requiring a building permit are involved, the Zoning Administrator may affix a stamp to a letter certifying that the change of use is allowed. In the event that an application for a zoning certificate is denied, the applicant shall be notified in writing of the reasons for such denial. The decision of the Zoning Administrator may be appealed to the Planning Commission, as provided for in Section 3.12

### **3.24 Additional Reviews Prior to Zoning Certificate Approval**

In such instances that the application requires additional land use review by the Development Review Committee, Planning Commission, or City Council, the Zoning Administrator shall not grant the zoning certificate until all necessary approvals have been obtained.

### **3.25 Revocability of Zoning Certificate**

Any certificate, document, or approval issued by the Zoning Administrator may be revoked upon violation of this ordinance or any conditions under which it is issued.

### **3.26 Compliance with Performance Standards**

Whenever an application is made for issuance or change of a zoning certificate, which may include the production, processing, cleaning, servicing, testing or repair of materials, goods, and products, the Zoning Administrator shall review the application to determine compliance with the applicable regulations of the zoning district and the general performance standards specified in Chapter 7. The Zoning Administrator may initiate an investigation or study to ensure compliance with the standards when it is believed that proposed processes may violate applicable general performance standards. When unusual technical complexity or expense would be incurred in securing sufficient information to conclude the study or investigation, the Zoning Administrator may require the applicant to provide the evidentiary submission at the applicant's expense, including but not limited to the following:

- (A) Plans of the existing and proposed construction or development.
- (B) Detailed descriptions of existing and proposed machinery, processes, activities and materials made or used and the products made.

- (C) Plans and specifications for the mechanisms and techniques used or proposed to be used in demonstrating compliance with the applicable regulations of the zoning district and the applicable general performance standards.
- (D) Measurements or estimates of the amount and rate of emission of any substance or force demonstrating compliance with applicable general performance standards.

## ARTICLE 7. CONDITIONAL USE PERMITS

### **3.27 Purpose of Conditional Use Permits**

A conditional use permit is a zoning device that is intended as a means of reviewing uses which, because of their unique characteristics, cannot be permitted as a right in a particular zoning district, but may be allowed upon demonstration that such use meets identified standards established within this ordinance. A conditional use permit is granted for the particular use of a specific property, and may be transferred to subsequent owners so long as the use does not change.

### **3.28 Application for Conditional Use Permit**

Any person having a legal or equitable interest in a property may file an application for such use when it is identified as a conditional use within the zoning district in which the property is located. An application for a conditional use permit shall be filed with the Zoning Administrator on an approved form, as specified in Section 3.10. A written description of the proposed use and a detailed site plan, including information as specified in Section 4.03, shall also accompany the application form unless specifically waived by the Zoning Administrator.

### **3.29 Hearing on Application for Conditional Use Permit**

The Planning Commission shall hold a public hearing on each valid and complete application for zoning amendment and all amendments initiated by the City Council or Planning Commission, as provided in Section 3.11. After the close of the hearing on a proposed zoning amendment, the Planning Commission shall make findings, pursuant to Section 3.31, and shall submit the same together with its findings.

### **3.30 Action by City Council on Conditional Use Permits**

The City Council shall make the final decision regarding all applications for conditional use. Approval of the conditional use permit shall require a majority vote of four fifths of the City Council.

### **3.31 Required Findings for Conditional Use Permits**

The City Council shall make each of the following findings before granting a conditional use permit:

- (A) The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.
- (B) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (C) The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area.
- (D) The conditional use will not impose hazards or disturbing influences on neighboring properties.
- (E) The conditional use will not substantially diminish the value of neighboring properties.

- (F) The site is served adequately by essential public facilities and services, including utilities, access roads, drainage, police and fire protection, and schools or will be served adequately as a result of improvements proposed as part of the conditional use.
- (G) Development and operation of the conditional use will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
- (H) Adequate measures have been or will be taken to minimize traffic congestion in the public streets and to provide for adequate on-site circulation of traffic.
- (I) The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community.
- (J) The conditional use is consistent with the applicable policies and recommendations of the City's Land Use Plan or other adopted land use studies.
- (K) The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located.

**3.32 Established Conditions of Approval**

The City Council may establish any reasonable conditions of approval that are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified elsewhere in this ordinance.

**3.33 Revocation of a Conditional Use Permit**

Failure to comply with any condition set forth as part of conditional use permit approval shall constitute a violation of this ordinance and is subject to the enforcement process identified in Section 3.63. Continued non-compliance shall also constitute grounds for revocation of the conditional use permit, as determined by the City Council following a public hearing on the matter.

**3.34 Expiration of Conditional Use Permits**

Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, then the permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Council. The extension shall be requested in writing and filed with the City Clerk at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of the petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The petition shall be presented to the Planning Commission for a recommendation and to the Council for a decision.

**3.35 Discontinuance of Conditional Use Permits**

Where a conditional use has been established and is discontinued for any reason for a period of one (1) year or longer, or where a conditional use has been changed to a permitted use or to any other conditional use, the conditional use permit shall be deemed to be abandoned.

**3.36 Current Conditional Use Permits**

If the size, location, licensing, or purpose of a facility with a conditional use permit changes, a new conditional use permit shall be required.

## ARTICLE 8. INTERIM USES

### **3.37 Purpose of Interim Uses**

An interim use is a use of property until an established date, until the occurrence of a particular event, or until the zoning regulations no longer allow it.

### **3.38 Authorization of Interim Use**

The City Council may approve an interim use of property as defined and authorized by Minnesota Statutes 462.3597.

### **3.39 Application for Interim Use**

Any person having a legal or equitable interest in a property may file an application to use such land for one or more interim uses. An application for interim use shall be filed with the Zoning Administrator on an approved form, as specified in Section 3.10, and shall be accompanied by such information as is requested by the Zoning Administrator to facilitate review.

### **3.40 Hearing on Application for Interim Use**

The Planning Commission shall hold a public hearing on each valid and complete for an interim use as provided in Section 3.11. After the close of the hearing on a proposed interim use, the Planning Commission shall make findings, pursuant to Section 3.42, and shall submit the same together with its recommendations to the City Council.

### **3.41 Action by City Council on Interim Uses**

The City Council shall make the final decision regarding all applications for interim use. Approval shall require a supermajority vote (two-thirds) of the City Council.

### **3.42 Interim Use Findings and Conditions**

- (A) *Required findings.* The City Council shall make the following findings in order to approve an interim use:
- (1) The proposed interim use will utilize property where it is not reasonable to utilize it in a manner provided for in the City's Land Use Plan.
  - (2) The proposed interim use is presently acceptable but, given anticipated development, will not be acceptable in the future.
- (B) *Conditions and guarantees.* Any City Council approval of an interim use shall be subject to the following conditions:
- (1) Except as otherwise authorized by this section, an interim use shall conform to this ordinance as if it were established as a conditional use.
  - (2) The date or event that will terminate the interim use shall be identified with certainty.
  - (3) In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
  - (4) Such conditions and guarantees as the City Council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this ordinance and policies of the Land Use Plan.

### **3.43 Termination of Interim Use**

An approved interim use shall terminate upon the occurrence of any of the following events:

- (A) The termination date specified with approval of the interim use.
- (B) Any violation of the conditions under which the interim use was approved.
- (C) A change in this ordinance which would render the use non-conforming.

## ARTICLE 9. VARIANCES

### **3.44 Purpose of Variances**

Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause practical difficulties due to special conditions or circumstances unique to a site. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.

### **3.45 Application for Variance**

Any person having a legal or equitable interest in a property may file an application for one or more variances. An application for a variance shall be filed with the Zoning Administrator on an approved form as specified in Section 3.10, and shall be accompanied by a site plan and any other information deemed necessary by the Zoning Administrator to facilitate review.

### **3.46 Hearing on Application for Variance**

The Planning Commission shall hold a public hearing on each valid and complete application for a variance as provided in Section 3.11. After the close of the hearing on a proposed variance, the Planning Commission shall make findings, pursuant to Section 3.48, and shall submit the same together with its recommendations to the City Council.

### **3.47 Action by City Council on Variances**

The City Council shall make the final decision regarding all applications for variance from the provisions of this ordinance. Approval shall require a majority vote of the City Council. A previous variance may not and must not be considered to have set a precedent for the granting of future variances. Each case must be considered alone and on its own merits.

### **3.48 Required Findings for Variance**

- (A) *Prerequisites for approval.* The City Council shall not vary the regulations of this ordinance, unless it makes each of the following findings based upon the evidence presented to it in each specific case:
  - (1) Is the variance in harmony with the purposes and intent of the *ordinance*?
  - (2) Is the variance consistent with the *comprehensive plan*?
  - (3) Does the proposal put property to use in a *reasonable manner*?
  - (4) Are there *unique circumstances* to the property not created by the landowner?
  - (5) Will the variance, if granted, alter the *essential character* of the locality?
- (B) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, are defined as follows:

- (1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
  - (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - (3) The variance, if granted, will not alter the essential character of the locality.
- (C) *Economic considerations and/or applicant preference*, alone, do not constitute “practical difficulties.” Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, Subd. 14. Neither the Board of Appeals and Adjustment, nor the City Council, may permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located.

**3.49 Variance Conditions and Guarantees**

The City Council may impose such conditions on any proposed variance and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this ordinance and the City’s Land Use Plan.

**3.50 Expiration of Variance**

Whenever within one year after granting a variance or appeal the work as permitted by the variance or appeal shall not have been completed, then the variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Council. The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original variance or appeal. There shall be no charge for the filing of the petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. The petition shall be presented to the Planning Commission for a recommendation and to the Council for a decision.

**ARTICLE 10. VACATIONS OF STREET, EASEMENT, OR OTHER PUBLIC RESERVATIONS**

**3.51 Purpose of Vacation**

This ordinance makes provision for the vacation of streets, alleys, or other public reservations of land, when it is demonstrated that such public reservation of land does not, or no longer, serves a clearly identified public purpose.

**3.52 Petition of Vacation**

No public grounds, streets or alleys shall be vacated except upon the Council's own motion or upon the petition directed to the Council of a majority of the owners of property on the line of the public grounds, streets or alleys residing within the City, and completion of the procedure hereinafter specified. The petition shall set forth the reasons for the desired vacation, accompanied by a plat of the public grounds, streets or alleys proposed to be vacated, and the petition shall be verified by the oath of a majority of the petitioners residing within the City.

**3.53 Hearing on Application for Vacation**

The City Administrator shall give notice of the hearing by publication once at least 15 days in advance of the hearing, and by mail to the last known address of all of the owners of property on the line of the public grounds, streets or alleys proposed to be vacated at least ten days in advance of the hearing, the last known addresses to be obtained from the office of the County Auditor. The notice shall in brief state the object of the hearing, the time, place and purpose thereof, and the fact that the Council, or a board or commission designated by it shall hear the testimony and examine the evidence of the parties interested.

If, in the discretion of the Council, it is expedient that the matter be proceeded with, it may under the petition filed for record with the City Administrator, order a hearing on the petition and fix the time and place of the hearing as provided in Section 3.11.

### **3.54 Action by City Council on Vacation**

The Council, after hearing the same, or upon the report of the board or commission designated to hold the hearings, may, by ordinance approved by a majority of the Council, declare such public grounds, streets or alleys vacated. Upon passage, the ordinance shall be certified by the City Administrator and shall be filed for record and duly recorded in the office of the County Recorder in and for Redwood County, Minnesota.

### **3.55 Required Findings for Vacation of Street, Alley, or other Public Reservation**

Unless specified otherwise, the vacation of any public ground, street, alley or segment thereof under this section shall not destroy or interfere with the right of any person, corporation or municipality owning or having control of any electric light or telephone pole or lines existing upon the street at the time of the vacation thereof or with any sewer or water pipes, mains or hydrants thereon or thereunder to enter upon the street or portion thereof vacated for the purpose of repairing the same or otherwise attending thereto.

The City Council shall make the following findings in granting approval of the vacation of a street, alley, or other public reservation:

- (A) No private rights will be injured or endangered as a result of the vacation.
- (B) The public will not suffer loss or inconvenience resulting from the granting of the requested vacation.
- (C) No written objection has been received, prior to the public hearing, from an adjacent property owner who did not join in the application.

### **3.56 Property Interests After a Vacation**

When a street is lawfully vacated, the easement granting the public the right to travel the street ceases to exist, the title to the land under the street reverts to the underlying fee owners of the property for their exclusive use and enjoyment. There shall be no compensation to the City for loss of the vacated street. Once a street has been vacated, the vacation means a permanent loss of the City's interest of that street.

## ARTICLE 11. OTHER DEVELOPMENT APPROVALS AND PERMITS

### **3.57 Subdivision Approval**

Procedures for approval of minor subdivisions, preliminary plats, and final plats are specified within Chapter 16, Subdivision Regulations.

### **3.58 Planned Unit Development**

Procedures for approval of a planned unit development are specified in Chapter 15, Planned Unit Development District. Shoreland Planned Unit Developments will also be subject to the standards of Chapter 14, Overlay and Special Districts, Article 4, Shoreland Management District.

### **3.59 Building Permit**

Building permits are required in accordance with the adopted building code. No building permit shall be issued unless the proposed construction or use is in conformance with the requirements of this ordinance and all necessary zoning approvals have been granted.

### **3.60 Certificate of Occupancy**

The Zoning Administrator shall review all requests for certificate of occupancy, except in the case of a single or two-family residential use, to ensure compliance with this ordinance and with the terms of any zoning approvals that were required for the project. No certificate of occupancy shall be issued for any building or use until all required improvements and conditions of approval have been satisfied. A temporary certificate of occupancy may be issued in cases where a project is substantially complete and lacks only non-essential site improvements.

### **3.61 Sign Permits and Variances**

All signs displayed within the City are subject to the permit requirements and standards identified in Chapter 10, Signs.

### **3.62 Site plan Approval**

Approval of a site development plan is required prior to approval of a building permit for most uses, as is specified in Chapter 5, Site Plan Review.

## ARTICLE 12. ENFORCEMENT

### **3.63 Complaints Regarding Violations**

The Zoning Administrator shall have the authority to investigate any complaint alleging a violation of this ordinance or the conditions of any zoning approval and to take such action as is warranted in accordance with the procedures set forth in this chapter.

### **3.64 Violations**

It is unlawful for any person to violate the provisions of this section or fail to comply with any of its requirements (including violations of conditions and safeguards established in connection with building permits, shoreland alteration permits, grants of variances or conditional uses).

### **3.65 Procedures Upon Discovery of Violations**

- (A) *Notice of violation.* The Zoning Administrator shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. The written notice shall advise that the Zoning Administrator's decision or order may be appealed to Planning Commission in accordance with the provisions of Section 3.12. Additional written notices may be provided at the Zoning Administrator's discretion.
- (B) *Enforcement without notice.* Whenever the Zoning Administrator finds that an emergency exists in relation to the enforcement of the provision of this ordinance which requires immediate action to protect the health, safety, or welfare of occupants of any structure, or the public, the Zoning Administrator may seek immediate enforcement without prior written notice, notwithstanding any other provision of this ordinance.

### **3.66 Violation and Penalties**

Any person, firm, or corporation violating any of the provisions of this ordinance or any amendment thereto is guilty of a misdemeanor. Fines and imprisonment are appropriate as a penalty for violations and a deterrent against future violations.

## **Chapter 4    Non-Conformities**

### **4.01    Purpose**

It is the purpose of this Chapter to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. This chapter establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this section that all non-conforming uses shall be eventually brought into conformance with the City code.

### **4.02    Continuance of non-conforming situations**

Any structure or use lawfully existing on the effective date of this chapter, or amendments hereto, shall not be enlarged, but may be continued at the size and in the manner of operation existing upon the date except as hereinafter specified or, subsequently amended.

- (A)    In general. Legal non-conforming situations shall be allowed to continue as long as they remain otherwise lawful, subject to the provisions of this chapter. Non-conforming situations that were not lawfully in existence on the effective date of this ordinance shall be prohibited.
- (B)    Change of tenant or ownership. A change of tenancy, ownership, or management of any non-conforming situation shall be allowed, provided there is no change in the nature or character of such non-conforming situation, except as otherwise provided by this chapter.

### **4.03    Non-conforming use restrictions**

- (A)    Nothing in this chapter shall prevent the placing of a structure in safe condition when the structure is declared unsafe by the Building Official providing the necessary repairs shall not constitute more than 50% of fair market value of the structure. The value shall be determined by the County Assessor.
- (B)    When a non-conforming principal use has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- (C)    Repair, replacement, restoration, maintenance and improvement of a structure containing or related to a non-conforming use are permitted, except as provided in subsection (F) below.
- (D)    Whenever a lawful non-conforming use of a structure or land is discontinued for a period of one year, following written notice from the Building Official pursuant to Council authorization, any future use of the structure or land shall be made to conform with the provisions of this chapter.
- (F)    If, at any time, a non-conforming building, structure or use shall be destroyed to the extent of more than 50% of its fair market value, the value to be determined by the County Assessor, then without further action by the Council, the building and the land on which the building was located or maintained shall, from and after the date of the destruction, be subject to all the regulations specified by these zoning regulations for the district in which the land and buildings are located. Any building which is damaged to an extent of less than 50% of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Building Official.
- (G)    A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.
- (H)    No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted on the effective date of this

chapter, or amendments hereto, unless the movement shall bring the non-conformance into compliance with the requirements of this chapter.

**4.04 Non-conforming buildings or structures**

- (A) A principal or accessory building or structure which is non-conforming due to dimensions or setbacks from property lines may be expanded in compliance with the following:
  - (1) The addition or alteration does not increase the degree of non-conformity or further infringe upon established setbacks or building restrictions.
- (B) Normal Repairs, replacement, restoration, maintenance, and improvement of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use, except as provided in subsection (C) below.
- (C) A non-conforming building or structure which is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, as determined by the City Assessor and Building Official and no building permit has been applied for within 180 days of when the property is damaged, shall not be restored except in conformance with the City code.
- (D) If a non-conforming structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located.
- (E) Whenever a lawful non-conforming use of a structure or land is discontinued for a period of one year, following written notice from the Building Official pursuant to Council authorization, any future use of the structure or land shall be made to conform with the provisions of this chapter.
- (F) Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or the lot area coverage of the building.
- (G) Any proposed structure which will, under this chapter, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this chapter, or amendments hereto, may be completed in accordance with the approved plans; provided construction is started within 60 days of the effective date of this chapter, or amendments thereto, is not abandoned for a period of more than 120 days, and continues to completion within two years. Such structure and use shall thereafter be a legally non-conforming structure and use.

## Chapter 5 Site Plan Review

### ARTICLE 1. GENERAL PROVISIONS

#### **5.01 Purpose**

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

#### **5.02 Uses Subject to Site Plan Review**

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

- (A) The use is established in an existing building that has received site plan approval, and the establishment of the use does not alter the approved site plan for the property.
- (B) Proposed modifications are strictly related to the interior of the building.
- (C) Modifications, additions, or enlargements to a building which do not increase the gross floor area by more than five-hundred (500) square feet or ten (10) percent, whichever is less, and which do not require a variance from the provisions of this ordinance.
- (D) Grading or site preparation that results in minor modifications to the existing site, as approved by the City Engineer.

#### **5.03 Site plan Requirements**

- (A) *In general.* Except in those instances specified in Section 5.02, site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, such plan shall also be subject to the requirements established within this chapter.
- (B) *Required information.* All site plans shall be drawn to scale and shall contain the following information, unless otherwise specifically waived by the Zoning Administrator:
  - (1) A vicinity map which shall include the location of any railroads, major streams or rivers, and public streets in the vicinity of the site.
  - (2) The boundaries and dimensions shown graphically, along with a written legal description of the property.
  - (3) The present and proposed topography of the site and adjacent areas within fifty (50) feet by contour lines at an interval of not more than five (5) feet, and by use of directional arrows, the proposed flow of storm water runoff from the site.
  - (4) The location of existing and proposed structures, with height and gross floor area appropriately noted.
  - (5) The location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and sidewalks.
  - (6) The location, height, and material for screening walls and fences.

- (7) The type of surfacing and base course proposed for all parking areas, loading areas, and walkways.
- (8) The location of all existing and proposed water lines, hydrants, sanitary sewer lines and storm drainage systems.
- (9) Existing and proposed public streets or rights-of-way, easements, or other reservations of land on the site.
- (10) The location and method of screening of outdoor trash storage areas.
- (11) The location and size of all proposed signage.
- (12) The location and height of proposed lighting facilities.
- (13) Elevation views of all proposed buildings or structures, with building materials and proposed colors noted.
- (14) When a site is to be developed in stages, the plan should indicate the ultimate development of the site and proposed developmental phases.

#### **5.04 Administrative Site Plan Review**

- (A) *In general.* The Development Review Committee shall conduct the administrative review of all site plan approval requests. All findings and decisions of the Committee shall be final, subject to appeal to the Planning Commission and City Council, as specified in Section 3.12.
- (B) *Required findings.* The Development Review Committee shall make each of the following findings before approving a site plan approval request:
  - (1) The site plan conforms to all applicable standards within this chapter.
  - (2) The site plan conforms to all applicable regulations of this ordinance and is consistent with the applicable policies of the Land Use Plan.
  - (3) The site plan is consistent with any applicable functional or special area plans or development objectives adopted by the City Council.
  - (4) The site plan minimizes any adverse effects of property in the immediate vicinity and minimizes congestion of the public streets.
- (C) *Conditions of site plan approval.* The Development Review Committee may impose conditions on any proposed site plan and require such guarantees as it deems necessary for the protection of the public interest and to ensure compliance with the standards and purposes of this ordinance, the applicable policies of the Land Use Plan, and any special land use plans adopted by the City Council.
- (D) *Changes to approved site plan.* An approved site plan may not be changed, modified, or altered in any manner without the approval of the City. In such cases where proposed changes are minor in nature, as determined by the Zoning Administrator, a revised site plan may not be required. In all other cases, a revised site plan shall be re-submitted for consideration by the Development Review Committee.
- (E) *Expiration of approved site plan.* Unless a written extension request is submitted to and approved by the Zoning Administrator, an approved site plan shall expire upon either of the following conditions:
  - (1) A new site plan for the property is submitted to and approved by the Development Review Committee.
  - (2) A building permit has not been issued within two (2) years from the date of site plan approval.

- (F) *Inspection and enforcement.* Prior to issuance of a certificate of occupancy for any use not exempted within Section 5.02, the Zoning Administrator shall conduct an inspection to determine compliance with the conditions set forth on the approved site plan for the project. A temporary certificate of occupancy may be issued without completion of all elements on the site plan, provided written assurance is given that all improvements will be completed with a timeline that is approved by City staff.

## ARTICLE 2. BUILDING AND SITE DESIGN GUIDELINES

### **5.05 Purpose**

Building and site design guidelines, as established in this section, are for the purpose of promoting quality development in terms of attractiveness, convenience, ease of access, and compatibility with surrounding uses. These guidelines are intended to be general in nature and are not intended to restrict creativity, variety, or innovation. However, unless site characteristics or conditions dictate otherwise, the City's expectation is that these guidelines be adhered to. In cases where building and site design standards are specific in nature and required as part of this ordinance, such standards are noted within the individual zoning district chapters.

### **5.06 Architectural Consistency**

- (A) *In general.* Building materials for all projects should be durable, require low maintenance, and be of the same or better quality than those used at surrounding properties. Special care should be given to those elevations that face a public street or residential area, with quality building materials selected that will enhance the surrounding neighborhood or view from the street.
- (B) *Architectural variety.* Buildings design and finish colors should be consistent or compliment neighboring structures. Colors that are not consistent with neighboring structures because they are of bold or bright color palettes shall not be used. Doors, screening walls, or other architectural features should be painted or finished to complement the color of the building.
- (C) *Signage.* Signage should be integrated as an architectural element, with attention given to the color, scale, and orientation of all proposed signs in relation to the overall design of the building.

### **5.07 Site Layout Guidelines**

- (A) *Existing site features.* Site design, where feasible, should incorporate existing topography and natural features, such as hillsides, wooded areas, and greenways. Important vistas and viewpoints, both from the site and into the site, should be protected and enhanced.
- (B) *Building arrangement.* When multiple buildings are proposed for a site, care should be taken to provide maximum street exposure for all buildings. Pad site buildings should be located using elevations and angles that do not inhibit the view of other buildings on the site.
- (C) *Service and docking facilities.* Loading, delivery, and service bays should be oriented away from existing residences and public streets. When site considerations do not allow for such orientation, such service and docking areas should be screened from view through the provision of walls, fencing, or landscaping. Industrial zoning districts are exempt from these screening requirements.
- (D) *Lighting.* Lighting location should provide for security and visual interest while limiting impact on adjacent properties. All light sources adjacent to residential properties shall be shielded from view, with illumination directed in a manner to prevent bleeding and glare onto adjacent properties and public right-of-way. Additionally, parking and loading areas should be located in such a manner to minimize the chance of headlights shining into residential windows. Performance standards related to glare and lighting are further specified in Section 7.34.

- (E) *Drive-through facilities.* Drive-through facilities, where permitted in the applicable zoning district, are permitted when the resulting traffic patterns are safe, easily understood, and provide sufficient stacking space based on the requirements shown in Section 9. Drive-through windows should be placed on an elevation that does not face a public street. Loudspeakers should be so directed to avoid the creation of a nuisance for adjacent properties.
- (F) *Public safety through site design.* Site plans should employ design principles aimed at crime prevention, such as the promotion of natural surveillance and visibility, minimization of the number of entrances and exits to the site, and clear distinction between public and non-public spaces.
- (G) *Stormwater management.* Site design should utilize practices to minimize off-site stormwater runoff, increase on-site filtration, and minimize the discharge of pollutants to ground water and surface water. Consideration should be given to reducing the need for stormwater management facilities by incorporating the use of natural topography and existing land cover. Design should also discourage stormwater from adjacent properties.

**5.08 Vehicular Access and Circulation**

- (A) *In general.* Vehicular circulation should be designed to minimize conflicts with pedestrian access and circulation within surrounding residential areas. Primary access should be from streets designed to handle higher traffic volumes, rather than from streets whose primary purpose is to serve residential areas.
- (B) *Entrance and exits.* All entrances and exits should be designed to facilitate efficient and safe traffic flow for both inbound and outbound traffic. Parking spaces that require backing into an entrance or exit drive are discouraged. Figure 5-1 illustrates a site with efficient separation between access driveways and parking areas.

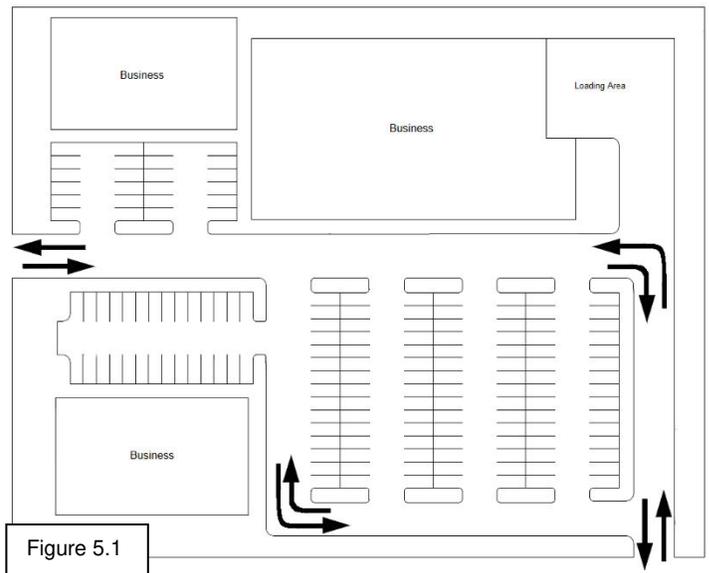


Figure 5.1

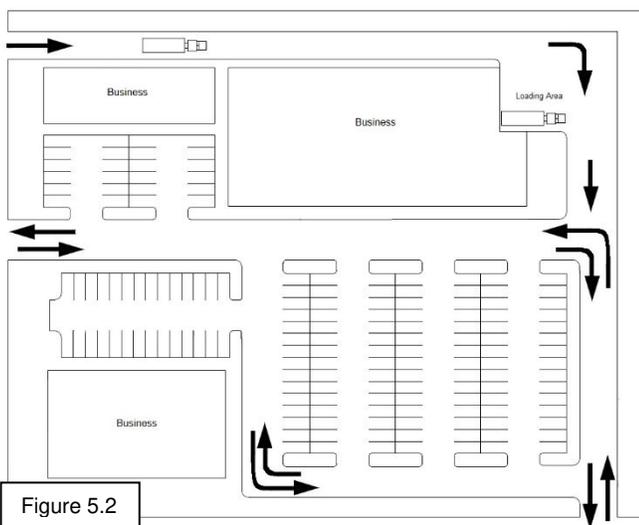


Figure 5.2

areas while avoiding movement through parking areas, as shown in Figure 5-2.

- (C) *Internal traffic circulation.* Internal traffic circulation patterns should be easily understood, allow for efficient movement of traffic, and be designed in such a way to reduce the potential for traffic accidents. When multiple buildings are proposed as part of a development, the use of access easements is encouraged to ensure adequate access in the event of any property ownership changes.
- (D) *Snow storage and removal.* Adequate areas for snow storage should be provided on site in order to eliminate the utilization of access drives and parking areas for such purposes.
- (E) *Service and delivery access.* Reasonable access for service and delivery vehicles should be provided which does not conflict with pedestrian or general vehicle use of the site. Access points for such vehicles should provide as direct a route as possible to service and loading dock

## ARTICLE 3. LANDSCAPING AND SCREENING

### **5.09 Purpose**

Landscaping and screening requirements are established to transition between uncomplimentary land uses, to screen unsightly views, to reduce noise, glare, and stormwater runoff, and to generally enhance the quality and appearance of development within the City.

### **5.10 Landscape Plan Required**

- (A) *In general.* A landscape plan shall be required in support of a site plan or building permit for all new construction, remodeling, or expansion of commercial, industrial, or multi-family residential uses.
- (B) *Review.* The Zoning Administrator shall review all landscape plans for compliance with the landscaping and screening requirements outlined within this chapter. For the purposes of this section, all calculations regarding the number of required plantings shall be rounded to the nearest whole number, unless indicated otherwise.
- (C) *Plan contents.* All landscape plans submitted for approval shall contain, at a minimum, the following information:
  - (1) North point and scale.
  - (2) The boundary lines of the property with accurate dimensions.
  - (3) The location of all driveways, parking areas, sidewalks, structures, utilities, or other features, existing or proposed, affecting the landscaping and screening of the site.
  - (4) The location, size, and identification of all existing trees, shrubs, and other vegetation intended for use in meeting the planting requirements of this chapter.
  - (5) The location, common name, size, and quantity of all proposed landscape materials.
  - (6) Proposed seeding or sodding plans for all disturbed areas, including the type of ground cover and method of application.
  - (7) The location and height of any proposed earth berms, fences, or other measures used to satisfy the screening requirements of this chapter.

### **5.11 Landscape Design Requirements**

Landscape design shall serve to provide visually interesting open space, to reduce the potential negative impact of development on adjacent land uses, and to facilitate the preservation and reestablishment of plants native to the region. The following items are required in developing a landscape plan for submittal to the City:

- (A) The overall composition and location of landscaped areas should complement the scale of the development and its surroundings.
- (B) Plant materials should be selected and arranged to prevent blocking or obscuring of required site lighting during all stages of plant growth.
- (C) Plantings at intersections or driveway entrances shall be arranged to allow a permanently clear, safe sight distance.
- (D) Trees or shrubs shall not be planted under existing or proposed utility lines when their ultimate height may interfere with the lowest lines.

- (E) Trees and shrubs shall not be placed over underground drainage and shall maintain adequate distance from storm sewers, sanitary sewers, and water lines to prevent roots from entering such facilities.
- (F) Landscaped areas should be of adequate size to promote proper plant growth and to protect plantings from pedestrian traffic, vehicle traffic, and other types of concentrated activity.
- (G) Landscaped areas and plantings should be located in a manner to prevent spread onto adjacent properties or right-of-way, and to allow adequate room for proper maintenance.

**5.12 Landscaping Requirements, Single and Two-Family Residential Uses**

Trees are permitted in all yards of residential uses, except in line of sight triangle on corner lots. Trees/bushes/plants that have the potential to grow large in size shall be planted no closer than five (5) feet to the property line. Those trees/bushes/plants shall be maintained to not burden other property owners. All remaining lot area not used for structures, parking area, or driveway shall be landscaped with traditional grasses that shall be maintained, and lot area may be landscaped with ground cover (i.e. mulch or rocks), or other perennial flowering plants, vines, shrubs, or trees.

**5.13 Landscaping Requirements, Industrial Districts**

- (A) The base number of landscape plantings required on industrially zoned properties shall be determined by the percent of impervious surface on the property as shown in the following table. For the purposes of this section, all calculations regarding the number of required plantings shall be rounded to the nearest whole number.

Percent Impervious Surface	Base Plantings Required
0-19%	3 plantings/ Acre
20-39%	4 plantings/ Acre
40-59%	5 plantings/ Acre
60-79%	6 plantings/ Acre
80-100%	7 plantings/ Acre

- (B) *Shrub Plantings.* No more than 1/3 of the total required plantings shall be shrubs. Perennials and annuals shall not qualify as shrubs.
- (C) *Tree Plantings.* A minimum of 1/3 of the required plantings shall be a hearty species and native to the region.
- (D) *Planting Locations.* A minimum of 50% of the required base plantings shall be located within the required front building setback areas. If the property has more than one street frontage, the plantings required within this section shall be evenly divided between the street frontages.
- (E) *Lawn coverage.* All areas, excluding those within the public right-of-way, which are disturbed by grading and not built upon, paved, retained as natural area, or covered with other landscaping materials shall be seeded or sodded to provide complete coverage. Disturbed areas located within the public right-of-way shall be sodded or seeded.
- (F) *Screening.* When screening is required, as stated in other sections of this ordinance, the following standards shall apply:
  - (1) The screening shall be a minimum of six (6) feet in height.
  - (2) The screening shall have a minimum of 90% opacity.
  - (3) If landscaping is used for the screening, the plantings shall be evergreen and a minimum of six (6) feet in height when planted. A 90% opacity level shall be obtained within two years.

- (4) Screening shall be required when the area is visible from one of the following areas:
  - (a) A residential zoning district or use
  - (b) A public park, trail, or open space
  - (c) A State or County Highway

**5.14 Landscaping Requirements, all Other Uses**

- (A) The base number of landscape plantings required for all other uses shall be determined by the percent of impervious surface on the property as shown in the following table. For the purposes of this section, all calculations regarding the number of required plantings shall be rounded to the nearest whole number

Table 5.2	
Percent Impervious Surface	Base Plantings Required
0-19%	5 plantings/ Acre
20-39%	7 plantings/ Acre
40-59%	8 plantings/ Acre
60-79%	10 plantings/ Acre
80-100%	12 plantings/ Acre

- (B) *Shrub Plantings.* No more than 1/3 of the total required plantings shall be shrubs. Perennials and annuals shall not qualify as shrubs.
- (C) *Tree Plantings.* A minimum of 1/3 of the required plantings shall be a hearty species and native to the region.
- (D) *Planting Locations.* A minimum of 50% of the required base plantings shall be located within the required front building setback area. If the property has more than one street frontage, the plantings required within this section shall be evenly divided between the street frontages.
- (E) *Lawn coverage.* All areas, excluding those within the public right-of-way, which are disturbed by grading and not built upon, paved, retained as natural area, or covered with other landscaping materials shall be seeded or sodded to provide complete coverage. Disturbed areas located within the public right-of-way shall be seeded or sodded. Disturbed areas located within the public right of way unmaintained ditch areas may be seeded, subject to approval by the City Engineer.
- (F) *Screening.* When screening is required, as stated in other sections of this ordinance, the following standards shall apply:
  - (1) The screening shall be a minimum of six (6) feet in height.
  - (2) The screening shall have a minimum of 90% opacity.
  - (3) If landscaping is used for the screening, the plantings shall be evergreen and a minimum of six (6) feet in height when planted. A 90% opacity level shall be obtained within two years.
  - (4) Screening shall be required when the area is visible from one of the following areas:
    - (a) A residential zoning district or use
    - (b) A public park, trail, or open space
    - (c) A State Highway, or County Highway

### **5.15 Installation and Maintenance of Required Landscaping and Buffering Methods**

- (A) *In general.* All landscaping materials depicted on plans approved by the City shall be considered as required elements of the project.
- (B) *Installation requirements.* All landscape material and required screening shall be installed prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued without the installation, provided a financial security shall be submitted, in an amount established by the City Council, to ensure the remaining improvements are completed. The remaining improvements shall be installed when weather conditions are favorable.
- (C) *Maintenance and care.* The landowner shall be responsible for the continued maintenance of landscape materials to remain in compliance with all requirements of this chapter. Plant material that exhibits evidence of insect pests, disease, or damage shall be appropriately treated and dead plants promptly removed and replaced within the next planting season.
- (D) *Inspection.* All landscaping shall be subject to periodic inspection by the Zoning Administrator. Landscaping that is not installed, maintained, or replaced as needed to comply with the approved landscape plan shall be considered in violation of the terms of the site plan or building permit. The landowner shall receive notice of such violation in accordance with code enforcement requirements as specified in Section 3.64.

### **5.16 Substitutions or Reductions of Required Landscaping**

The Zoning Administrator may approve the substitution or reduction of planting requirements where one or more of the following conditions are shown to exist:

- (A) The proposal will allow site development that is more consistent with the historic nature of the area.
- (B) Existing plant materials, walls, fences, or the topography of the site and its surroundings make the required landscaping less necessary.
- (C) The required landscaping would hinder truck access and service necessary to the operation of the use or create a hazard by obstructing a motorist's view of traffic.
- (D) The required landscaping would reduce necessary surveillance of the site for security purposes.

## **Chapter 6 Zoning Districts and Maps**

### **6.01 Establishment of Zoning Districts**

In order to carry out the purposes and provisions of this ordinance, the City shall be divided into the following districts:

1. Residential Districts
  - R-R Rural Residential Space District
  - R-1 Single Family/Estate Living Residential District
  - R-2 Single and Two Family Residential District
  - R-3 Restricted Multiple-Family Residential District
  - R-4 Multiple Family Residential District
  - R-M Manufactured Home Park District
  - R-B Residential-Business District
  
2. Business Districts
  - B-1 Limited Neighborhood Business District
  - B-2 Limited Community Retail Business District
  - B-3 Auto-Oriented Business District
  - B-4 Central Business District
  
3. Industrial Districts
  - I-1 Limited Industrial District
  - I-2 General Industrial District
  
4. Overlay District
  - Airport District
  - Shoreland District
  - Floodplain District
  - Wetland District
  - Planned Unit Development

### **6.02 Primary and Overlay Districts**

Primary zoning districts include the districts listed in Sections 6.01 (1) through (3). All property in the City shall be located within a primary zoning district. Overlay districts shall include the districts listed in Section 6.01 (4).

### **6.03 Official Zoning Map**

The locations and boundaries of the zoning districts established by this ordinance shall be set forth on the official zoning map, to be maintained by the Zoning Administrator. The official zoning map is incorporated herein by reference.

### **6.04 Interpretation of District Boundaries**

The following rules shall be used to determine the precise location of any zoning district boundary, as shown on the official zoning map:

- (1) Boundaries shown as following or approximately following the municipal limits shall be construed as following such limits.
- (2) Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets.
- (3) Boundary lines that follow or approximately follow platted lot lines or other property lines as shown on the zoning map shall be construed as following such lines.

- (4) Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- (5) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- (6) Boundaries shown as following or approximately following shorelines of any lakes shall be construed to follow the mean high water line of such lakes, and, in the event of change in the ordinary high water line, shall be construed as moving with the actual mean high water line.
- (7) Boundaries shown as following, or approximately following, the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses taken at mean low water, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (8) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in numbers (1) through (7) above shall be construed to be parallel to such features and at such distances there from as shown on the zoning map.
- (9) Appeals concerning the exact location of zoning district boundary lines shall be made to the Planning Commission and City Council, as specified in Section 3.12.

#### **6.05 Property within Two or More Zoning Districts**

Where a single parcel of land is bisected by one (1) or more zoning district boundary lines, land in the more restrictive district shall not be included as a part of the required yards or minimum lot area for any structures or uses not allowed in said district.

#### **6.06 Designation of Annexed Property**

Annexed property shall be placed within the R-R, Rural Residential District, unless special action is taken at the time of annexation to designate it otherwise.

## Chapter 7 General Regulations

### ARTICLE 1. GENERAL PROVISIONS

#### **7.01 Purpose**

This chapter is established to provide regulations of general applicability for property throughout the City, to promote the orderly development and use of land, to protect and conserve the natural environment, to minimize conflicts among land uses, and to protect the public health, safety, and welfare.

#### **7.02 Applicability**

The regulations set forth in this chapter apply to all structures and all land uses, except as otherwise provided in this ordinance.

#### **7.03 Mechanical Equipment**

- (A) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one of the following methods:
- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall, or similar structure. Such screening structure shall comply with the following standards:
    - (a) The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
    - (b) The required screening shall be constructed with materials that are architecturally compatible with the structure.
    - (c) Off-premise advertising signs and billboards shall not be considered required screening.
  - (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes, or similar vegetation as stated in section 5.13 or 51.4.
  - (3) *Screened by the structure it serves.* Mechanical equipment on, or adjacent to, a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
  - (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.
- (B) *Exceptions.* The following mechanical equipment shall be exempt from the screening requirements of this section:
- (1) Minor equipment not exceeding one (1) foot in height.
  - (2) Mechanical equipment accessory to a single or two-family dwelling.
  - (3) Mechanical equipment located in an industrial district not less than three hundred (300) feet from a residence or residential zoning district.

#### **7.04 Screening of Trash Enclosures**

Trash or recycling collection areas, when provided for any property other than one containing a single or two-family residential use, shall be enclosed on at least three (3) sides by opaque screening at least six (6) feet in height. The open side of the enclosure shall not face any street or the front yard of any abutting property.

## ARTICLE 2. LOT CONTROLS

### **7.05 Purpose**

Lot controls are established to provide for the orderly development and use of land, to minimize conflicts among land uses, and to provide adequate light, air, open space, and separation of uses.

### **7.06 Zoning Lots**

No part of an existing zoning lot shall be used as a separate zoning lot or for the use of another zoning lot, except as otherwise provided in this ordinance.

### **7.07 Minimum Lot Area**

Lot area requirements shall be as specified in the applicable zoning district in which a zoning lot is located. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements identified within this ordinance.

### **7.08 Division of Zoning Lot**

No zoning lot shall be divided into two (2) or more zoning lots unless all zoning lots resulting from such division conform to all applicable regulations of this ordinance.

### **7.09 Street Frontage**

Each lot shall have frontage on a public street at a width satisfying the requirements specified for each zoning district. In the case of a condominium, unified shopping center, or planned unit development, the entire site shall be considered one zoning lot.

### **7.10 Limited Principal Buildings in Residential Districts**

There shall be no more than one (1) principal building on one (1) zoning lot in any residential district except as part of a planned unit development.

### **7.11 Required Setbacks**

Setback requirements shall be as specified in the applicable zoning district. Setbacks provided for an existing structure or use shall not be reduced below, or further reduced if already less than, the minimum requirements of this ordinance for equivalent new construction, except as otherwise provided in Section 3.04

### **7.12 Setback Encroachments**

All required setbacks shall remain open and unobstructed from ground level to the sky, subject to the following permitted obstructions. In no case, however, shall the identified permitted obstructions be located closer than one (1) foot to a property line, except for fences.

- (1) Cornices, canopies, eaves, and other ornamental features, provided they do not extend more than three (3) feet into a yard.
- (2) Chimneys, fire escapes, uncovered stairs, ramps and necessary landings, bay windows, balconies, uncovered decks or porches, provided they do not extend more than four (4) feet into a yard.
- (3) Vestibules, greenhouses, or structures for energy conservation, provided they do not extend more than four (4) feet into a yard.
- (4) Driveways and parking areas, subject to the provisions established in Chapter 9, Off-Street Parking and Loading.
- (5) Recreational playground equipment.

- (6) Fences in compliance with Sections 7.25 and 7.26.
- (7) Accessory buildings in compliance with Sections 7.17 through 7.19.
- (8) Air-conditioning, heating, ventilation, or other mechanical equipment, subject to the screening requirements specified in Section 7.03. In no case, however, shall such equipment be located in the front yard area or closer than five (5) feet to a side or rear property line.
- (9) Containers for storage of household refuse, compost, or firewood.
- (10) Signs in compliance with the provisions of Chapter 10, Signs.

**7.13 Corner Lots**

On a corner lot, one of the lot lines that abuts the street shall be considered a front lot line and the other shall be considered a corner side lot line. Establishment of the front lot line shall be based on the orientation of the existing or proposed building.

**7.14 Through Lots**

On a through lot, both lot lines that abut the street shall be considered front lot lines. The required front setback shall be provided and maintained along each front lot line.

**7.15 Structure Height**

- (A) *In general.* The building height limitations established in each separate zoning district shall apply to all buildings and structures, with the exception of the following:
  - (1) Church steeples, spires, or belfries.
  - (2) Chimneys or flues.
  - (3) Cupolas and domes which do not contain useable space.
  - (4) Flagpoles.
  - (5) Mechanical or electrical equipment.
  - (6) Monuments.
  - (7) Parapet walls extending not more than three (3) feet above the limiting height of the building.
  - (8) Communication antennas and towers in accordance with the standards identified in Section 6.23.
  - (9) Towers, poles, or other structures for essential services.
  - (10) Water towers.
- (B) *Limits.* No excluded roof equipment or structural element extending beyond the defined height of a building may occupy more than twenty-five (25) percent of the roof area.

**ARTICLE 3. PROTECTION OF NATURAL FEATURES**

**7.16 Protection of Natural Features**

- (A) *In general.* All developments shall be located so as to preserve the natural features of the site, to avoid areas of environmental sensitivity, to minimize the creation of impervious surface area, and to minimize negative impacts on the alteration of the natural environment. The following areas shall be preserved as

undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable federal, state, or local regulations:

- (1) *Shorelands.* Lands within the Shoreland Management District shall be governed by the regulations specified in Chapter 13, Overlay and Special Districts.
- (2) *Wetlands.* No development, grading or filling, alteration of the natural character of the land, or construction of buildings or structures shall occur within any vegetated wetland, except in compliance with the Minnesota Wetland Conservation Act of 1991.
- (3) *Vegetated areas.* Significant trees or plant communities, including remnant stands of native trees or prairie grasses, trees or plant communities that are rare to the area or of particular landscape significance.
- (4) *Steep slope areas.* Development on slopes of eighteen (18) percent or greater shall be prohibited. Where no practicable alternatives exist, development on steep slope areas shall be subject to the following conditions:
  - (a) The foundation and underlying material of any structure shall be adequate for the slope condition and soil type.
  - (b) The proposed development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.
  - (c) The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.
  - (d) The City may require that a property be rezoned and developed as a Planned Unit Development to utilize flexible development standards to preserve steep slopes.
- (5) Habitats of threatened or endangered wildlife as identified on federal or state lists, including the Federal Endangered Species Act and the Minnesota County Biological Survey.
  - (a) *Mitigation.* Where preservation is not consistent with the reasonable utilization of land, the City may require mitigation through replacement of the resource or similar resource on the site, restoration of former natural amenities to the site, or other reasonable measures to protect or enhance the natural features of the land.

## ARTICLE 4. ACCESSORY STRUCTURES AND USES

### **7.17 General Requirements**

- (A) Accessory uses and structures shall comply with the following standards and all other applicable regulations of this ordinance:
  - (1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory to.
  - (2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure.
  - (3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

- (4) The exterior building materials of an accessory structure, the roof style, and colors shall be similar to or compatible with the principal building.
  - (5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure, except for accessory off-street parking and loading facilities, subject to the provisions of Chapter 9, Off-Street Parking and Loading.
  - (6) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.
  - (7) An accessory structure, when it is capable of storing one (1) or more motorized vehicles, shall be provided with a driveway in compliance with the provisions of Chapter 9, Off- Street Parking and Loading.
  - (8) Accessory structure shall not be placed in any easements.
  - (9) The height of any accessory structure shall not be taller than the primary structure.
  - (10) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served. In no case shall an accessory structure be utilized as an independent residence, either permanently or temporarily.
  - (11) Accessory Structures in residential districts which have floor areas greater than 200 square feet shall have a foundation in accordance with Minnesota State Building Code.
  - (12) Sheds on skids or with wood floors must be anchored to the ground by anchor screws or other approved anchoring devices.
  - (13) Pole sheds, as defined, larger than 120 square feet are prohibited.
  - (14) Accessory structures less than 50 square feet do not require a permit, but are still subject to all zoning provisions.
- (B) *Portable carport.* A nonpermanent structure designed as a shelter for motor vehicles, boats, and the like. Such structure shall not be permanently affixed to a foundation. Temporary tarps, tents and the like erected for periods not to exceed 1 week are not considered portable carports.
- (1) Portable carports must remain open on 4 sides, with no sidewalls. All other structures with sidewalls are considered accessory structures a must comply with the provisions of this chapter.
  - (2) Portable carports must be anchored in such a manner as to prevent uplift by wind.
  - (3) Portable carports may not be permanently anchored to concrete slabs or footings or otherwise anchored in a manner that would impede easy removal and portability.
  - (4) All anchoring systems must be inspected and approved by the City Building Inspector.
  - (5) Portable carports are allowed in the rear and side yards, but not the front yard.
  - (6) Portable carports must be setback 6 feet from the home and setback from all property lines in accordance with Table 7.1.
  - (7) The height of a carport shall be limited to 12 feet.
  - (8) Carports shall not be considered as an approved shelter, cover or screening for miscellaneous materials and equipment.
  - (9) A zoning permit will be required before installation of a portable carport.

## **7.18 Residential Accessory Buildings**

- (A) *In general.* In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the principal building. All new single family residential construction, whether attached or detached units, shall require the construction of at least a single stall garage. In no case shall a single family use, where detached or attached, with a garage be permitted to eliminate the garage or to provide less than a one stall garage on the property, either through conversion, demolition or other means of destruction.
- (B) *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:
- (1) The structure shall meet the required setbacks for a principal structure, as established for the zoning district in which it is located.
  - (2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.
  - (3) The structure shall not exceed the height of the principal building to which it is attached.
- (C) *Detached structures.* Up to two detached accessory structures shall be permitted on a residential property in accordance with the requirements as follows:
- (1) Detached accessory structures shall be comprised of a shed and/or garage, you shall be allowed to have two sheds, but not permitted to have two detached accessory structures which are considered garages.
  - (2) Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the front yard or within a corner side yard. When such structure is located in a side yard, the required setback shall be the same as that for the principal structure.
  - (3) Detached accessory structures located completely behind the rear plane of the home shall be allowed to reduce the side yard setback to five (5) feet, instead of the required side yard setback designated by the zoning district. These structures are still required to maintain the distance between structures as outlined in table 7.1.
  - (4) Exterior materials and finish must match or compliment the exterior finish of the principal structure in material, color, and texture. Structures with a corrugated metal exterior finish shall not be permitted, unless they match the color of the primary structure and are well maintained.
  - (5) Garages, when accessed from and situated perpendicular to a public alley, shall maintain a setback of at least five (5) feet from said alley right-of-way and five (5) feet from rear side yard.
  - (6) Maximum lot coverage for detached structures is regulated under Section 11.13. For those properties that are exempted under Section 11.13 no more than thirty (30) percent of the rear yard area may be covered by accessory structures.
  - (7) Distance between structures shall be measured from wall to wall.

Table 7.1 Requirements for detached accessory structure in residential districts

Use	R-1 or R-2			Other Multi-Family residential use	Permitted non-residential use
	Under 1 Acre	1 – 2 Acres	2+ Acres		
<b>Land Area</b>	Under 1 Acre	1 – 2 Acres	2+ Acres		
<b>Number of Structures Allowed</b>	2	2	2	2	2
<b>Maximum Combined Sq. Footage</b>	1000 sq. ft.	2000 sq. ft.	3000 sq. ft.	300 sq. ft./unit	1000 sq. ft.
<b>Maximum size - Shed</b>	120 sq. ft.			250 sq. ft.	250 sq. ft.
<b>Maximum height</b>	16 feet	20 feet	20 feet	16 feet	20 feet
<b>Required Setbacks</b>					
Side	8 feet*	8 feet*	8 feet*	15 feet	15 feet
Rear	5 feet	5 feet	5 feet	15 feet	15 feet
Between Structures	8 feet	8 feet	8 feet	10 feet	10 feet

\* See number 7.18(c)(3)

### **7.19 Non-Residential Accessory Buildings**

Accessory buildings permitted in non-residential zoning districts shall meet the following requirements:

- (A) Gate houses, guard shelters, structures for parking attendants, and transformer buildings may be located in a front or side yard at least five (5) feet from any property line.
- (B) All other commercial, industrial, or agricultural accessory buildings shall conform to all applicable setback and lot coverage requirements for principal buildings.
- (C) No accessory building in a non-residential district shall exceed the height or floor area of the principal building, except that agricultural buildings where a farm residence also exists are exempt from this provision.
- (D) Separation of accessory structures from the principal structure and other accessory structures shall meet applicable building code requirements.

### **7.20 Private Swimming Pools**

All private swimming pools, both above the ground and in the ground, that are capable of holding water at a depth of more than 24" are subject to the following standards:

- (A) The pool is not operated as a business or private club, except when allowed as a permitted home occupation.
- (B) The pool, including any related walks, paved areas, or other structures, shall not be located in a front yard, and must be set back at least five (5) feet from any property line.
- (C) The pool, or the rear yard, or the entire property, shall be enclosed by a wall or fence or combination thereof which is at least four (4) feet in height, with a self-closing gate capable of being secured with a lock so as to prevent uncontrolled access by children from the street or adjacent properties. Any exterior release mechanism shall not be located less than 45 inches from grade. A cover capable of being locked, but not easily penetrated, when the subject is not in use may be substituted for fencing.

- (D) If the only access to a pool is through a principal or accessory structure, all points of access shall be made lockable.
- (E) Required fencing shall be of durable wood, chain linked, masonry, or metal, and shall be so designed as to discourage climbing. Building walls may contribute to enclosure requirements.
- (F) In the case of aboveground pools, sides that are vertical or slanted outward may contribute to required fencing, provided all points of access are controlled to prevent access by children, including the removal of all ladders and/or stairs whenever the pool is not in use. A cover capable of being locked, but not easily penetrated, when the subject is not in use may be substituted for fencing.
- (G) Hot tubs or spas with approved locking safety covers meeting industry standards shall be exempt from the fencing requirements, provided the cover is locked at all times during periods of non-use.
- (H) Existing pools, as defined by this ordinance, shall comply with all provisions of this ordinance within one year of the effective date of this ordinance.

**7.21 Travel Trailers and Other Recreational Vehicles**

Travel trailers and other similar recreational vehicles may be parked or stored on any property within the City only under the following conditions:

- (1) At no time shall a travel trailer or recreational vehicle be used as a residence on any site, except as expressly provided within this section.
- (2) Unoccupied vehicles may be stored within buildings or displayed for sale in a commercial district where such a use is permitted.
- (3) One (1) unoccupied travel trailer or similar recreational vehicle may be stored on a year round basis within a building or in a rear yard no less than three (3) feet from the property line.
- (4) Travel trailers may be used as on-site offices in conjunction with construction work, provided that they shall be removed upon completion of construction. Such vehicles may be occupied twenty-four (24) hours a day for on-site security but shall not be used as a residence.
- (5) One (1) travel trailer or similar recreational vehicle may be used as a temporary residence for no more than fourteen (14) days per calendar year, provided it is placed on a lot occupied by a principal building, and has access to sanitary sewer and water facilities.
- (6) Travel trailers and similar recreational vehicles may be parked, stored, and utilized as a seasonal residence within an approved recreational vehicle park.

**7.22 Antennae, Satellite Dishes, and Towers**

- (A) *Purpose.* This section is established for the purpose of providing for the appropriate location and development of antennae, satellite dishes, towers, which are often needed to serve the residents and businesses within the City, to reduce potential negative visual impacts of such facilities, to maximize the use of existing towers and structures, and to provide restrictions which do not conflict with any federal statute or FCC rule or regulation. Towers and antennae provided for use by a Municipality shall be exempt from the regulations identified in this section.
- (B) *Building mounted antennae and satellite dishes.* Building mounted antennae and satellite dishes shall be permitted in all zoning districts subject to the following requirements:
  - (1) The height of any building mounted antenna or satellite dish, including its support structure, shall not exceed twenty (20) feet above the highest point of the roof.

- (2) Accessory equipment associated with a building mounted antenna or satellite dish shall be located within the building or with a roof or ground enclosure that is constructed of materials and color scheme compatible with the principal structure.
  - (3) Building mounted satellite dishes located in any residentially zoned district shall not be larger than forty (40) inches in diameter.
  - (4) Building mounted satellite dishes and antennae located in any residentially zoned district shall not be used for commercial purposes.
- (C) *Public utility tower mounted antennae.* Public utility tower mounted antennae shall be permitted in all zoning districts in which the public utility tower is located, subject to the following requirements:
- (1) The height of any antennae mounted to a public utility tower shall not exceed twenty (20) feet above the highest point of the public utility tower.
  - (2) Accessory equipment associated with the antennae shall be located within an enclosure which shall not be greater in area than four hundred (400) square feet and shall be designed and constructed of material and color scheme compatible accessory structures on surrounding properties.
  - (3) A freestanding tower for the purpose of elevating an antenna shall be permitted provided that it is located within the base area of the public utility tower and directly surrounded by its support structure.
- (D) *Freestanding satellite dishes.* Freestanding satellite dishes shall be permitted in all zoning districts, subject to the following requirements:
- (1) Freestanding satellite dishes that are permanently installed shall be located in the rear yard.
  - (2) Accessory equipment associated with a freestanding satellite dish shall be located within the principal structure or within an enclosure which is constructed of materials and color scheme compatible with the principal building or within an equipment encasement not exceeding ten (10) feet by ten (10) feet in area and five (5) feet in height.
  - (3) Satellite dishes and accessory equipment enclosures shall meet the setback requirements for accessory structures as set forth elsewhere in this ordinance.
  - (4) Satellite dishes and accessory equipment enclosures shall not be located within any utility or drainage easement.
  - (5) Freestanding satellite dishes located in any residentially zoned district shall not be used for commercial purposes.
- (E) *Freestanding towers and antennae.* Freestanding towers and antennae shall be permitted in all zoning districts, subject to the following requirements:
- (1) *Freestanding towers and antennae in residential zoning districts.* Freestanding towers and antennae shall be permitted as an accessory use in residential zoning districts, subject to the following requirements:
    - (a) The combined height of a freestanding tower and any antenna mounted thereto shall not exceed seventy (70) feet in height, measured from ground elevation of the tower to the highest point of the tower, including any antenna mounted thereto.
    - (b) Permanent platforms or structures used to hold or increase the size of antennae, which, increase off-site visibility are prohibited.

- (c) No more than one freestanding tower shall be permitted on any one residential lot.
  - (d) All setback requirements for accessory structures shall be met, provided the minimum setback distance from a residential structure shall be equal to the permissible height of the tower.
  - (e) The tower shall be located in the rear yard and shall be self-supporting through the use of a design that uses an open frame or monopole configuration. Guy wires are not permitted.
  - (f) No tower shall be used for commercial purposes, except when an antenna is mounted on a City water reservoir tank or tower.
- (2) *Freestanding towers and antennae in non-residential zoning districts.* Freestanding towers and antennae shall be permitted as a conditional use in non-residential zoning districts, subject to the following requirements:
- (a) The combined height of a freestanding tower and any antenna or satellite dishes mounted thereto shall not exceed:
    - (i) One hundred (100) feet in height, measured from ground elevation of the tower to the highest point of the tower, including any antenna or satellite dish mounted thereto.
    - (ii) One hundred twenty-five (125) feet, measured from ground elevation of the tower to the highest point of the tower, including any antenna or satellite dish mounted thereto, provided the tower is designed to accommodate the applicant's antennae and at least one (1) additional comparable antennae for other communication providers, accept antennae mounted at varying heights, and allow the future rearrangement of antennae upon the tower.
    - (iii) Two hundred (200) feet, measured from ground elevation of the tower to the highest point of the tower, including any antenna or satellite dish mounted thereto, provided the tower is designed to accommodate the applicant's antennae and at least two (2) additional comparable antennae for other communication providers, accept antennae mounted at varying heights, and allow the future rearrangement of antennae upon the tower.
  - (b) Any equipment building or structure shall meet the setbacks required for a principal building within the zoning district in which the building is located.
  - (c) The minimum setback distance of the tower from any property line of a lot within a residential use district shall be equal to the height of the tower or two hundred (200) feet, whichever is greater.
  - (d) The tower shall be self-supporting through the use of a design that uses an open frame or monopole configuration.
  - (e) Permanent platforms or structures used to hold or increase the size of antennae, which, increase off-site visibility are prohibited.
  - (f) Existing vegetation on the site shall be preserved to the greatest possible extent.
  - (g) Accessory equipment associated with freestanding towers and antennae shall be located within an equipment building constructed of materials and color scheme compatible with the principal building and/or surrounding buildings or within an

equipment encasement not exceeding ten (10) feet by ten (10) feet in area and five (5) feet in height.

- (h) No new tower shall be permitted unless the City Council finds that the equipment planned for the proposed tower cannot be accommodated at any preferred co-location site. The City Council may find that a preferred co-location site cannot accommodate the planned equipment for the following reasons:
  - (i) The planned equipment would exceed the structural capacity of the preferred co-location site, and the preferred co-location site cannot be reinforced, modified, or replaced to accommodate the planned equipment or its equivalent at a reasonable cost, as certified by a qualified radio frequency engineer.
  - (ii) The planned equipment would interfere significantly with the usability of existing or approved equipment at the preferred co-location site, and the interference cannot be prevented at a reasonable cost, as certified by a qualified radio frequency engineer.
  - (iii) A preferred co-location site cannot accommodate the planned equipment at a height necessary to function reasonably, as certified by a qualified radio frequency engineer.
  - (iv) The applicant, after a good-faith effort, is unable to lease, purchase, or otherwise obtain space for the planned equipment at a preferred co-location site.

(F) *Water Tower or Reservoir Sites.* The City's water towers and reservoirs represent a large public investment in water pressure stabilization and peak capacity reserves. Protection of the quality of the City's water supply is of prime importance to the City. As access to the City's water storage systems increases, so too increases the potential for contamination of the public water supply. For these reasons, the placement of antennas or towers on water tower or reservoir sites will be allowed only when the City is fully satisfied that the following requirements are met.

- (1) The applicant's access to the facility will not increase the risks of contamination to the City's water supply;
- (2) There is sufficient room on the structure and/or on the grounds to accommodate the applicant's facility;
- (3) The presence of the facility will not increase the water tower or reservoir maintenance costs to the City; and
- (4) The presence of the facility will not be harmful to the health or workers maintaining the water tower or reservoir.

(G) *General standards.* All antennae, satellite dishes, and towers, wind energy conversion systems, and solar energy systems shall be subject to the following additional requirements:

- (1) Location and color shall be in a manner to minimize off-site visibility to the greatest possible extent. All nacelles and towers that are part of a WECS shall be white, grey or other non-obtrusive color. Finishes shall be matte or non-reflective.
- (2) Building permits shall be required for the installation of building mounted satellite dishes in excess of five (5) feet in diameter, and all towers. All such structures shall be designed and installed in compliance with pertinent building codes and other regulations.

- (3) No signs, other than public safety warning or equipment information, shall be affixed to any portion of the structure.
- (4) No artificial illumination, except when required by law or by a governmental agency to protect the public's health and safety, shall be utilized.
- (5) The placement of transmitting, receiving, and switching equipment shall be integrated within the site, being located within an existing structure whenever possible. Any new accessory equipment structure shall be attached to the principal building, if possible, and be constructed of materials and a color scheme compatible with the principal structure and/or surrounding area, or within an equipment encasement not exceeding ten (10) feet by ten (10) feet in area and five (5) feet in height.
- (6) Accessory equipment or buildings shall be screened in accordance with the provisions required within Chapter 5, Site Plan Review.
- (7) Towers, and any equipment attached thereto, shall be unclimbable by design for the first twelve (12) feet or be completely surrounded by a six (6) foot high security fence with a lockable gate.
- (8) No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Zoning Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

### **7.23 Wind Energy Conversion Systems (WECS)**

- (A) *Purpose.* This section is established for the purpose of providing for the appropriate location and development of wind energy conversion systems which are often needed to serve the residents and businesses within the City, to reduce potential negative visual impacts of such facilities, to maximize the use of existing towers and structures, and to provide restrictions which do not conflict with any federal statute or FCC rule or regulation. Towers and antennae provided for use by a Municipality shall be exempt from the regulations identified in this section.
- (B) *General Provisions.* Wind energy conversion systems up to 40 kW shall be permitted in all zoning districts except the B-4, subject to the following requirements:
  - (1) The system shall not exceed one hundred (100) feet in height.
  - (2) All setback requirements for principal structures, as required for the zoning district in which the structure is to be located, shall be met, provided the minimum setback distance from any property line of a residential district or use shall be equal to two (2) times the total height of the system. A minimum setback distance from any other uses property line, dwelling, nearest public right of way shall be a minimum of 1.25 times the total height of the system.
  - (3) All systems shall have a manual and an automatic speed control device as part of the design.
  - (4) All systems shall comply with the Minnesota Pollution Control Agency's Noise Pollution Section (NPC 1 and NPC 2), as amended.
  - (5) Any wind energy conversion system that utilizes a propeller shall have neither a blade rotation diameter of greater than thirty-five (35) feet nor a blade arc less than twenty (20) feet above the ground.
  - (6) All freestanding ground systems shall be constructed using a monopole or lattice tower type construction. In no case shall guy wires be permitted.
  - (7) The majority of the utility connections shall be located underground.

- (8) A visible exterior disconnect is required, per the National Electrical Code. WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards
  - (9) All WECS shall be UL listed or certified by an equal agency recognized by the State of Minnesota.
  - (10) Building and Electrical permits shall be required for all WECS.
  - (11) A WECS shall be considered a discontinued use after 180 days without energy production, unless a plan is developed and submitted to the Redwood Falls City Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 90 days of the decommissioning of use. To the extent practicable, the site shall be restored to pre-existing condition. Any owner that has not removed the system within these twelve (12) months shall be notified by the Zoning Administrator in writing and given thirty (30) days to comply with the removal. Upon failure to comply with the notice within the specified time period, the Zoning Administrator is authorized to cause removal of such system, and assess any expenses incidental to the removal of the same to the property owner.
  - (12) No more than one WECS shall be permitted per lot.
- (C) *General standards.* All wind energy conversion systems shall be subject to the following additional requirements:
- (1) Location and color shall be in a manner to minimize off-site visibility to the greatest possible extent. All nacelles and towers that are part of a WECS shall be white, grey or other non-obtrusive color. Finishes shall be matte or non-reflective.
  - (2) Building permits shall be required for the installation of wind energy conversion systems. All such structures shall be designed and installed in compliance with pertinent building codes and other regulations.
  - (3) No signs, other than public safety warning or equipment information, shall be affixed to any portion of the structure.
  - (4) No artificial illumination, except when required by law or by a governmental agency to protect the public's health and safety, shall be utilized.
  - (5) The placement of transmitting, receiving, and switching equipment shall be integrated within the site, being located within an existing structure whenever possible. Any new accessory equipment structure shall be attached to the principal building, if possible, and be constructed of materials and a color scheme compatible with the principal structure and/or surrounding area, or within an equipment encasement not exceeding ten (10) feet by ten (10) feet in area and five (5) feet in height.
  - (6) Accessory equipment or buildings shall be screened in accordance with the provisions required within Chapter 5, Site Plan Review.
  - (7) Towers, and any equipment attached thereto, shall be unclimbable by design for the first twelve (12) feet or be completely surrounded by a six (6) foot high security fence with a lockable gate.
  - (8) No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Zoning Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

- (9) The applicant shall mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location, and copies of such notifications shall be submitted to the City with the building permit application. No WECS shall be constructed so as to interfere with City, county or Minnesota Department of Transportation radio or microwave transmissions.

#### **7.24 Solar Energy Systems**

- (A) *Purpose.* This section is established for the purpose of providing for the appropriate location and development of solar energy systems which are often needed to serve the residents and businesses within the City, to reduce potential negative visual impacts of such facilities, to maximize the use of existing towers and structures, and to provide restrictions which do not conflict with any federal statute or FCC rule or regulation. Towers and antennae provided for use by a Municipality shall be exempt from the regulations identified in this section.
- (B) *Applicability.* The provisions of this Section shall apply to the construction and reconstruction of all solar energy systems within the City.
- (C) *Residential Districts.*
- (1) Ground mounted solar energy systems are permitted as accessory uses in all residential zoning districts subject to the following standards.
- (a) Location: rear yard only
  - (b) Setbacks: (i) Must comply with applicable side and rear yard setbacks of the zoning district in which the system is located. (ii) Must be located a minimum of five (5) feet from any other principal or accessory structure. (iii) Must be located a minimum of 30' from all buildings located on adjacent lots or parcels of property.
  - (c) Height: (i) Shall not exceed fifteen (15) feet in height when oriented at maximum vertical tilt. (ii) The height of a ground mounted solar energy system shall be measured from the ground surface to the highest extent the system is capable of reaching.
  - (d) Coverage: (i) The total surface area of all ground mounted solar energy systems on the lot shall not exceed 120 square feet. (ii) A system over 120 square feet in size may be permitted by conditional use permit. (iii) Square footage of the solar energy system shall be considered in determining the maximum amount of allowable square footage for accessory buildings and structures permitted on the lot.
- (2) Roof or building mounted and building or architecturally integrated solar energy systems are permitted on principal or accessory buildings in all residential zoning districts subject to the following standards:
- (a) Location: on principal or accessory buildings. (i) If mounted to the wall of a building, the solar energy system may not extend beyond the exterior perimeter wall of the building. (ii) Shall be flush mounted on a pitched roof.
  - (b) Setback: all solar energy systems must have a three (3') foot clearance around all roof edges to facilitate emergency responder access.
  - (c) Height: no part of the solar energy system shall project beyond the peak of the roof to which it is attached.
  - (d) Coverage: there is no percentage or square footage limitation.
  - (e) Flat Roof: Solar collectors may be bracket mounted on flat roofs no more than three (3') feet above the surface of the flat roof, or extending to the height of the roof's parapet

without regard to projection and must maintain a setback of not less than three (3') feet from all roof edges.

(D) *Business, Industrial, and Agricultural Residence Districts.*

- (1) Ground mounted solar energy systems are permitted as accessory uses in all business, industrial and agricultural residence zoning districts subject to the following standards.
  - (a) Location: rear yard only
  - (b) Setbacks: (i) Must comply with applicable side and rear yard setbacks of the zoning district in which the system is located. (ii) Must be located a minimum of ten (10) feet from any other principal or accessory structure. (iii) Must be located a minimum of 30' from all buildings located on adjacent lots or parcels of property.
  - (c) Height: (i) Shall not exceed fifteen (15') feet in height when oriented at maximum vertical tilt. (ii) The height of a ground mounted solar energy system shall be measured from the ground surface to the highest extent the system is capable of reaching.
  - (d) Coverage: (i) The total surface area of all ground mounted solar energy systems on the lot shall not exceed 15% of the lot size or 1,000 square feet, whichever is less. (ii) Square footage of the solar energy system shall be considered in determining the maximum amount of allowable square footage for accessory buildings and structures permitted on the lot.
- (2) Roof or building mounted and building or architecturally integrated solar energy systems are permitted on principal or accessory buildings in all business, industrial and special purpose zoning districts subject to the following standards:
  - (a) Location: (i) If mounted to the wall of a building, the solar energy system may not extend beyond the exterior perimeter of the building. (ii) Shall be flush mounted on pitched roofs.
  - (b) Height: no part of the solar energy system shall project beyond the peak of the roof to which it is attached.
  - (c) Setback: all solar energy systems must have a three (3) foot clearance around all roof edges to facilitate emergency responder access.
  - (d) Coverage: there is no percentage or square footage limitation.
  - (e) Flat roof: (i) Solar energy systems shall be set back as follows: at least one (1) foot from the exterior perimeter of the building on which the system is mounted, for every foot that the system extends above the height of the roof at its exterior perimeter. (ii) The maximum height of any component of the solar energy system shall be not greater than 10 feet.

(E) *Other applicable standards for all zoning districts.*

- (1) Feeder lines. All power exterior electrical or other service lines must be buried below the surface of the ground.
- (2) A visible exterior disconnect shall be provided per the National Electrical Code.
- (3) The solar energy system must be anchored in such a manner as to withstand wind speeds and snow load as required of other rooftop mechanical equipment in the Minnesota Building Code.
- (4) Exemption. Building integrated solar energy systems are exempt from the requirements of this Section and shall be regulated as any other building element.

- (5) Compliance with building codes. All solar energy systems shall comply with the Minnesota Building Code.
- (6) Compliance with electric code. All solar energy systems shall comply with the National Electrical Code.
- (7) Compliance with plumbing code. All solar thermal systems shall comply with the Minnesota State Plumbing Code.
- (8) No signs, other than public safety warning or equipment information, shall be affixed to any portion of the structure.
- (9) Institutional uses may install solar energy systems in a side yard that does not have street frontage, provided the lot exceeds one (1) acre in size.
- (10) The placement of transmitting, receiving, and switching equipment shall be integrated within the site, being located within an existing structure whenever possible. Any new accessory equipment structure shall be attached to the principal building, if possible, and be constructed of materials and a color scheme compatible with the principal structure and/or surrounding area, or within an equipment encasement not exceeding ten (10') feet by ten (10') feet in area and five (5') feet in height.
- (11) Accessory equipment or buildings shall be screened in accordance with the provisions required within Chapter 5, Site Plan Review.
- (12) Towers, and any equipment attached thereto, shall be unclimbable by design for the first twelve (12) feet or be completely surrounded by a six (6) foot high security fence with a lockable gate.
- (13) The City prohibits ground mounted solar energy systems in flood plain districts.
- (14) No solar energy system shall violate Minnesota Pollution Control Agency noise standards, air quality standards or otherwise result in a nuisance source of noise.
- (15) All solar energy systems shall be operable and maintained in good repair.
- (16) All solar energy systems and building integrated solar energy systems are subject to any and all applicable federal, state, and local laws and regulations.
- (17) All solar energy systems shall be UL listed or certified by an equal agency recognized by the State of Minnesota and American National Standards Institute (ANSI) standards.
- (18) Any solar energy system exceeding 40kW shall require a Conditional Use Permit.
- (19) Any community solar or solar farm project must be located in an R-R or industrial district and shall require a Conditional Use Permit.
- (20) All solar energy systems shall comply with the height requirements in the applicable zoning district in which the system is placed.

(F) *Approvals.*

- (1) Permits: The erection, alteration, improvement, reconstruction, and movement of a solar energy system requires building and electrical permits and supplemental application from the City prior to installation of the system.
- (2) Utility notification: The owner of a solar energy system that will physically connect to a house or other building's electrical system and/or electric utility grid shall provide the City of Redwood Falls with proof of an interconnection agreement with the City of Redwood Falls Public Utilities prior to the issuance of a building permit.

- (G) *Aesthetics.*
- (1) All solar energy systems shall use colors that blend with the color of the roof or other structure or be screened from routine view from public rights-of-way other than alleys as much as possible.
  - (2) Reflection angles from collector surfaces shall be oriented so as not to interfere with the use and enjoyment of other properties. Where necessary, screening may be required to address glare to the extent possible without impeding their function.
  - (3) Screening from routine view from the public right-of-way and immediate adjacent residences shall be required in an attempt to minimize the visual impact of ground mounted solar energy systems and any extensive or imposing perimeter security fencing that is proposed.
  - (4) The City may require additional landscaping or other means of screening to limit the visual impacts of the solar energy system.
- (H) *Easements.*
- (1) A property owner who has installed or intends to install a solar energy system shall be responsible for negotiating with other property owners in the vicinity for any solar easements and shall record the easements with the Redwood County Recorder's Office (per MN SS 500.30, as it may be amended from time to time). If no such easement is negotiated and recorded, the owner of the solar energy system shall have no right to prevent the construction of structures, planting of trees, or any other items that may affect the performance of the solar system permitted by this Ordinance on nearby properties on grounds that the construction would cast shadows on the solar energy system. The City does not assure access to sunlight.
  - (2) Solar energy systems shall not be located within any easement areas.
- (I) *Abandonment.* All solar energy systems, unless it is an integral part of the structure, that remain nonfunctional or inoperative for a continuous period of twelve (12) months shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure, including but not limited to the foundation, transmission equipment, structure, and any associated accessory structures. Any owner that has not removed the system within twelve (12) months shall be notified by the City in writing and given thirty (30) days to comply with the removal. Upon failure to comply with the notice within the specified time period, the City is authorized to cause the removal of such system as a public nuisance and assign and specially assess any expenses incurred from the removal of the same to the property or the property owner.
- (J) *Historic Structures.*
- (1) All roof, wall, and ground mounted solar energy systems shall not be permitted on any property where a "Historic Structure," as defined in 44 C.F.R. § 59.1., is located.

## ARTICLE 5. TEMPORARY USES

### **7.25 Permitted Temporary Uses and Structures**

The following temporary uses and structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall comply with the regulations of the zoning district in which it is located and all other applicable regulations of this ordinance.

- (A) *Garage sales.* Garage sales shall be limited to a total of ten (10) days of operation per calendar year at any residential location.
- (B) *Construction sites.* Storage of building materials and equipment or temporary buildings for construction purposes may be located on the site under construction for the duration of the construction or a period of one (1) year, whichever is less. The Zoning Administrator may grant extensions to this time limit for good cause shown.
- (C) *Amusement events.* Temporary amusement events, including the erection of tents for such events, may be allowed as a temporary use for a maximum of fifteen (15) days per calendar year. In residential districts, such temporary amusement events shall be located on institutional and public property only.
- (D) *Promotional activities involving outdoor sales and display.* Promotional activities including outdoor sales and display may be allowed as a temporary use in non-residential districts for a maximum of thirty (30) days per calendar year. Such sales and display may also be conducted within a tent or other temporary structure.
- (E) *Seasonal outdoor sale of agricultural products.* The seasonal outdoor sale of agricultural products, including but not limited to produce, plants, and Christmas trees, may be allowed as a temporary use. In no case, however, shall the public right-of-way or any public property be utilized for the sale and display of such items.
- (F) *Additional temporary uses.* In addition to the temporary uses and structures listed above, the Zoning Administrator may allow other temporary uses and structures for a maximum of fifteen (15) days per calendar year, provided that the proposed temporary use or structure is substantially similar to a temporary use or structure listed above.

## ARTICLE 6. FENCES

### **7.26 Fence Location and Height**

Fences may be erected, placed, or maintained in any yard along or adjacent to a lot line, in accordance with the requirements identified below and permits are required. The City of Redwood Falls does not provide surveying service. It is up to the homeowner to establish the location of the lines and make these available at time of application or upon request of the inspector. The owner shall be responsible for properly locating all property lines before construction of any fence. The Zoning Administrator may require any applicant for a permit to establish the boundary lines of his or her property by a survey thereof to be made by a licensed land surveyor.

- (A) No fence shall exceed eight (8) feet in height in residential districts or ten (10) feet in non-residential districts. In the case of grade separation such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.
- (B) Residential fencing in the front yard or a corner side yard of principal structure may be no higher than 48 inches, shall be constructed with at least 75% open space and shall be set back at least one foot from the right-of-way line. For the purpose of interpreting these fence regulations, a structure's front yard shall be defined as that area which is on the same side of the house as the main entrance (identifiable by the address) and, in the case of corner lots, the side lot between the structure and the right-of-way (excluding alleyways).
- (C) On residential corner lots, no fence or screen shall be permitted within the triangular area defined as beginning at the intersection of the projected curb line of two intersecting streets (including alleyways), thence 20 feet from the point of beginning on the other curb line, thence to the point of beginning.

- (D) In residential districts, fences in side or rear yards shall be constructed no closer than 5' from all public right of ways without a conditional use permit.
- (E) In non-residential districts, fences shall be constructed no closer than ten feet from all public right-of-ways (including alleyways) without a conditional use permit. Fences shall not be permitted in the front yard in nonresidential without a conditional use permit.
- (F) Fences or hedges placed within utility easements are subject to removal at the expense of the property owner if required for the maintenance or improvement of the utility. No fence shall be constructed within a public right-of-way.

**7.27 Fence Materials and Maintenance**

- (A) Fences shall be constructed of durable, weather-treated materials widely accepted in the fencing industry and shall blend with the overall character of the neighborhood. No plywood, canvas, metal sheeting or wire fencing is permitted. Temporary snow fences are permitted between November 1st and April 15th without a permit.
- (B) Every fence shall be constructed in a substantial, workman-like manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence, which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.
- (C) Link fences, where permissible, shall be constructed in such a manner that no barbed end shall be at the top. Slats shall not be permitted within a chain link fence in residential properties. Slats shall be allowed in all non-residential districts but shall be uniform in color and maintained by the property owner.
- (D) Perimeter electric fences and barbed wire fences shall be permitted only with a conditional use permit.
- (E) All fence posts and supporting members shall be erected so that the finished side or sides of the fence face the adjacent property or public right-of-way.

**ARTICLE 7. HOME OCCUPATIONS**

**7.28 Purpose**

Home occupation regulations are established to ensure that home occupations will not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no effect on the surrounding neighborhood. Home occupations are shall be require to acquire a conditional use permit before operations start.

**7.29 Standards**

- (A) *General.* All permitted home occupations shall be allowed as an accessory use to a dwelling subject to the following standards:
  - (1) Machine shops, body shops, repair of internal combustion engines (other than small engine repair), welding, manufacturing, or any other objectionable use as determined by the City Council shall not be permitted as a home occupation.
  - (2) The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling.

- (3) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.
  - (4) Exterior display or storage of equipment or materials is prohibited.
  - (5) Signage is permitted as allowed in Chapter 10, Signs, for the zoning district in which the home occupation is located.
  - (6) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond the property line.
  - (7) Shipment and delivery of products, merchandise, or supplies shall be limited to between 8:00 a.m. and 6:00 p.m.
- (B) *Home Occupations.* Home occupations shall include but are not limited to: art or photo studio; tailoring; secretarial service; consulting services; hair-styling; small engine repair; and professional offices.
- (1) Only persons residing on the premises may be engaged in the conduct of the home occupation.
  - (2) Home occupations, including but not limited to hair-styling and tanning salons, may provide no more than one (1) station.
  - (3) Accessory structures may not be used as part of the home occupation.
  - (4) Client visits to the premises shall be limited to three (3) clients on the premises at any one (1) time.
  - (5) The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m. on weekdays.
  - (6) The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home occupation.
  - (7) The home occupation shall not generate excessive customer or client traffic that is detrimental to the character of surrounding properties or the neighborhood.

### **7.30 Conditional Use Permit**

Home occupations shall be required to obtain a conditional use permit from the Zoning Administrator, subject to payment of a filing fee as established by resolution of the City Council. Issued home occupation conditional use permits are not transferable. All Home Occupation owners shall be required to complete a questionnaire describing its operations, to be kept on file with the City. Home occupations that are in operation on the effective date of this ordinance shall be allowed to continue as a legal nonconforming use. Those that establish new home occupations, expand or remodel a current home occupation, after the effective date of this ordinance shall obtain a conditional use permit. Those that are legal nonconforming home occupations which disturb the residential atmosphere of the neighborhood and/or are determined to be a nuisance by the City Council shall be required to obtain a conditional use permit to continue the operation of their home occupation.

### **7.31 Modifications**

Modifications from the above regulations may be approved by the City Council in individual cases if the modification is in accordance with the purposes set forth herein. Additional requirements or conditions may be added as deemed necessary to ensure that the home occupation will not have an adverse impact on the character of the surrounding residential neighborhood or on adjacent residential uses.

### **7.32 Inspection**

The City hereby reserves the right to inspect the premises in which a home occupation is being conducted to ensure compliance with the provisions of this Chapter or any conditions additionally imposed.

## ARTICLE 8. GENERAL PERFORMANCE STANDARDS

### **7.33 Purpose**

Performance standards are established to minimize conflicts among land uses, to preserve the use and enjoyment of property, and to protect the public health, safety and welfare. These standards shall apply to all uses of land or structures and are in addition to any requirements applying to specific zoning districts.

### **7.34 In General**

No use or structure shall be operated or occupied so as to constitute a dangerous, injurious, or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, cold, dampness, electrical disturbance, liquid or solid refuse or waste, water or soil pollution, or other substance or condition. No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any performance standard contained in this ordinance or with any other applicable regulation.

### **7.35 Review by Other Agencies**

In determining compliance with the performance standards of this section, the Zoning Administrator may refer any matter to such governmental agencies or other entities as deemed necessary to obtain their review and comments as to such compliance.

### **7.36 Lighting**

- (A) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:
- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall be subject to the following:
    - (a) Maximum initial lumens generated by each fixture shall not exceed two thousand (2,000) lumens (equivalent to a one-hundred fifty (150) watt incandescent bulb).
    - (b) Mounting heights of such fixtures shall not exceed fifteen (15) feet.
  - (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions so as to cause annoyance, discomfort, or decreased visual performance or visibility.
  - (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one (1) foot-candle measured from the center line of the street and four (4) foot-candles measured at the street curb line or from property line nearest the light source.
  - (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
  - (5) Lighting of building facades or roofs shall be located, aimed, and shielded so that light is directed only onto the facade or roof.

- (6) Lighting shall be maintained stationary and constant in intensity and color, and shall not be of a flashing, moving, or intermittent type.
- (C) *Exceptions.* The uses listed below shall be exempt from the provisions of this section as follows:
  - (1) Publicly controlled or maintained street lighting and warning and emergency or traffic signals.
  - (2) Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meets all of the requirements of this ordinance shall be exempt from the requirements of Sections 7.36(B)(1) through (B)(4) due to their unique requirements for nighttime visibility and limited hours of operation.
  - (3) Neon signs, theater marquee lights, and decorative lighting.

**7.37 Glare and Heat**

- (A) *In general.* No use or structure shall be operated or occupied as to create glare or heat from high temperature processes such as welding or metallurgical refining in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standard.* Uses producing glare or heat shall be performed within a completely enclosed building in such manner as to make such glare or heat completely imperceptible from any point along the property line.

**7.38 Vibration**

- (A) *In general.* No use or structure shall be operated or occupied as to vibration in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the following standards:
  - (1) On property within or adjacent to any non-industrial zoning district, uses creating vibration shall be conducted in such a manner as to make such vibration completely imperceptible from any point along the property line.
  - (2) On all other property, uses creating vibration shall comply with the performance standards identified in Table 7.2 and shall be conducted in such a manner as to make such vibration completely imperceptible from any point along a non-industrial zoning district boundary line. Vibration shall be measured at any point along a property line with a three (3) point component measuring system recognized as a standard for such purpose and shall be expressed as displacement in inches.

Table 7-2. Maximum permitted vibration.	
Frequency in Cycles per Second	Maximum Vibration Displacement in Inches
Under 10	.0008
10 - 19	.0005
20 - 29	.0002
30 - 39	.0002
40 and over	.0001

- (3) The property owner shall be responsible for providing documentation showing compliance.

### **7.39 Noise**

- (A) *In general.* No use or structure shall be operated or occupied as to create noise in such an amount or with such recurrence or at such time of day as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the standards governing noise as regulated by the Minnesota Pollution Control Agency, Minnesota Regulation NPC, as amended.

### **7.40 Odor Emissions**

- (A) *In general.* No use or structure shall be operated or occupied as to create odor in such an amount or to such degree as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the standards governing odor emissions as regulated by the Minnesota Pollution Control Agency and with the requirements identified as follows:
  - (1) Venting of odors, gas, and fumes shall be directed away from residential uses.
  - (2) On property within or adjacent to any non-industrial zoning district, uses producing odorous matter in such quantities as to be readily detectable so as to cause annoyance or discomfort from any point along the property line shall be prohibited.

### **7.41 Air and Dust Emissions**

- (A) *In general.* No use or structure shall be operated or occupied as to create the emission of smoke, particulate matter, noxious gas, or other air emission in such an amount or to such degree as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the standards governing air emissions as regulated by the Minnesota Pollution Control Agency.

### **7.42 Explosive and Flammable Materials**

- (A) *In general.* No use or structure involving the manufacture, storage, or use of explosive or flammable materials shall be operated or occupied as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses involving the manufacture, storage, or use of explosive or flammable materials shall comply with all pertinent regulations, including but not limited to the Minnesota Building Code and Minnesota Uniform Fire Code, and shall meet the requirements identified as follows:
  - (1) *Safety devices.* All uses involving the manufacture, storage, or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate fire-fighting and fire-suppression devices standard in the industry.
  - (2) *Explosive or blasting agents.* The manufacture, storage, or use of any explosive or blasting agent, as defined by the Uniform Fire Code, shall be prohibited in any nonindustrial zoning district.
  - (3) *Flammable liquids and gases.*

- (a) *In general.* The storage of any flammable liquid or gas shall be subject to the requirements established under the Uniform Fire Code and review by the State Fire Marshal.
- (b) *Distance from residential zoning districts.* Storage of flammable liquids or gases near residential boundaries are depicted in the following table:

Table 7.3

Gallons of storage of flammable liquids or gases	Distance from nearest residential district if in a structure	Distance from nearest residential district if outside and above ground
120-500	50'	100'
501-2,750	150'	300'
2,751+	300'	300'

- (c) *Decreasing minimum distance.* A decrease in the minimum setback, established above, shall only be allowed through approval of a conditional use permit, in accordance with the provisions established in Chapter 3, Administration and Enforcement.

**7.43 Hazardous Materials**

- (A) *In general.* No use or structure involving hazardous materials shall be operated or occupied as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the standards governing hazardous materials as regulated by the Minnesota Pollution Control Agency.

**7.44 Direct Discharge of Waste**

- (A) *In general.* No use or structure shall be operated or occupied as to discharge waste material in such an amount as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the standards governing waste discharge as regulated by the Minnesota Pollution Control Agency.

**7.45 Water Pollution**

- (A) *In general.* No use or structure shall be operated or occupied as to create water pollution in such an amount as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- (B) *Specific standards.* All uses shall comply with the standards governing water pollution as regulated by the Minnesota Pollution Control Agency.

## **Chapter 8 Specific Development Standards**

### **8.01 Purpose**

Specific development standards are established to provide supplemental regulations to address the unique characteristics of certain land uses.

### **8.02 Applicability**

The standards in this chapter apply to the uses listed below whether the uses are permitted by right or by conditional use in the applicable zoning district. The standards identified within this chapter shall apply in addition to all other applicable regulations of this ordinance.

### **8.03 Development Standards**

#### *Airport – Public*

- (A) Effective buffering is provided to reduce ground and landing noise.
- (B) Adequate fencing, control and protection is provided to prevent unauthorized access into landing field areas.
- (C) All landing fields and operating facilities are designed, operated and maintained within and according to federal and state laws and regulations.
- (D) The addition of a new accessory commercial use or the change in an existing commercial use shall require a conditional use permit and conformance to the conditions of this section.
- (E) Commercial uses are accessory, as defined herein.
- (F) Accessory commercial uses are totally enclosed within a structure.
- (G) Accessory commercial uses are intended to serve and support the airport facilities and personnel and do not attract customers from the general public or community.
- (H) Any accessory commercial use or storage is at minimum 200 feet from abutting residential districts or use boundaries.
- (I) Open storage is screened and landscaped from view of abutting residential districts and/or uses in compliance with the general building and performance requirements of this chapter.
- (J) Upon termination of airport activities all accessory commercial activities shall cease and use and development of the site shall conform to the applicable district regulations.
- (K) The conditional use procedural provisions of this chapter are considered and satisfactorily met.

#### *Adult Entertainment Use Sexually-Oriented Business*

- (A) The use shall be located at least one thousand (1,000) radial feet (measured from the nearest corner of the property line) from any of the following:
  - (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities
  - (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior

colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

- (3) Any residentially zoned property or residential use.
  - (4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the City which is under the control, operation or management of the City park and recreation authorities.
  - (5) A public theater.
  - (6) A shopping center.
  - (7) An airport.
  - (8) An on-sale liquor, wine or beer establishment.
  - (9) Another adult entertainment use. In addition, there shall not be more than one sexually-oriented business within a block front even if the block is greater than 1,000 feet in length.
- (B) Signage shall be generic in nature, shall only identify the name of the business that is being conducted on the premises, and shall not contain material classified as advertising
- (C) An adult entertainment use lawfully operating as a conforming use is not rendered non-conforming by the subsequent location of any use listed above within one thousand (1,000) feet, provided that if the adult entertainment use of the premises is abandoned for a period of ninety (90) days or more, it shall be deemed discontinued and subsequent use of the premises for adult entertainment will be required to meet the separation requirement.
- (D) Multiple uses or enlargement of uses of the operation, establishment or maintenance to more than one sexually-oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually-oriented business in any building, structure or portion thereof containing another sexually-oriented business, is prohibited.
- (E) Adult entertainment uses shall be considered conditional uses and may be permitted only within qualifying areas of the B-2 Community Business District and I-2 Industrial District.

### *Aggregate Mining Operation as an Interim Use*

Any operation, including gravel storage areas, shall be located at least one thousand (1,000) feet from a residential district boundary or use; and shall meet the following submittal requirements and standards as part of an interim use permit application:

- (A) A site and vicinity plan that includes the following shall be provided:
- (1) A description of natural features, including wetlands, water bodies and major topographic features located on the property and within three hundred fifty (350) feet of the property.
  - (2) A description of the proposal, including type and amount of material to be removed, overview of planned daily operations including equipment and vehicles; and discussion of how the proposed operations compare to land uses within one thousand (1000) feet of the site.
  - (3) A description of any potential environmental hazard due to existing or proposed land uses, including but not limited to, soil, water, air, noise, and light.

- (4) Grading plans showing land contours prior to excavation, at maximum excavation, and as proposed after completion of reclamation activities.
- (5) Storm water management and erosion control plans.
- (B) An air quality plan, as approved by the Minnesota Pollution Control Agency, shall be submitted with the interim use permit application.
- (C) A dust management plan, as approved by the Minnesota Pollution Control Agency, shall be submitted with the interim use permit application. Access drives and roads within the property shall be sprayed with dust suppressants as recommended by the Minnesota Pollution Control Agency, as needed to control fugitive dust. The streets used for access into the site shall also be cleaned at appropriate intervals consistent with City Standards, or as otherwise determined through the Interim Use Permit.
- (D) A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations. The maximum noise level at the perimeter of the site shall comply with the limits or standards established by the Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency.
- (5) A vibration-dampening plan describing sources of vibration and indicating conformance with all applicable vibration regulations.
- (E) A traffic plan describing the number of daily truck trips the proposal will generate and the principal access routes to the facility, including a description of the facility's traffic impact on the surrounding area. Traffic through local residential streets shall be prohibited unless specifically allowed through the Interim Use Permit.
- (F) A site reclamation/rehabilitation plan shall be submitted which provides for the orderly and continuing rehabilitation of all disturbed land. Such plan shall illustrate the following:
  - (1) Proposed contours of the site after completion of each stage of reclamation and proposed overall final site contours upon closing of the site. Final proposed contours shall relate to the planned future land use for the property as designated in the City's Land Use Map.
  - (2) A re-vegetation plan showing the type, quantity and location of plantings for areas where re-vegetation is proposed or required.
  - (3) Areas designated for storage of topsoil, overburden, mined materials or other materials to be stored or stockpiled on the site.
  - (4) A schedule setting forth the timetable for excavation and reclamation of the site.
  - (5) Criteria and standards that will be used to achieve final rehabilitation as well as intermittent slope stabilization.
- (G) All slopes shall be maintained in a safe manner, and shall not exceed 2' vertical to 1' feet horizontal. Slopes may be increased at the request of the proposer in conjunction with approval of the interim use permit, provided the proposer can demonstrate through engineering data that the slopes can and will be maintained in a safe manner and will not have adverse impact on adjacent land uses or property.
- (H) All operations shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday. All other times of operation shall be prohibited. The Council, at its discretion, may restrict any or all operations on legal holidays.
- (I) Security fencing, (exclusive of barbed wire) shall be installed and maintained along the perimeter of the entire property in accordance with the standards set forth in Section 7.25 of this ordinance.

- (J) No part of the reclaimed site that is designated by the City's Land Use Map for uses other than open space or agriculture shall be at an elevation lower than the minimum required for gravity connection to planned sanitary sewer and storm sewer.
- (K) Site reclamation shall begin after excavation of 25% of the total area to be mined or 4 acres, whichever is less. Excavation and reclamation shall occur on a phased basis.
- (L) Security in the form of a Cash Escrow, Letter of Credit, or Performance Bond shall be submitted to insure that reclamation improvements are completed in a timely manner, according to the approved phasing plan for the project. The dollar amount of such security shall be determined in conjunction with the Interim Use Permit and shall be based on the reclamation phasing plan and the estimated costs associated with each phase of reclamation.
- (M) The interim use permit shall be valid for a period not to exceed 2 years, or as otherwise provided in the approved interim use permit. Prior to expiration of the interim use permit, the property owner/operator may apply for renewal of an approved interim use permit according to the procedures as set forth in Chapter 3, Article 8 of this ordinance.

### *Agricultural Produce Sales*

- (A) No sales or display shall take place on any street right-of-way.
- (B) Any temporary structure placed on the property for such sales must be removed at the end of the selling season.
- (C) All structures, including temporary structures, shall meet the minimum setback requirements of the zoning district in which the use is located.
- (D) Signage must be in compliance in Chapter 10, which prohibits any signs or signage in the right of way.

### *Ambulance Facility*

- (A) Vehicle washing bays shall drain to the public sanitary sewer system.
- (B) Vehicle maintenance shall be conducted within a fully enclosed building.
- (C) There shall be no major vehicle repair or bodywork conducted on site.
- (D) Use of sirens with egress from the site shall be only as required by state statutes.
- (E) Maneuvering of ambulances or other commercial vehicles must be fully accommodated on site, and shall not interfere with vehicle parking.
- (F) Off street parking shall be subject to the requirements of Section 9.20 of this code.
- (G) Residential quarters for essential overnight personnel are allowed as a permitted accessory use.

### *Animal Kennel - Animal Shelter, Commercial Riding Stable and Similar*

- (A) All buildings occupied by animals and areas used for animal holding, feeding, or exercise shall be located at least one thousand (1,000) feet from any residential, commercial industrial use or district.
- (B) A minimum lot area of five (5) acres shall be provided.
- (C) All applicable requirements of the state's Pollution Control Agency are complied with.

### *Auction Establishment*

- (A) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
- (B) The facility's appearance shall be designed to be compatible with surrounding land uses and is subject to City approval.
- (C) Merchandise that is stored outside on the property for more than 72 hours prior to the date of sale, must comply with the outdoor storage provision.

### *Automobile Convenience Facility*

- (A) Fuel pumps shall be installed on pump islands.
- (B) No vehicular sales or service other than dispensing of motor fuel is permitted.
- (C) A car wash facility, either attached or detached from the principal structure, shall be permitted as an accessory use except in the B-1, Limited Neighborhood Business District. Such use shall meet the standards identified for a car wash elsewhere in this chapter.
- (D) There shall be no exterior storage or sales of goods or equipment, except where specifically allowed elsewhere in this ordinance.
- (E) A minimum of two (2) access points for vehicular traffic shall be provided. The access points shall create a minimum of conflict with through traffic movement.
- (F) The facility's appearance shall be designed to be compatible with surrounding residential land uses, if any, and is subject to City approval.
- (G) Canopies covering pump islands shall be required to meet established building setbacks for the zoning district in which it is located.
- (H) Additional conditions may be established to control noise during the operation of the facility, including controls of hours of operation.
- (I) Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with the general building and performance requirements of this chapter.
- (J) At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened.
- (K) All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

### *Automobile, Recreational Vehicle or Other Equipment Sales and Rental, Including Both New and Used Equipment*

- (A) When an outside sales area is adjacent to a residential district or residential use, a six-foot (6) foot fence shall be provided towards compliance with the provisions of Chapter 4, Site Plan Review.
- (B) Any structures used principally for sales or service shall be connected to municipal water and sewer.

### *Automobile Rental. See Automobile Sales*

### *Automobile Repair*

- (A) All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces in compliance with Chapter 9, Off-Street Parking and Loading.
- (B) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited, unless in compliance with the standards for vehicle storage. (See *Vehicle storage*).
- (C) All repairs shall be performed within a completely enclosed building.
- (D) Fuel pumps, if provided, shall be installed on pump islands.
- (E) Venting of odors, gas, and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors.
- (F) Additional conditions may be established to control noise during the operation of the facility, including controls of hours of operation.

### *Bars, Nightclubs and Liquor Establishments*

- (A) Music or amplified sounds shall not be audible from adjacent residential properties.
- (B) All regulations established in Chapter 5, City Code of Ordinances, regarding the sale of alcoholic beverages shall be met.
- (C) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing any litter.

### *Bed and Breakfast Home*

- (A) The facility shall be owner occupied and managed.
- (B) No more than one (1) non-resident employee shall be employed in the operation.
- (C) The total number of guest rooms shall be limited to four (4) in the R-3 district and to eight (8) in the R-4 and B-4 districts. All guest rooms shall be located within the principal structure.
- (D) Food service shall be limited to breakfast and separate kitchen or cooking facilities shall not be available for guests.
- (E) No function (such as a reception or a business meeting) involving large numbers of non-guests is permitted on the site
- (F) The facility shall meet all applicable housing, building, and fire codes and is licensed as required by the State of Minnesota.
- (G) Off street parking is required for the use shall be in addition to that required for the principal residential use of the property. One space per guest bedroom.

### *Boarding Houses*

- (A) Restricted to children out of their own homes, ages 16 years or under, or in the case of mental retardation age 21 or under, cared for 24 hours a day for a period of 30 days.
- (B) The number to be cared for in one foster child boarding (house) home shall not exceed five, including the foster family's own children.
- (C) Boarding houses are limited to not more than 30 persons.

### *Campgrounds*

- (A) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
- (B) No more than five (5) percent of the area of the site is covered by buildings or structures.
- (C) All driveway areas serving the site shall be paved with concrete or bituminous surface. Parking spaces at individual campsites may consist of a crushed rock or gravel surface.
- (D) A minimum setback of one-hundred (100) feet is provided between the use and any abutting residential use or district.
- (E) Plans for utilities and waste disposal shall require review and approval by the City Engineer.

### *Car Wash*

- (A) Stacking shall be provided in accordance with Section 9.27, with such area designed to facilitate adequate on-site circulation.
- (B) Water from the car wash shall not drain across any sidewalk or into a public right-of-way, subject to the approval of the City engineer. The entire area shall have a drainage system which is subject to the approval of City Engineer.
- (C) Vacuum and drying facilities shall be located in an enclosed structure or located away from any residential use to minimize the impact of noise.
- (D) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- (E) At the boundaries of a residential district, a strip of not less than five feet shall be landscaped.
- (F) Parking or car magazine storage space shall be screened from view of abutting residential districts.
- (G) The entire area other than occupied by buildings or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of authorized City personnel.
- (H) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with the general building and performance requirements of this chapter.
- (I) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with the general building and performance requirements of this chapter and shall be subject to the approval of authorized City personnel.
- (J) All signing and informational or visual communication devices shall be in compliance with the general building and performance requirements of this chapter.

### *Child Care Center, Preschool, or Early Childhood Learning Center, in Business Districts*

- (A) A fence at least five (5) feet in height shall surround all play areas. Such play areas shall not be permitted between the principal structure and a public or private street.
- (B) All necessary permits and/or licenses shall be obtained from the Minnesota Department of Human Services and any other applicable state agency.

- (C) When a child care facility is proposed in a church or school building originally constructed for use as a church or school, the use shall be treated as a permitted accessory use.

*Child Care Center, Preschool, or Early Childhood Learning Center, in Residential Districts*

- (A) A fence at least five (5) feet in height shall surround all play areas. Such play areas shall not be permitted between the principal structure and a public or private street.
- (B) Building setbacks shall be a minimum of thirty (30) feet.
- (C) The City may require a minimum lot size of fifteen thousand (15,000) square feet in areas where a concentration of childcare providers already exists.
- (D) The City may prohibit a child care facility to be located within one thousand (1,000) feet of an existing child care facility, a residential care facility, or a correctional residential care facility.
- (E) All necessary permits and/or licenses shall be obtained from the Department of Human Services and any other applicable state agency.
- (F) When a child care facility is proposed in a church or school building originally constructed for use as a church or school, the use shall be treated as a permitted use.

*Club, lodge. If liquor sales, see Bars and Liquor Establishments*

*Community center, Church and Schools*

- (A) Side yard setback requirements shall be double that required for the district, but no greater than 30 feet.
- (B) Adequate screening from abutting residential uses and landscaping is provided in compliance with this chapter.
- (C) Adequate off-street loading and service entrances are provided and regulated where applicable by the general building and performance requirements of this ordinance.

*Concrete, Asphalt and Rock Crushing Facility*

Any facility, including gravel storage areas, shall be located at least one thousand (1,000) feet from any residential district boundary, and shall meet the following submittal requirements and standards as part of the conditional use permit application:

- (A) A site and vicinity plan that includes the following shall be provided:
  - (1) A description of natural features, including wetlands, water bodies and major topographic features located on the property and within three hundred fifty (350) feet of the site.
  - (2) A description of the proposal including type and amount of material to be removed, overview of planned daily operations including equipment and vehicles, and discussion of how the proposed operations compare to land uses within one thousand (1000) feet of the site(c) A description of any potential environmental hazard due to existing or proposed land uses, including soil, water and air contamination.
- (B) An air quality plan, as approved by the Minnesota Pollution Control Agency, shall be submitted with the conditional use permit application.
- (C) A dust management plan as approved by the Minnesota Pollution Control Agency shall be submitted with the conditional use permit application. Access drives and roads within the property shall be sprayed with dust suppressants as recommended by the Minnesota Pollution Control Agency, as needed to

control fugitive dust. The streets used for access into the mine shall also be cleaned at appropriate intervals consistent with City Standards, or as otherwise determined through the conditional use permit.

- (D) A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations. The maximum noise level at the perimeter of the site shall comply with the limits or standards established by the Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency.
- (E) A vibration-dampening plan describing sources of vibration and indicating conformance with all applicable vibration regulations.
- (F) A drainage plan for storm water management and runoff.
- (G) A landscape plan meeting the standards of Chapter 5, Site Plan Review.
- (H) A traffic plan describing the number of daily truck trips the proposal will generate and the principal access routes to the facility, including a description of the facility's traffic impact on the surrounding area. Traffic through local residential streets shall be prohibited unless specifically allowed through the Conditional Use Permit.

### *Contractor Office and Showroom*

All storage of equipment, materials, and supplies shall be entirely within an enclosed building or in accordance with the requirements for outdoor storage (see *Outdoor storage area*).

### *Correctional Residential Care Facility*

- (A) The facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.
- (B) The facility is located on a lot meeting the minimum lot size for a single-family dwelling plus an area of three-hundred (300) square feet for each resident above the first six (6) residents. To meet this requirement, a maximum number of residents may be specified as a condition of the conditional use permit.
- (C) A minimum separation distance of one thousand (1,000) feet shall be provided between correctional residential care facilities, day care facilities serving thirteen (13) or more, and residential care facilities, regardless of the licensing status of such facilities.
- (D) All necessary permits and/or licenses shall be obtained from the Department of Human Services, Department of Corrections, or any other pertinent state agency.

### *Dwelling as Part of a Mixed Use Structure, B-4 District*

- (A) The residential use is secondary to the ground floor commercial use.
- (B) The maximum number of units allowed shall be the lesser of the area of the parcel divided by two thousand (2,000), times the number of floors in the building above ground floor or the number of units satisfying the following area requirements:
  - (1) Efficiency and one-bedroom units 500 square feet.
  - (2) One bedroom units 600 square feet.
  - (3) Two-bedroom units 720 square feet.
  - (4) More than two bedrooms, add additional 70 square feet for each additional bedroom.

- (C) A minimum of one parking space shall be provided per residential unit within four hundred (400) feet of the most commonly used entrance to the unit. Unless located in B-4 district. Such space shall be under private ownership or lease and shall be dedicated solely for the use of the residence.

#### *Dwelling in Conjunction with a Business in Business or Industrial Districts*

- (A) The applicant must demonstrate to the satisfaction of the City Council that the dwelling is necessary to the proper conduct of the business.
- (B) If located in a separate building, the dwelling shall meet the setback requirements of the zoning district where it is located.

#### *Establishments with Entertainment – Coffee Shop, Restaurants, Bars and Grills*

- (A) Music or amplified sounds shall not be audible from adjacent residential properties.
- (B) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter.

#### *Farm and Construction Equipment Sales*

- (A) No sales or display areas shall be located on a side abutting any residential district or use.
- (B) Outdoor sales or display areas shall be located and designed so as not to interfere with circulation of parking, loading, and access aisles.
- (C) Junk vehicles, implements, and equipment shall be prohibited.
- (D) Exterior Display Areas for the Farm Implements shall be permitted to be gravel.
- (E) All exterior storage areas shall be subject to the standards for an Outdoor Storage Area listed in Section 8.03, Specific Development Standards.

#### *Firearms Dealer*

- (A) No firearms or ammunition shall be displayed in window areas or any areas where they can be viewed from the public right-of-way.
- (B) The use shall meet the required security standards mandated by Minnesota Statutes.

#### *Firing Range*

Firing ranges shall be located in completely enclosed buildings that are adequately soundproofed.

#### *Funeral Home*

An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate serves the site.

#### *Golf Course, See Outdoor Recreational Area*

#### *Half-Way House Facility*

- (A) All programs meet regulations and standards set by all appropriate governing boards and agencies (state, federal, county and the like).
- (B) All requirements of the state's Fire Marshal, local and state health authorities are complied with.

- (C) All requirements of this chapter and building codes are complied with.
- (D) The site of the principal use is served by an arterial or collector street of sufficient capacity to accommodate potentially increased traffic volumes, except where residents are prohibited from or are incapable of owning or driving a vehicle.
- (E) Parking areas containing five or more are screened and landscaped from abutting and surrounding residential uses in compliance Chapter 5.
- (F) The applicant can demonstrate the need for such a use based upon lack of existing concentration of similar uses within the neighborhood and/or community.
- (G) The proposed facility is compatible with the character of the surrounding neighborhood.

*Heliport*

- (A) All heliports and helicopter flyways shall conform to all applicable Federal Aviation Administration regulations.
- (B) The helicopter-landing pad shall be covered with a dust-free surface.
- (C) Security measures, including fencing and screening, shall be provided where necessary to protect non-authorized persons from entering area.
- (D) The use shall be permitted only as an accessory to another principal use, and shall not occupy more than twenty-five (25) percent of the total site area of the development.

*Hospital*

- (A) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
- (B) A heliport may be permitted accessory to a hospital, meeting the additional requirements for heliports.

*Indoor Recreational Facility*

- (A) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
- (B) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be compatible with those used in the immediate neighborhood.
- (C) Each side yard is a minimum of twenty-five (25) feet.
- (D) Off-street parking may be provided on the site or on an abutting site, which may be separated from the site by a public street or alley.

*Laundry, Self-service or Commercial*

Venting of odors, gas, and fumes shall be directed away from residential uses.

*Limited Industrial Production and Processing, Wholesaling Operations and Services, in a Business District.*

- (A) Vehicular access points shall create a minimum of conflict with through traffic movement.
- (B) Equipment or materials shall be completely enclosed in a permanent structure, with no outside storage.

- (C) The hours of operation will not have an adverse impact on adjacent property owners.

*Multiple family building in B-2*

- (A) Development is compatible with existing and planned use of the area and conflicts are not created between commercial and residential use and activities;
- (B) The lot, setback and building requirements outlined in the general building and performance requirements of this chapter are complied with;
- (C) At least 500 square feet of usable open space, as defined herein, is provided for each dwelling unit;
- (D) Adequate off-street parking and off-street loading as provided in the general building and performance requirements of provided in compliance with this chapter;
- (E) The development is adequately served by a collector or arterial street.

*Nursing Home, Senior Housing*

- (A) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate serves the site.
- (B) Elevator service is provided to each floor level.
- (C) Landscaped open space is easily accessible to residents for outdoor seating and recreation.
- (D) The site meets the lot area and dimensional standards for the R-4 District.

*Offices in Residential or B-1 Districts*

- (A) An office serves the general surrounding community.
- (B) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate serves the site.
- (C) The architectural appearance and plan of the building and site shall be compatible with other buildings in the immediate area, and shall not constitute a blighting influence within a reasonable distance of the lot. The design of the facility shall be subject to City approval.
- (D) There shall be no exterior storage of goods or equipment except for properly screened trash containers.

*Outdoor Eating (Patio), Drinking, or Smoking Enclosure as an Accessory Use to a Bar, Restaurant, Club, or other Assembly Use with Liquor Sales*

- (A) The outdoor patio area is situated immediately adjacent to and abuts the principal structure or building and the patio's operation is incidental to and a part of the operation of the adjacent structure or building. Any structure shall be contiguous to the principal building and shall conform to all zoning and building codes and state statutes, and shall be subject to the same setbacks as the principal building.
- (B) The primary access to the area shall be from the principal building; no other access or egress shall be allowed other than required emergency exits.
- (C) The area shall be defined or constructed so as to prohibit the free passage of any person or substance from the area.
- (D) The area shall have a permanent surface of concrete, asphalt, wood, or other fabricated construction material.

- (E) The area may have a roof and/or partial walls, but must be less than 50% enclosed as defined by state statute. All enclosures must be constructed of materials compatible with the principal structure as defined elsewhere in this Ordinance.
- (F) The area shall be located no closer than two-hundred (200) feet to a residential district boundary or use and shall be screened in compliance the provisions of Chapter 5, Site Plan Review. Areas which are located closer than two-hundred (200) feet may be permitted by conditional use permit, in accordance with the provisions of Chapter 3, Article 7 of this Ordinance.
- (G) An employee shall be assigned to supervise the area during all hours of operation.
- (H) Amplified sound shall not be permitted within the outdoor enclosure when it is audible from a residential district boundary or use.
- (I) Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided.
- (J) The premises, all adjacent streets, sidewalks, alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing litter.
- (K) All outdoor furniture, including tables, chairs, umbrellas and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. No signage shall be allowed on any outdoor patio area, except for the name of the establishment on an awning or umbrella fringe.
- (L) An outdoor patio area may encroach into the applicable setback area provided that the patio is located in such a manner that there is at least ten feet of clear and unobstructed passageway between the patio area and that part of a public right-of-way that is actually used for travel purposes. The Zoning Administrator may require more than ten feet if necessary to protect the public safety. The Zoning Administrator may also reduce this requirement where unusual circumstances exist and where public safety would not be jeopardized.
- (M) Restrooms for the patio shall be provided in the adjoining indoor structure or building and the patio seating shall be counted in determining the restroom requirements of the principal use. The outdoor patio area shall be maintained in a clean and orderly condition.
- (N) The area of the outdoor patio and the area of the primary structure or building shall be used in determining the parking requirements applicable to the primary use.
- (O) All other appropriate provisions of the Redwood Falls City Code, including building and fire code regulations, must be met.
- (P) Establishments which intend to serve alcoholic beverages on the outdoor patio area must additionally meet the following requirements:
  - (1) The establishment shall hold a valid liquor license.
  - (2) Taps, kegs, coolers, or other alcoholic beverage storage devices commonly used for dispensing alcoholic beverages are not permitted to be in outdoor patio area unless constantly supervised by staff member of the establishment.
  - (3) The establishment shall comply with the provisions of the Freedom to Breathe Act of 2007.

*Outdoor Recreation Area, Including Golf Courses, Swimming Pools, Athletic Fields, and Similar Facilities.*

- (A) A minimum fifty (50) foot setback area, maintained as open space, shall be provided along the perimeter of the site wherever it abuts a residential district boundary.

- (B) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate serves the site.
- (C) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties.
- (D) Not more than 5% of the land area of the site shall be covered by buildings or structures in R-R District.
- (E) When abutting a residential use and a residential use district the property is screened and landscaped.

### *Outdoor Sales and Display Area*

- (A) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting "R" Districts.
- (B) Sales area is grassed or surfaced to control dust.
- (C) Does not take up parking space as required for conformity to this chapter.
- (D) Temporary outdoor sales and display areas shall meet the following standards:
  - (1) All goods and materials stored shall be located on a bituminous or concrete surface.
  - (2) The sales display area shall be maintained in an orderly fashion, with all display items consisting solely of products sold, distributed, or related to products sold or distributed within the principal structure by the occupant thereof.
  - (3) The outdoor sales display area shall not reduce the amount of available parking provided at the site, as required in Chapter 9, Off-Street Parking and Loading.
  - (4) A site plan showing the location and parameters of the outdoor sales and display area, shall be submitted for approval by Staff prior to erecting any related structures, stocking of the area, or opening of an outdoor sales area.
  - (5) The outdoor sales and display area shall not exceed 30% of the square footage of the principal building.
  - (6) The outdoor sales and display area shall be well defined, as provided on the approved site plan, and shall not interfere with vehicular or pedestrian access or traffic.
  - (7) The outdoor sales and display area shall be limited to two occurrences per year, provided outdoor sales and display does not occur for more than 180 days in any calendar year.
- (E) Permanent outdoor sales and display areas shall meet the following standards:
  - (1) The outdoor sales and display area shall be approved as part of the site plan for the principal use, and shall be immediately adjacent to, and integrally designed as part of the principal structure and use.
  - (2) The outdoor sales and display area shall be accessible directly from the principal building, and may also be accessed from the outside parameters of the sales and display area.
  - (3) The exterior parameters of the outdoor sales and display area shall be well defined, preferably with fencing, walls, or landscaping.

### *Outdoor Smoking Areas*

- (A) Smoking areas that use public sidewalks shall be subject to approval by the City and shall be subject to an agreement with the City regarding use and maintenance of the area.

- (B) Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided.
- (C) The smoking area, all adjacent streets, sidewalks, alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing litter.

### *Outdoor Storage Area*

- (A) Outdoor storage areas shall be placed to the rear or side of the principal structure and shall meet the setback requirements established within the individual zoning districts.
- (B) The storage area shall be fenced around its perimeter with a minimum six (6) foot chain link fence and shall be screened in compliance with the provisions of Chapter 5, Site Plan Review.
- (C) All goods and materials stored shall be located on a grassed or paved surface to control dust.
- (E) The outdoor storage area shall be maintained in an orderly fashion.
- (F) The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the perimeter fence.
- (G) The outdoor storage area shall not reduce the amount of parking provided at the site, as required in Chapter 9, Off-Street Parking and Loading.

### *Pawn Shop*

- (A) The lot must be at least 1,000 feet from the property line of a site containing another pawnshop, currency exchange, payday loan agency, firearms sales, liquor store or sexually-oriented business. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the pawnshop.
- (B) The pawnshop use shall not operate in conjunction with a sexually-oriented business.
- (C) The lot shall be located a minimum of 350 feet from any parcel that is zoned residential, or has an educational (academic) use, religious institution, park, library or community center. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the pawnshop.
- (D) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial. Access to and from local residential streets is prohibited.
- (E) In-vehicle sales or service are prohibited.
- (F) Fire arm transactions are prohibited.
- (G) The use shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.
- (H) Exterior loudspeakers or public address systems are prohibited.
- (I) Visibility into the store shall be maintained by utilizing clear, transparent glass on all windows and doors, and by keeping all windows free of obstructions for at least three feet into the store. Product may be displayed for sale in the window as long as the display, including signage, does not occupy more than 30 percent of the window area.
- (J) Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or more than ten percent of any individual window or contiguous window area.

- (K) Neon accents and back-lighted awnings shall be prohibited.
- (L) Parking space requirements shall be determined pursuant to Chapter 9. If a pawnshop is combined with another use such as a currency exchange or payday loan agency, each use shall be considered a separate use for purposes of determining minimum parking requirements.

### *Pet Store*

Animals shall be housed only within enclosed buildings.

### *Production of Stone or Clay and Concrete, Such as Cement, Bricks, Tile and Concrete Blocks*

In Industrial Districts. Any facility in industrial zoning district that processes raw materials to produce an end product consisting of stone, clay, and concrete products such as cement, bricks, tile or concrete blocks shall meet the following standards as part of a conditional use permit:

- (A) All raw materials handling and storage shall occur completely within an enclosed building.
- (B) All production processes shall occur completely within an enclosed building.
- (C) Outdoor product storage and product handling areas shall be maintained in a neat and orderly manner, according to an approved site plan for such exterior operations, and loading areas shall be provided according to the requirements of Chapter 9, Off-Street Parking and Loading.
- (D) Exterior storage areas shall comply with the Outdoor Storage provisions of this ordinance, except that the height of stored products shall not exceed the height of the perimeter fence.
- (E) On-site sales, including exterior sales and display of the finished product may be allowed as part of the conditional use permit, subject to the Outdoor Sales and Display provisions of this chapter.

### *Recreational, Travel Vehicle Camp Sites (not including mobile homes) in R-R District*

- (A) The land area of the property containing the use or activity meets the minimum established for the district.
- (B) The site be served by a major or arterial street capable of accommodating traffic which will be generated.
- (C) All driveways and parking areas be surfaced.
- (D) Plans for utilities and waste disposal shall be reviewed by the City Engineer and shall be subject to his or her approval and all applicable requirements of the state's Pollution Control Agency are complied with.
- (E) Not more than 5% of the land area of the site shall be covered by buildings or structures.
- (F) The location of the use shall be at minimum 100 feet from any abutting residential use district.
- (G) All signing and informational or visual communication devices shall be in compliance with the general building and performance requirements of this chapter and shall not impact adjoining or surrounding residential uses.
- (H) The conditional use procedural provisions of this chapter are considered and satisfactorily met before this use is allowed.

*Refuse Disposal and Incineration Facility.* See Waste transfer or disposal facility.

### *Religious Institutions in Residential Districts*

- (A) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
- (B) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be compatible with those used in the immediate neighborhood.
- (C) Each side yard is a minimum of twenty-five (25) feet.
- (D) Off-street parking may be provided on the site or on an abutting site, which may be separated from the site by a public street or alley.
- (E) Adequate screening from abutting residential uses and landscaping is provided in compliance with this chapter.

### *Relocation of a Dwelling Previously Occupied in Another Location and Relocation of a New Dwelling*

- (A) The dwelling in its proposed location is compatible with other adjacent dwellings in terms of height and size of structure.
- (B) The architectural features of the dwelling and any accessory structures shall be compatible with the architectural style and features of adjacent dwelling and those in the same neighborhood. Such features as porches, dormers, pillars and columns, window style, entrance location, and roof pitch and style shall be considered in determining the appropriateness of the dwelling and any accessory structure. This subsection is not intended to apply strict architectural standards, rather, that the dwelling being moved or relocated be compatible with the neighborhood as interpreted by the Zoning Administrator.
- (C) Garages and other accessory structures, whether attached or detached, shall be located in a manner similar to those on other adjacent residential properties and properties in the same neighborhood unless its nonconforming property.
- (D) A site plan, with a survey, must be submitted showing the final grading elevations for the proposed parcel. The on-site grading improvements and utility service extensions must be completed prior to the placement of the dwelling on the lot.
- (E) All required improvements and building code requirements shall be met within one year of the placement of the dwelling.

### *Residential Business District*

These conditional use provisions apply only for the R-B district:

- (A) Hospital, medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices (limited to appraisers, architects, attorneys, certified public accountants, clergymen, dentist, engineers, manufacturer's representatives, physicians, real estate agents, and other similar uses which have no storage of merchandise and are service oriented with no retail sale of goods on the premises), funeral homes, mortuaries, adult day care centers and supervised living facilities; provided that:
  - (1) The site and related parking and service entrances are served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.
  - (2) Adequate off-street parking and loading is provided in compliance with Chapter 9.

- (3) When abutting all other residential districts, a buffer area with screening and landscaping in compliance Chapter 5.
  - (4) All signing and information or visual communication devices shall be in compliance with Chapter 10.
- (B) Nursing homes and similar group housing, but not including hospitals, sanitariums or similar institutions; provided that:
- (1) Side yards are double the minimum requirements established for this District (but not to exceed 30 feet) and are screened in compliance with the general building and performance requirements of this chapter.
  - (2) Only the rear yard shall be used for play or recreational areas. The area shall be fenced and controlled and screened in compliance with Chapter 5.
  - (3) The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
  - (4) All signing and informational or visual communication devices shall be in compliance with Chapter 10.
  - (5) All state laws and statues governing the use are strictly adhered to and all required operating permits are secured.
  - (6) Adequate off-street parking and loading is provided in compliance with Chapter 9.
- (C) Parking facilities for adjacent commercial or multiple dwelling establishments; provided that:
- (1) The parking is in excess of that required on the lot upon which the principal use is located.
  - (2) Applicable conditions of the off-street parking requirements of Chapter 9 are met.
  - (3) When parking is the principal use and landscaping is provided in compliance with Chapter 5.
  - (4) The site of the principal use and its related street parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.
- (D) Retail commercial activities, provided that:
- (1) Merchandise is sold at retail.
  - (2) The retail activity is located within a structure whose principal use is not commercial sales.
  - (3) The retail activity shall not occupy more than 15% of the gross floor area of the building.
  - (4) The retail activity is not located within a structure whose principle use is residential.
  - (5) All signing and information or visual communication devices shall be in compliance with Chapter 10.
  - (6) No signs or poster of any type of any type advertising for sale shall be visible from the outside of the building.
- (E) Buildings combing residential and non-residential uses allowed in this District, provided that:
- (1) Residential and non-residential uses shall not be contained on the same floor;
  - (2) The residential building standards as outlined in this section are met.

- (F) Elderly (senior citizen) housing, provided that:
- (1) Not more than 10% of the occupants may be persons 60 years of age or under (spouse of a person over 60 years of age or caretakers and the like).
  - (2) Adequate off-street parking and loading is provided in compliance with Chapter 9.
  - (3) Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with Chapter 5.
  - (4) The site of the principal use and its related parking is served by an arterial or collector street.
  - (5) All signing and information or visual communication devices shall be in compliance with Chapter 10.
  - (6) Elevator service is provided to each floor level.
  - (7) The principal use structure is in compliance with the State Building Code.
  - (8) Usable open space as defined herein as a minimum is equal to 20% of the gross lot area.
  - (9) The main entrance of the principal use that is within 400 feet of commercial shopping development must have adequate provisions for access to the facilities.

#### *Residential Care Facility*

- (A) On-site services shall be for residents of the facility only.
- (B) The facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.
- (C) The minimum lot area required for a residential care facility shall be determined as follows:
- (1) Residential districts. The facility shall have a minimum lot size equal to the minimum lot area for a single-family residence in the specific zoning district, plus three hundred (300) square feet for each resident over the first six. To meet this requirement, the number of allowed residents may be limited.
  - (2) Business districts. The facility shall have a minimum lot size equal to the minimum lot area for the specific zoning district, plus three hundred (300) square feet for each resident over the first six. To meet this requirement, the number of allowed residents may be limited.
- (D) A minimum separation distance of one thousand (1,000) feet shall be provided between residential care facilities serving more than six residents, home day care or child care facilities serving thirteen (13) or more, and correctional residential care facilities, regardless of the licensing status of such facilities. This requirement shall not apply to residential care facilities located in R-4, Multiple Family Residential Districts.
- (E) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (F) An appropriate transition area between the residential care facility and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (G) All necessary permits and/or licenses shall be obtained from the Department of Human Services or any other pertinent state agencies.

### *Restaurant, Drive-In*

- (A) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- (B) At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with the general building and performance requirements of this chapter.
- (C) Each light that has a standard island and all islands in the parking lot shall be landscaped and covered.
- (D) Parking areas shall be screened from view of abutting residential districts in compliance with the general building and performance requirements of this chapter.
- (E) Parking areas and driveways shall be curbed with continuous curbs not less than six inches high above the parking lot or driveway grade.
- (F) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with the off-street parking requirements of this chapter and shall be subject to the approval of the authorized City personnel.
- (G) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with the general building and performance requirements of this chapter.
- (H) The entire area shall have a drainage system which is subject to the approval of City Engineer.
- (I) The entire area other than occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of City Engineer.
- (J) All signing and informational or visual communication devices shall be in compliance with the general building and performance requirements of this chapter.

### *Restaurant, Drive-Through*

- (A) The use shall be located only on sites having direct access to arterial or collector streets or service roads.
- (B) The public address system, if provided, shall not be audible from any residential parcel.
- (C) Stacking shall be provided in compliance with Section 9.26 and shall be located within applicable parking lot setbacks.
- (D) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing any litter.

### *Schools (K-12) in Residential Districts*

- (A) An arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
- (B) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be compatible with those used in the immediate neighborhood.
- (C) Each side yard shall be a minimum of twenty-five (25) feet.

- (D) Off-street parking may be provided on the site or on an abutting site, which may be separated from the site by a public street or alley.

#### *Scrap/Salvage Yard, Metal Milling Facility*

- (A) A conditional use permit is required.
- (B) A fence with a minimum height of six (6) feet shall be provided around the perimeter of the storage area. Such fence shall apply towards the screening requirements established in Chapter 5, Site Plan Review.
- (C) No vehicles or vehicle parts may be placed within the public right-of-way or on public property.

#### *Single-Family Detached Dwelling in R-4 District*

The residence is compatible with general development patterns in the immediate area or is necessary to the conduct of the principal use, such as a multi-family development or residential institution.

#### *Stockyard, or Animal Slaughter Facility*

All slaughter and processing activities shall take place within a completely enclosed building with adequate soundproofing and odor control.

#### *Vehicle Storage*

- (A) No inoperable vehicle shall be stored outside a building in any residential district or in the B-1 district.
- (B) Not more than five (5) inoperable vehicles may be stored outside at any one time at a property located in a business or industrial district, excluding the B-1 district, provided that no one vehicle may be stored in excess of thirty (30) days in a calendar year. Vehicle storage in excess of these prescribed limits shall classify the use as a salvage yard.
- (C) All vehicle storage shall take place in side or rear yard areas. In no case shall a vehicle storage area extend into the front yard beyond the principal building.
- (D) A fence with a minimum height of six (6) feet shall be provided around the perimeter of the storage area. Such fence shall apply towards the screening requirements established in Chapter 5, Site Plan Review.
- (E) No vehicles or vehicle parts may be placed within the public right-of-way or on public property.

#### *Veterinary Clinic*

All activity shall take place within a completely enclosed building with soundproofing and odor control. Outdoor kennels shall be prohibited.

#### *Warehousing and Storage as a Conditional Use, B-4*

- (A) *Warehousing and Storage Uses.* Prior to installation of one of these options, the current conditions of newspaper, wood of any sort, curtains made of any material are prohibited methods of screening and shall be removed prior to installation. Warehousing and storage related as the principle use are as follows:
  - (1) The architectural appearance of the building and site shall not be dissimilar to existing adjacent buildings or the general area so as to cause impairment to property values or constitute or encourage a blighting influence within the area.
  - (2) Warehousing and storage uses shall not be located in the storefront of a building. Storefront shall be defined as that area of the building at street level that fronts on a public right-of way

(not including an alley), and shall consist of the first 20' back from the wall of the building at street level that fronts on the public right-of-way (not including an alley).

In the case of a corner building, both sides of the building at street level that fronts on a public right of-way (not including an alley) shall be considered a storefront. Where there are no window openings in the street level of a wall that fronts on a public right-of-way, such frontage shall not be considered a storefront.

- (3) Two options for separating the view of storage within the store front.
  - (a) Warehousing and storage uses shall be separated from the storefront area of the building by a wall which extends from floor to ceiling, a minimum of 24" above the height of a standard door, the entire width of the building or area to be used for storage. For the purposes of this section, a finished wall shall be constructed of dry-wall, plaster, stone, brick or other masonry material, or other similar material to provide adequate physical and visual separation between the use in the front of the building and the warehousing and storage use, OR
  - (b) Warehousing and storage uses shall be hidden behind windows that have windows tinted to opaque (not able to be seen through) levels or have opaque frosted film installed by a professional in the field. Prior approval of the professional installer and the window treatment would be needed from the City. Storage materials are not allowed to be stored against the window that would allow shadowing to be seen from the outside when inside lights are on or off. Tint or frost film will only be installed on glass that is sound and in good condition. Maintenance would be the responsibility of the owner of the property and shall be kept in like new condition or replaced within sixty (60) days from a formal letter from the City.
- (4) Additional conditions may be established to ensure compatibility of the warehousing or storage use with surrounding uses.
- (5) Existing warehousing and storage uses shall comply with all provisions of this ordinance within one year of the effective date of this ordinance.

### *Waste Hauler*

- (A) No waste shall be stored or maintained on site.
- (B) At no time shall a vehicle used in the operation of waste hauling be parked within a residential area for a period exceeding three (3) hours.

### *Waste Transfer or Disposal Facility*

The use shall be located at least one thousand (1,000) feet from any residential district. The facility shall provide the following as part of the conditional use permit application:

- (A) A vicinity plan that includes the following:
  - (1) A description of natural features, including wetlands, water bodies and major topographic features located within three hundred fifty (350) feet of the site.
  - (2) A description of the proposal and how it compares to land uses within three hundred fifty (350) feet of the site.
  - (3) A description of any potential environmental hazard due to existing or proposed land uses, including soil, water and air contamination.

- (B) An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations.
- (C) A dust management plan describing dust emission sources, their quantity and composition, and how dust will be collected, managed and disposed of, and indicating conformance with all applicable dust emission regulations.
- (D) A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.
- (E) A vibration dampening plan describing sources of vibration and indicating conformance with all applicable vibration regulations.
- (F) A drainage plan for stormwater management and runoff.
- (G) A landscape plan meeting the standards of Chapter 5, Site Plan Review.
- (H) A traffic plan describing the number of truck trips the proposal will generate and the principal access routes to the facility, including a description of the facility's traffic impact on the surrounding area.

## **Chapter 9    Off-Street Parking and Loading**

### **ARTICLE 1. GENERAL PROVISIONS**

#### **9.01    Purpose**

Parking and loading regulations are established to alleviate or prevent congestion of the public right-of-way, to provide for the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, and location of required off-street parking and loading spaces, and access driveways and aisles.

#### **9.02    Change of Use or Occupancy of Land or Buildings**

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. 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.

#### **9.03    Existing Facilities**

Existing parking and loading facilities shall not be reduced below the requirements for a similar new use or, if less than the requirements for a similar new use, they shall not be reduced further. 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. Any use which depends upon off-site parking to meet the requirements of this chapter shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

#### **9.04    Use**

Required parking and loading spaces and the driveways providing access to them shall not be used for storage, display, sales, rental or repair of motor vehicles or other goods, or for the storage of inoperable vehicles or snow. Additionally, no fee shall be charged for any required parking space.

#### **9.05    Location**

Required parking and loading spaces shall be located on the same lot or development site as the use served except under the following provisions:

- (A) Reasonable and improved access shall be provided from the off-site parking facilities to the use being served.
- (B) Off-site parking for multiple-family dwellings shall be located no more than one hundred (100) feet from any normally used entrance of the use being served.
- (C) Off-site parking for non-residential uses shall be located no more than three hundred (300) feet from the main entrance of the principal use being served.
- (D) The site used for off-site parking shall be under the same ownership as the principal use being served or the use of the parking facilities shall be protected by a recorded instrument acceptable to the City.

### **9.06 Calculation of Requirements**

Calculating the number of parking spaces required shall be in accordance with the following:

- (A) *Gross floor area.* The term “gross floor area” (GFA) for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor dimensions of the building, structure, or use times the number of floors, minus ten (10) percent.
- (B) In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 18 inches of the seating facilities shall be counted as one seat for the purpose of determining requirements.
- (C) In cases where parking requirements are based on “capacity” of persons, capacity shall be based on the maximum number of persons that may occupy a place, as determined by the Building Code. Maximum capacity shall be posted within the establishment. Both indoor and outdoor seating is included in maximum capacity.
- (D) When calculating the number of off-street parking spaces results in a fraction, each fraction of one-half ( $\frac{1}{2}$ ) or more shall require another space.
- (E) Except in shopping centers or where joint parking requirements have been approved, if a structure or site contains two or more uses, each use shall be calculated separately in determining the total off-street parking spaces required.
- (F) In cases where future potential uses of a building may generate additional parking demand, the City may require a proof of parking plan for the site, showing how the anticipated parking demand will be met. The City may permit the additional land area that would be required for anticipated parking to be placed in reserve as landscaped open space until needed.

## **ARTICLE 2. PARKING AREA DESIGN AND MAINTENANCE**

### **9.07 Submission of Parking Plan**

Any application for a building permit or zoning certificate requiring or including the provision of off-street parking shall include a parking plan. Said plan shall be drawn to scale and fully dimensioned, showing parking facilities to be provided in compliance with this ordinance. Design of such facilities, in addition to requirements shown below, is also subject to the standards identified in Chapter 5, Site Plan Review.

### **9.08 Access to Parking Spaces**

Each required off-street parking space shall open directly to an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space, as shown in Table 9-2, except where accessory to residential uses of up to four (4) units, the requirements of Table 9-2 do not apply.

### **9.09 Maneuvering Area**

All parking areas except those serving single and two-family dwellings on local streets shall be designed so that cars shall not be required to back into the street. If deemed necessary for traffic safety, turn-around areas may be required.

### **9.10 Surfacing**

- (A) All off-street parking areas, all access roads leading to such parking areas or garages, and all other areas upon which motor vehicles may be located, except as otherwise stated below, shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four-thousand (4,000) pounds.

- (B) All industrial off-street parking areas, all access drives leading to such parking areas, and all other areas upon which motor vehicles may be located shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds.
- (C) Acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards.
- (D) Crushed rock shall not be considered an acceptable surfacing material on any public, employee, or resident off-street parking areas, or access drives leading to such parking areas or garages, except as provided elsewhere in this ordinance.
- (E) Within all Industrial Zoning Districts, loading areas are allowed to have a Class II (100% Crushed) aggregate base. Access drives that serve loading areas shall be hard surfaced either with bituminous or concrete within the required front or corner side building setback. A dust control plan shall be submitted and approved by the City.
- (F) Within all Industrial Zoning Districts, internal yard areas are allowed to have a Class II (100% Crushed) aggregate surface. Such internal yard areas shall be located to the side or rear of the principal building. The internal yard area shall be clearly separated from public areas by fencing or other acceptable means. Access drives that serve loading areas shall be hard surfaced with either bituminous or concrete within the required front or corner side building setback. A dust control plan shall be submitted and approved by the City.

#### **9.11 Curbing**

- (A) Except for one to four-family residential uses, all public, employee, or multi-family residential off-street parking areas, all access drives leading to such parking areas, landscaped islands, and all other areas upon which motor vehicles may be located shall have a continuous, poured concrete curbing around the perimeter.
- (B) Within all Industrial Zoning Districts, loading areas shall not be required to have a continuous, poured concrete curb. Access drives that serve loading areas and are not located within the required front or corner of side building setback shall have a continuous, poured concrete curbing.
- (C) Within all Industrial Zoning Districts, internal yard areas are not required to provide a continuous, poured concrete curb. Access drives that serve loading areas and are located within the required front or corner side building setback shall have a continuous, poured concrete curbing.

#### **9.12 Lighting**

Lighting used to illuminate an off-street parking area shall comply with the performance standards identified in Section 7.34. The height of parking lot light poles or standards shall be no less than twelve (12) feet and no more than the maximum height established for structures in the zoning district where the lights will be installed.

#### **9.13 Required Setbacks, Screening, and Landscaping**

Required setbacks for parking, loading, and driving areas are specified within the individual zoning district chapters. Landscaping and screening requirements for parking and driving areas are identified in Chapter 5, Site Plan Review.

#### **9.14 Curb Cut Requirements**

Requirements for curb cut openings are shown in Table 9-1. For the purposes of measuring distance between curb cuts and between curb cuts and street intersection, such distance is determined based on where the curb-lines intersect.

Use	Residential	Business	Industrial	Other Uses	
<i>Curb Cuts</i>					
Maximum width	24'	36' *	36' *	36'	* Refer to Section 9.15
Minimum distance between curb openings		25'	50'	25'	
Minimum distance from intersection	40'	50'	50'	50'	

- (A) Curb cut openings shall be a minimum of five feet from the side yard property line excepting lots fronting cul-de-sacs in all districts.
- (B) Each property shall be allowed one curb cut access for each 125 feet of street frontage. All property shall be entitled to at least one curb cut. Single-family uses shall be limited to one curb cut access per property.

**9.15 Increased Curb Cut Width**

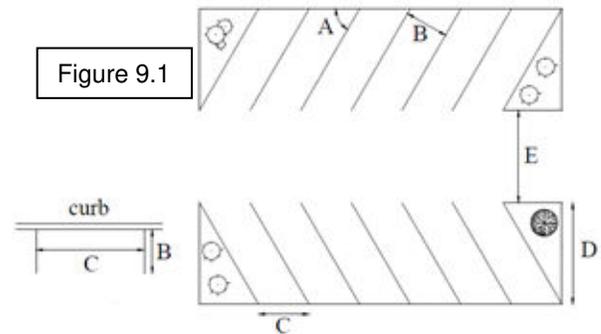
Upon written approval of the Public Works Coordinator, curb cut width may be increased to fifty (50) feet in cases where it is necessary to facilitate vehicle maneuvering onto and off the site, provided that the overall driveway width does not exceed forty (40) percent of the lot width.

**9.16 Marking of Parking Spaces**

All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement, using white paint or other approved marking devices approved by the Zoning Administrator. Such markings shall be maintained in a clearly legible condition and not less than four inches wide.

**9.17 Size**

The minimum dimensions for required parking spaces are shown in Figure 9-1 and Table 9-2. Minimum dimensions are exclusive of access drives or aisles, ramps, or columns. In no case shall any part of the public right-of-way contribute towards required stall size. Ninety degree (90°) parking spaces that use a curb overhang over a landscaped area or a minimum seven (7) foot wide sidewalk may be reduced to eighteen (18) feet in length.



Angle (A)	Width (B)	Curb Length (C)	Stall Depth (D)	1-Way Aisle Width (E)	2-Way Aisle Width (E)
0° (Parallel)	9'	22'	9'	12'	22'
45°	9'	12'	18' 9"	12'	22'
60°	9'	9' 10"	19' 10"	18'	24'
90°	9'	9'	20'	20'	24'

**9.18 General Maintenance**

Parking areas and driveways shall be kept free of dirt, dust, and debris and the pavement shall be maintained in good condition. In winter months, required parking areas shall be cleared of snow within twenty-four (24) hours of the end of any snowfall event.

**9.19 Accessible Parking**

Accessible parking spaces for the disabled shall be provided as required by the State Building Code.

**ARTICLE 3. SPECIFIC OFF-STREET PARKING REQUIREMENTS**

**9.20 Specific Off-Street Parking Requirements**

(A) *In general.* Accessory, off-street parking shall be provided as specified in Table 9-3 except as otherwise specified in this chapter. When a particular use specifies an “x” under the Notes column, such use is subject to specific standards as identified in Section 9.20(C) below. The City can conduct a parking study when a particular use does not conform to the following table or when asked by the owner/developer or council.

- (1) There shall be no off-street parking within 15 feet of any street surface.
- (2) The boulevard portion of the street right-of-way shall not be used for parking.
- (3) No building permit shall be issues to convert the parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.

Table 9.3 Minimum Parking Spaces

Use	Minimum Spaces Required	Notes
<i>Residential</i>		
<b>Dwellings</b>		
Single Family/Two Family/Townhouse Units	2 per Unit	
Multiple family	3 per Unit	
<b>Congregate Living</b>		
Boarding house, fraternity, sorority house	At least 2 for each 3 persons	
Elderly (senior citizen) housing	Reservation of area equal to 1 parking space per unit. Initial development is, however, required of only one-half space per unit and said number of spaces can continue until such time as the Council considers a need for additional parking spaces has been demonstrated	x
Sanitariums, convalescent home, rest home, nursing home or day nurseries	4 spaces, plus 1 for each 3 beds for which accommodations are offered	x
<i>Business Uses</i>		
<b>Retail Sales and Services</b>		
Community Center, libraries, private clubs, lodges, museums, art galleries	10 spaces plus 1 for each 150 ft <sup>2</sup> in excess of 2,000 ft <sup>2</sup> of floor area of principal structure	
Drive-in establishment and convenience food	1 parking space for each 15 ft <sup>2</sup> of gross floor area, but not less than 15 spaces	
Office buildings, animal hospitals and professional offices	3 spaces, plus at least 1 space for each 200 ft <sup>2</sup> of floor area	
Retail sales and service business with 50% or more of gross floor area devoted to storage, warehouses and/or industry	8 spaces or 1 space for each 200 ft <sup>2</sup> devoted to public sales or service, plus 1 space for each 500 ft <sup>2</sup> of storage area; or at least 8 spaces or 1 space for each employee on the maximum shift whichever is appropriate.	x
Retail store and service establishment	1 off-street parking space for each 200 ft <sup>2</sup> feet of floor area	x

Restaurants, cafés, private clubs serving food and/or drinks, bars, taverns, nightclubs	1 space for each 40 ft <sup>2</sup> of gross floor area of dining and bar area and one space for each 80 ft <sup>2</sup> of kitchen area	
Skating rink, dance hall or public auction house	20 off-street parking spaces, plus one additional off-street parking space for each 200 ft <sup>2</sup> of floor space over 2,000 ft <sup>2</sup> .	
Undertaking establishments	20 parking spaces for each chapel or parlor. Aisle space shall also be provided off the street for making up a funeral procession.	x
<b>Automobile Services</b>		
Auto repair, major bus terminal, taxi terminal, boats and marine sales and repair, bottling company, shop for a trade employing 6 or less people, garden supply store, building material sales in structure	8 off-street parking spaces, plus one additional space for each 800 square feet of floor area over 1,000 square feet.	
Motor fuel convenience store	1 space for every 200 ft <sup>2</sup> of gross floor area, plus one space for each employer	
Motor fuel station	At least 4 off-street parking spaces, plus 2 off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this chapter	
<b>Recreation, Entertainment and Lodging</b>		
Bowling	5 per alley, plus additional spaces as may be required for related uses contained within the principal structure	
Motel and Hotel	1 per unit, plus 1 spot for each 10 units, and additional spot for employee on shift	
Golf driving range, miniature golf, archery range:	10 off-street parking spaces, plus 1 for each 100 ft <sup>2</sup> of floor area	
Public Parks	5 per acre	
Playgrounds	2 per acre	
Play field	10 per acre	
<b>Health/Medical Facilities</b>		
Hospital	2 per each bed	x
<i>Institutional and Public uses</i>		
<b>Educational</b>		
School, high school through college and private and day or church schools	1 per 7 students based on design capacity, plus 1 for each three classrooms	x
School, elementary and junior high	1 per classroom, plus one additional per 50 student capacity	x
Church, Theater, Auditorium	1 per 4 seats based on design capacity	
Baseball fields and stadiums	1 per 8 seats based on design capacity	
<i>Production, Manufacturing, Processing and Storage</i>		
Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods, post offices:	8 spaces, plus 1 space for each 2 employees on each shift based on maximum planned employment or at a minimum of at least eight spaces plus one space for each 500 ft <sup>2</sup> of floor area	x

(B) *Special considerations for parking requirements.* Certain types of uses, due to their unique characteristics, require additional considerations to be made in determining parking requirements, as follows:

- (1) *Parking study required.* When a study is necessary to determine required parking needs for a particular use, staff may require the developer or applicant to submit such study, as indicated in Section 2.09(C).

- (2) *Business Vehicles.* In addition to the requirements in Table 9.3, one (1) parking space shall be provided for each commercial vehicle or vehicle necessary for the operation of the use that is maintained on the premises.
- (3) *Reduction in Required Parking.* In all Industrial Zoning Districts only, the City may allow a reduction in the number of required parking stalls when the use can demonstrate, in documented form, a need which is less than required. In such cases, future parking sufficient in quantity to meet the ordinance requirement shall be shown on the approved site plan. The City may require the additional land that is necessary to meet the required parking standards to be placed in reserve for parking development should the use change or parking provided be determined inadequate. If at any time the City determines parking is inadequate, the City may require construction of any or all of the additional parking held in reserve.
- (4) *Senior housing.* If senior housing converts to general housing at some point in time, proof of additional parking shall be required.
- (5) *Preschools and day care facilities.* On-street drop-off spaces may be utilized to meet requirements subject to approval by the City Engineer.
- (6) *Auto repair and service facilities.* Service bays shall not contribute to the satisfaction of required parking.
- (7) *Employee counts.* When parking requirements are to be determined by employee counts, such calculation shall be based on the maximum number of employees on the premises at any one time.

#### **9.21 Exemptions**

Properties existing prior to adoption of this ordinance and located within the B-4, the Central Business District, are exempt from the provisions of this section.

#### **9.22 Shared Parking**

The City may approve a conditional use permit for a required off-street parking area for more than one principal use on the same or an adjacent development site if the following conditions are met:

- (A) *Entertainment uses.* Up to fifty (50) percent of the parking facilities required for a theater, bowling alley, bar, nightclub, or tavern may be supplied by off-street parking facilities provided for primarily daytime uses, as specified below.
- (B) *Nighttime or Sunday Uses.* Up to fifty (50) percent of the off-street parking facilities required for any use specified below as primarily daytime uses may be supplied by the parking facilities provided for the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, theaters, bars, nightclubs, or taverns (excluding those with restaurants) or multi-family apartments.
- (C) *School auditorium and church uses.* Up to eighty (80) percent of the parking facilities required by this section for a church or an auditorium incidental to a public or parochial school may be supplied by the parking facilities provided by uses specified below as primarily daytime uses.
- (D) *Daytime uses.* For the purpose of this section the following uses are considered as primarily daytime uses: banks, offices, retail stores, personal service shops, furniture shops, service and repair shops, manufacturing, wholesale, and similar uses.
- (E) The use for which application is being made for joint parking shall be located within three hundred (300) feet of the use providing the parking facilities.

- (F) The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint parking is proposed.
- (G) A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be approved by the City Attorney and filed with the Redwood County Recorder's Office within sixty (60) days after approval of the joint parking use.

### **9.23 Valet Parking**

Up to fifty (50) percent of the off-street parking for restaurants, hotels, theaters, and other similar establishments may be fulfilled by maintaining a valet parking service for customers. The valet service shall provide service to and from the main entrance. A passenger loading area, as approved by the City Engineer, shall be provided near the main entrance. The parking area shall be located no farther than eight hundred (800) feet from the main entrance. Parking areas used exclusively for valet parking need not be striped.

### **9.24 Parking in Residential Districts**

The following standards pertain to the parking of vehicles, including recreational vehicles such as travel trailers, motor homes, camping trailers, boats, and other similar items, within a residential district:

- (A) Off-street parking for one to four-family residential uses shall be provided in the side yard, garage or carport, upon a well-defined driveway, or in an area not to exceed twelve (12) feet in width on one (1) side of a front yard driveway away from the principal use.
- (B) Parking areas shall be used for operable vehicles only and shall not contain any outdoor storage or sales of goods or materials, commercial repair work, or other similar uses.
- (C) Recreational vehicles shall be permitted to be parked within side or rear yards provided that such vehicle is parked no closer than three (3) feet from any lot line.
- (D) Parking of any vehicle specifically utilized as part of a waste hauling operation shall not be permitted on any residential lot.

### **9.25 Parking of Commercial Vehicles in Residential Districts**

The standards in this section shall apply to the following types of vehicles: commercial trucks, tractors, vans, pickups or any vehicle required to be registered as a "Y"-type vehicle (vehicles with a carrying capacity of one (1) ton or more; and any commercial trailer or other machinery capable of being trailed behind a vehicle. Regulation of on-street parking is controlled by Chapter 9 of the Redwood Falls City Code

- (A) Engines of commercial vehicles may not run continuously. A thirty (30) minute engine warm-up time shall be permitted immediately prior to the commercial vehicle and/or any other motorized equipment leaving the premises. The warm-up period shall begin no earlier than 6:00 a.m. and end no later than 10:00 p.m.
- (B) The vehicle shall be parked only upon a paved off-street parking area or pad constructed in accordance with the off-street parking requirements of this ordinance.
- (C) An exemption from requirement (2) above may be granted for one (1) vehicle per property only under the following circumstances:
  - (1) The property registered for the home occupation has insufficient room in the front yard area to accommodate at least one (1) lane into a garage or driveway area in addition to the required parking pad.

## ARTICLE 4. DRIVE-IN AND DRIVE-THROUGH FACILITIES

### **9.26 Drive-In and Drive-Through Stacking Requirements**

Drive-in and drive-through facilities shall provide adequate stacking space for vehicles based on the requirements shown in Table 9.4. Stacking spaces shall require a minimum pavement width of twelve (12) feet, a length of twenty (20) feet per vehicle, and shall be exclusive of any other required aisles or parking spaces.

Table 9.4 – Stacking spaces

Use	Minimum Number of Stacking Spaces
Financial Institution w/ drive-up teller	6 spaces per window or kiosk
Financial Institution w/ drive-up ATM	2 spaces per window or kiosk
Car wash - self service	4 spaces per bay at entrance 1 space per bay at exit
Car wash - automatic	10 spaces or 1 space for each employee on the maximum shift, whichever is greater
Drive-through restaurant	4 spaces behind menu board 4 spaces behind first window
Gas stations	2 spaces per pump
Other drive-up uses	2 spaces per window

## ARTICLE 5. OFF-STREET LOADING

### **9.27 Requirements**

Off-street loading space shall be provided for any non-residential use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- (A) Manufacturing, fabrication, processing, warehousing, storing, retail sales, schools and hotels. For such a building 5,000 to 100,000 square feet of floor area, one loading berth 55 feet in length and one additional berth for each additional 100,000 square feet or fraction thereof, plus one berth 30 feet in length for each 35,000 square feet of floor area or fraction thereof.
- (B) Auditorium, convention hall, exhibition hall, sports arena or stadium: 10,000 to 100,000 square feet of floor area, one loading berth; for each additional 100,000 square feet of floor area or fraction thereof, one additional loading berth.

### **9.28 Size and Location**

In addition to the design guidelines specified in Section 5.08, off-street loading areas shall be subject to the following standards:

- (A) Semi-trailer spaces shall be at least fifty five (55) feet in length, ten (10) feet in width and fourteen (14) feet in height plus necessary additional maneuvering space. Additional berths required shall not be less than 30 feet in length and width not less than 10 feet and height of no less than 14 feet.
- (B) Spaces shall be at least fifty (50) feet from the property line of any residential property or residentially-zoned property.

- (C) All loading spaces and driveways shall be surfaced with a dustless all-weather material meeting the standards for off-street parking areas and driveways.
- (D) All loading spaces shall be provided in a location where it is not necessary to utilize the public right-of-way for access to such space and fifty (50) feet from the intersection of two or more street right of way, measured from the property line.
- (E) Loading berths shall not occupy front yard setbacks.
- (F) Loading berths located at the front or at the side of buildings on a corner lot shall require a conditional use permit.
  - (a) Loading berths shall not conflict with pedestrian movement.
  - (b) Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
  - (c) Loading berths shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- (G) All required loading berths shall be off-street and located on the same lot as the building or use to be served.

## Chapter 10 Signs

### ARTICLE 1. GENERAL PROVISIONS

#### **10.01 Purpose**

To protect and promote health, safety, general welfare and order within the city through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use and/or display of devices, signs or symbols serving as a visual communication media to persons situated within or upon public rights-of-way or properties. The provisions of this subdivision are intended to encourage opportunity for effective, orderly communication by reducing confusion and hazards resulting from unnecessary and/or indiscriminate use of communication facilities.

#### **10.02 Compliance and Permits**

All signs hereafter erected, constructed or maintained, except official traffic and street signs, shall conform with the provisions of this Article and any other ordinances or regulations of the City. A sign permit shall be required for each sign, the fee for which shall be determined by a fee schedule established by resolution of the City Council. The following information shall be filed with the zoning administrator prior to issuance of a sign permit:

- (A) A drawing of the proposed sign, or signs, showing dimensions and described materials, lettering, colors, illumination and support systems.
- (B) A drawing of the building face and site plan showing the location of the proposed sign as necessary.
- (C) A cross section of the building face showing how the sign will be attached and how far it will extend from the building.
- (D) A building sign plan for a building with more than one use or business, showing all signs.
- (E) The location and size of existing site signage that will remain on the site.
- (F) The name and address of the applicants; the location of the building, structure, or lot on which the sign is to be erected; the position of the sign in relation to nearby buildings or structures; the name of the person that will be erecting the sign; and, the written consent of the owner, if different from the applicant, of any land on which the sign is to be erected.
- (G) Signs over eight (8) feet require engineered submittals.

#### **10.03 General Requirements**

- (A) Electrical signs must be installed in accordance with the current electrical code.
- (B) Every person regularly engaged in the business of erecting advertising and business signs in the city shall file a certificate of insurance with the Zoning Administrator before any sign permits are issued. This certificate shall verify a liability insurance policy issued by an insurance company authorized to do business in the State of Minnesota.
- (C) It is unlawful to install, construct, erect, alter, revise, reconstruct or relocate any Sign as defined in this ordinance in the city without first obtaining a permit therefore as required by this ordinance, except as provided in Section 10.10.

#### **10.04 Fees**

- (A) Payment Fees. The permit fee and other fees and charges set forth in this subdivision shall be collected by the city before the issuance of any permits.
- (B) Fees Required. Sign applications and subsequent fees will be required for all signs which do not appear in the permitted and prohibited signs provisions of this chapter. Fees shall not be required for repairs of signs and sign structures.
- (C) Initial Fee. Shall be set by resolution of the Council.
- (D) Signs installed without obtaining permit prior to installation shall be subject to double permit fees.

#### **10.05 Maintenance and Removal of Signs**

- (A) All signs must be maintained by the sign owner in a safe, neat, clean and attractive condition. A sign must be replaced or refurbished so as to restore the original appearance thereof whenever it begins to fade, chip or discolor, rust, ceases to be in good repair or becomes unsightly.
- (B) Removal of signs will be governed by the following:
  - (1) On-premises signs shall be removed from the building and property by the owner of such property within 60 days after the use is terminated.
  - (2) Additionally, support posts and frames that no longer contain signage must be removed by the property owner within 12 months after written notification from the Zoning Administrator. Upon failure to comply with the notice within the specified time period, the Zoning Administrator is authorized to cause removal of such sign and support structures, and assess any expenses incidental to the removal of the same to the property owner.
  - (3) If the Zoning Administrator finds that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this Chapter, the sign owner shall be notified of the violation in writing personally or by U.S. Mail. If the sign owner fails to comply with the standards of this Chapter within 20 days after such notice is given or mailed, if no appeal is or if no owner, occupant, or agent can be found, such sign may be removed or altered to comply by the Zoning Administrator; provided, that for temporary signs, the notice and appeal period is seven days. The records showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. The amount so charged against said lot or parcel of land, together with a description of the premises and the name of alleged owner, will be certified to the County Auditor and will be collected in the same manner as taxes or special assessments against said premises. The charge shall be a perpetual lien on the premises until paid.

#### **10.06 Sign Types Not Provided for Within Zoning Districts**

Whenever in any zoning district a sign type is neither specifically permitted nor prohibited, the sign type shall be considered and not allowed. In such case the City Council, the Planning Commission or a property owner may request a study by the City to determine if the sign type is acceptable and if so, what zoning district would be most appropriate and the determination as to the conditions and standards relating to approval of the sign.

#### **10.07 Administrative and Enforcement**

If any temporary sign, promotional device or portable sign shall be unlawfully installed, erected or maintained in violation of any provisions of this section, the owner or the person or firm maintaining same shall, upon written notice by the Zoning Administrator, which may be posted on or immediately adjacent to the sign or device, make the sign or device conform to the provisions of this chapter, or shall remove it within 48 hours. If any order of the Zoning Administrator is not complied with, the Zoning Administrator may cause the sign to be removed at the expense of the owner or lessee. Signs or devices which the Zoning Administrator finds upon public streets,

sidewalks, rights-of-way or other public property may be immediately removed by the Zoning Administrator without prior notice.

## ARTICLE 2. SIGNS IN DISTRICTS

### **10.08 Signs in Residential Districts**

(A) Within residential zoning districts, signs are permitted as follows:

District	Maximum Sign Area of Single Sign	Total Area of All Signs
R-1, R-2, R-3, R-4, RM and RR	8 square feet per surface	18 square feet

(B) Maximum Height: No sign shall exceed eight (8) feet above grade.

(C) Setback: any sign exceeding two (2) square feet shall be set back 15 feet from any right-of-way line and ten feet from any residential (zoned) property line.

(D) The following signs are not permitted in residential zoning districts:

- (1) Awning signs
- (2) Balloon Signs
- (3) Canopy Signs
- (4) Flashing Signs
- (5) Marquee Signs

(E) Only allowed in RR District on property that is not used for residential

- (1) Pole Signs
- (2) Pylon Signs

(F) R-B and B-1 districts equals one square foot for each foot on the width of the lot facing the street, up to 100 square feet. Each lot will be allowed one pylon or free-standing sign and one wall sign or two wall signs total.

(G) Temporary non-illuminated signs identifying an engineer architect, contractor, or product engaged in or used in the construction of a building, provided that such signs shall not exceed twelve (12) square feet each in surface area and are not more than eight (8) feet in height; and provided that such signs are removed prior to occupancy of the building.

(H) One identification sign, not to exceed 32 square feet in area, for the following uses: church, school, university or college, sanitarium, club, library, apartment building and/or complex or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution or apartment building and/or complex and its activities or services. It may be illuminated, but not flashing. A second sign may be permitted if located at a primary entrance on a major thoroughfare.

(I) Directional signs not to exceed four square feet in surface area for the following uses: church, school, university or college, hospital, sanitarium, club, library or similar use, provided that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be allowed on minor residential streets.

(J) Home occupations signs are permitted per residential business as follows:

- (1) One non-illuminated identifications sign
- (2) Does not exceed four (4) square feet per sign.

**10.09 Signs in Non-Residential Districts**

(A) Sign options for Industrial districts

- (1) Up to two (2) signs, either two wall signs or one pylon and one wall sign. Each wall sign must be on separate frontage street walls.
- (2) Signs shall be determined by taking 20% of the front gross silhouette area up to 300 square feet. Pylon sign size is also determined using the chart in 10.18.
- (3) An additional pylon sign may be installed to the same size or less of the first pylon sign if a sufficient road frontage of two hundred (200) feet is present. The additional pylon size must not be larger than the first pylon sign.

(B) Setback: any portion of any sign exceeding two square feet shall be set back 15 feet from any right-of-way line and ten feet from any residential (zoned) property line.

(C) Revolving signs by conditional use permit, must rotate at eight or less constant speed revolutions per minute and the bottom of the sign must be at least 15 feet above the street grade if located within 30 feet of a corner formed by the intersection of street property lines and at least 12 feet above the street grade if located beyond 30 feet of a corner formed by the intersection of street property lines.

(D) Illuminated signs, which includes dynamic displays, electronic changeable copy signs, electronic graphic display signs, and time and temperature signs, but excluding flashing signs and video display signs, shall be allowed subject to the limitations in Article 3.

(E) A conditional use permit shall be granted to the entire shopping center for one monument sign to be located at each main entrance to the shopping center.

- (1) No Store Sign may exceed 50 square feet in display surface area.
- (2) If a site has multi-tenant buildings, they shall be allowed 120 square feet in display surface area for each sign, provided that no single tenant has more than 50 square feet of display surface area on each sign.
- (3) No Sign may exceed 12 feet in height above grade.
- (4) The Sign may be illuminated and may contain a dynamic display.
- (5) The ground area around the base of each sign must be landscaped with shrubs and landscaping in a surface area equal to at least 50 percent of the sign's display surface area. Landscaping materials shall be selected that will withstand the environmental conditions of the site and provide seasonal interest.

(F) Window signs may be placed in the window area of business operations subject to a limitation of 40% coverage of the total glass area for the main entrance of the operation.

## ARTICLE 3. SPECIFIC SIGN STANDARDS

### **10.10 Exempt Signs**

These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

The following signs shall be excused from the regulations of this chapter, as long as the following general sign regulations are met:

- (A) Real estate signs, not exceeding twenty (20) square feet in area for commercial, industrial, and multi-family residential properties and nine (9) square feet in area for single and two-family residential properties, advertising only the sale, rental, or lease of the premises upon which said signs are located, provided that:
  - (1) Only one (1) such sign is displayed per street frontage.
  - (2) The maximum height shall not exceed eight (8) feet for commercial, industrial, and multi-family residential properties and four (4) feet for single and two-family residential properties.
  - (3) The sign is set back at least ten (10) feet from the curb or edge of pavement.
  - (4) The sign shall be removed within fourteen (14) days after the completion of the advertised sale or lease.
  - (5) Open-house signs. Provided that it does not exceed a maximum of four (4) square feet in area per side and not more than four (4) feet in height; and provided further, that all open house signs must be removed by 7:00 p.m. of the last day that the property is being shown.
- (B) Governmental signs, including but not limited to, traffic control and other regulatory purpose signs, street signs, informational signs, danger signs, and railroad crossing signs.
- (C) Political campaign signs. Political campaign signs in accordance with Minnesota Statute 211B.045, provided that no such sign be located within one hundred (100) feet from any polling site or be placed within the public right-of-way. Every campaign sign must contain the name and address of persons responsible for such sign, and that person shall be responsible for its removal. Signs may be posted 30 days before a special election and remain in place for no more than ten days after the special election for which they are intended. All signs shall be confined to private property. The city may remove and destroy unsightly signs or remove signs after the ten-day limit and assess the fee of \$1 per sign.
- (D) Holiday signs. Displayed for a period not to exceed 60 days.
- (E) Construction or development signs, not to exceed fifty (50) square feet in area or eight (8) feet in height, denoting the architect, engineer, or contractor for a project under construction, excluding any work being done at a single or two-family residential lot, provided that only one (1) such sign shall be permitted per major street frontage. Such signs shall be removed within fourteen (14) days when the particular project is completed. One sign shall be permitted for each major street the project abuts. No sign may exceed 50 square feet.
- (F) Construction signs, not exceeding twenty (20) square feet in area for commercial, industrial, and multi-family residential properties and nine (9) square feet in area for single and two-family residential properties, denoting the architect, engineer, or contractor for a project under construction, provided that only one (1) such sign shall be allowed per lot. Signs are to be located, provided that:

- (1) Only one (1) such sign is displayed per street frontage.
  - (2) The maximum height shall not exceed eight (8) feet for commercial, industrial, and multi-family residential properties and four (4) feet for single and two-family residential properties.
  - (3) The sign is set back at least ten (10) feet from the curb or edge of pavement.
  - (4) Such signs shall be removed within fourteen (14) days after completion of the project.
- (G) Informational/directional signs. Shall not be larger than twenty (20) square feet and shall conform to the location provisions of the specific district.
- (H) Off-premises institutional signs. Provided that, it does not exceed a maximum of two (2) square feet, it is located on private property off of any public right-of-way consistent with location provisions applicable to the specific district, it is not located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing, and it is limited to one sign of this type per lot.
- (I) Garage or Yard sale signs not to exceed six (6) square feet and three feet in height.
- (1) One (1) on-site sign and two (2) off-premise signs, with permission of the property owner, shall be allowed.
  - (2) No such sign shall be placed within the public right-of-way, utility pole or located on any other public property, the City has the right to remove any of signs placed in those locations. If it is installed on property other than the property having the sale, the property owner having the garage, yard or estate sale must have the permission of the property owner where the sign is installed.
  - (3) All such signs are permitted for a maximum of four days for each occurrence and must be removed and such signs shall be removed by 7:00 p.m. of the last day of garage, yard or estate sale.

#### **10.11 Prohibited Signs**

The following signs are prohibited in all zoning districts.

- (A) Abandoned signs or expired business signs.
- (B) Roof signs.
- (C) Mylar or metallic balloons displayed or flown outside.
- (D) Vehicle signs.
- (E) Signs posted within the public right-of-ways and public property and any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic control device, excluding Directional Signs and Signs expressly allowed herein and by other governmental agencies.
- (F) Any revolving light, flashing beacon light and strobe light.
- (G) Any sign or device illuminated in such a manner as to simulate or obscure an official traffic sign or signal except that private on-premises directional signs shall not be permitted.
- (H) Any sign which contains or consists of pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices.
- (I) Portable and temporary signs that are not defined in this chapter.

- (J) Signs which are attached in any manner to trees, fences, utility poles or other such permanent supports, except for those signs found on fences (inside) of baseball parks.
- (K) Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- (L) Any sign which contains information, whether written or graphic, that is obscene in nature.

**10.12 Non-Conforming Signs**

- (A) The following are non-conforming signs:
  - (1) Prohibited signs.
  - (2) All other signs not prohibited that do not conform to the provisions of this subdivision.
- (B) A non-conforming sign may not be:
  - (1) Changed to another non-conforming sign.
  - (2) Structurally altered except to bring into compliance with the provisions of this subdivision.
  - (3) Expanded.
  - (4) Re-established after its removal for 30 days.
  - (5) Re-established after damage of more than 50% of sign replacement cost, except to bring into compliance.
- (C) All non-conforming and prohibited signs shall be removed or brought into conformity with this chapter after notification in writing within the following time periods:
  - (1) Any sign in violation of prohibited signs: 30 days.
  - (2) For all other non-conforming signs: Five (5) years.

**10.13 Temporary and Portable Signs**

Permits are required for display of temporary and portable signage that is in compliance with the standards specified below.

- (A) No signs shall exceed 32 square feet in size nor shall any part of the sign face or the sign support structure be more than eight feet above final grade.
- (B) All portable signs shall be limited to a period of time not to exceed 30 consecutive days with a maximum cumulative posting of the signs not exceeding 120 days in any calendar year.
- (C) No sign or promotional device shall be placed or located in such a manner that prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign or approaching or merging traffic.
- (D) No sign or promotional device shall be placed or located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing.
- (E) No sign or promotional device shall be placed or located within a "public right-of-way", which shall mean the area on, below or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the local government unit has an interest, including other dedicated rights-of-way for travel purposes.

- (F) Temporary Signs
  - (1) All temporary signs or promotional devices shall be allowed off-site with the permission of the property owner.
- (G) Portable Signs
  - (1) No portable sign shall be placed or located off-site.

#### **10.14 Sandwich Board Signs**

The sign is displayed on-premises, is well maintained, and is secured in a manner to prevent being blown uncontrollably by the wind.

- (A) *Within the Central Business District (B-4).* Sandwich board signs are permitted upon the sidewalks subject to the following:
  - (1) The signs are permitted only during the hours the business is open to the public and must be removed at the conclusion of business hours.
  - (2) The signs shall be placed no closer than two feet from the back of the street curb.
  - (3) The signs shall be no more than eight (8) square feet in area on each side, no more than four (4) feet in height and no more than three (3) feet in width.
  - (4) There shall be no electrical service to the signs.
  - (5) All signs shall be removed for snow removal and are not allowed to be frozen to the ground.
- (B) *Within all Other Nonresidential Districts.* Sandwich board signs are permitted subject to the following:
  - (1) The signs are permitted only during daylight hours and must be removed prior to sunset.
  - (2) The signs shall be no more than eight (8) square feet in area on each side, no more than four (4) feet in height, and no more than three (3) feet in width.
  - (3) The cumulative posting of all such signs shall not exceed 120 days in any calendar year.
  - (4) If not placed or located on-premises, the signs shall not be placed or located on any property without the permission of the property owner.
  - (5) There shall be no electrical service to the signs.
  - (6) No such sign shall be placed or located in such a manner that prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign or approaching or merging traffic.
  - (7) No such sign shall be placed or located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing.

#### **10.15 Canopies, Marquees and Fixed Awnings**

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Non-Residential Districts if they meet following requirements and the applicable square footage requirements.

- (A) An awning, canopy or marquee may not project into the nearer than 30 inches to the street curb or curb line, with three (3) feet being the largest width of an awning, canopy or marquee.

- (B) Awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet.
- (C) The architectural style of the awning, canopy or marquee may be consistent with the building being served.
- (D) Awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision.
- (E) Fuel Pump Canopy Signs. Signs may be placed on two faces of a fuel pump canopy. Canopy signs are limited to a business logo and/or graphic design not to exceed 10 percent of each canopy face area or 24 square feet on each canopy face, whichever is greater. Canopy signage will be deducted from the permitted wall signage area for the business. Fuel pump canopy signs must not project above or below the canopy area. Dynamic displays are not permitted on fuel pump canopies.

**10.16 Banners**

Banners are permitted when securely fasted to the building on all four corners with wall anchors. Banners are also allowed on ground level, secured so that the banner is not waving or moving. The surface area of the banner shall be included in the total square footage of the allowable signage for an entire site.

- (A) Ground level banner signs are displayed on-premises, is well maintained, and is secured in a manner to prevent being blown uncontrollably by the wind.
- (B) The sign is displayed for a special event or promotion and shall not be in place for more than a total of sixty (60) calendar days. Only one type of temporary sign is displayed per zoning lot or property under separate management or control at any given time.
- (C) Building banner signs must be attached to the principal building by anchors or on ground level on the property in such a manner to limit waving or movement, and at no time shall the total area of all temporary banner signs displayed per zoning lot exceed one hundred (100) square feet.
- (D) Exterior Banner signs shall be prohibited in the Central Business District.

**10.17 Billboards**

- (A) Billboards shall conform to the general district and height restrictions as outlined in this Chapter except that they may only be located along major highways and not exceed 300 square feet in area.
- (B) Billboards shall be set back a minimum distance of 30 feet from all property lines and shall be located a minimum of 1,000 feet from all other billboards on the same side of freeway.
- (C) In order to reduce the potential of adverse visual impact upon abutting residential uses, billboards shall be located no closer than 100 feet from any residentially zoned property and shall be screened in accordance with minimum city standards. All permit applications for billboards shall be accompanied with landscaping plan which shall be subject to the approval of the Zoning Administrator.

**10.18 Pylon Signs**

- (A) Located in commercial or industrial districts, any portion of any sign exceeding two square feet shall be setback ten (10) feet from any right-of-way line and ten feet from any residential zoned property line.
- (B) Area, Height Regulations of pylon signs is thirty (30) feet. All height restrictions on signs shall include height of the structure.

Lot Frontage (linear ft.)	Area (sq. ft.)
0-50	50
51-100	100
101-150	150
151-200	200

- (C) Application.
- (1) The level at which the sign control system applies is determined by the type of road, as defined above, which directly abuts the subject property.
  - (2) Bottom of sign must be 15 feet above the street grade if located within 30 feet of a corner formed by the intersection of street property lines and at least 12 feet above the street grade if located beyond 30 feet of a corner formed by the intersection of street property lines.
  - (3) In the case of subject property directly abutting more than one road, each designated by a different road and classification type, the less restrictive classification shall apply in determining sign area and height.
  - (4) Actual sign height is determined by the grade of the road from which the sign gains its principal exposure.
  - (5) Area as determined by the table herein, applies to one face of a two-faced pylon sign or two faces of a four-faced sign and the like.

### **10.19 Dynamic Displays**

Dynamic Displays on Signs are allowed subject to the following conditions:

- (A) Dynamic Displays are allowed only on Monument and Pylon Signs in non-residential zoning districts. No Dynamic Display shall be permitted on a parcel with less than 100 feet of frontage upon a public right-of-way. For the purpose of this requirement, the aggregate of all frontages shall be calculated, including frontages on which the Dynamic Display is not located.
- (B) No Dynamic Display may exceed 32 square feet in area on a single Sign face and shall not occupy more than 35 percent of the actual copy and graphic area of the Sign face. The remainder of the Sign must not have the capability to have a Dynamic Display even if it is not being used. Only one contiguous Dynamic Display area is allowed on a Sign face.
- (C) The bottom of the sign must be at least 15 feet above the street grade if located within 30 feet of a corner formed by the intersection of street property lines and at least 12 feet above the street grade if located beyond 30 feet of a corner formed by the intersection of street property lines.
- (D) A Dynamic Display must not change or move more often than once every 8 seconds.
- (E) The images and messages displayed on a Dynamic Display must be static, and the transition from one static display to another must be instantaneous and without any special effects.
- (F) The images and messages displayed on a Dynamic Display must be complete in themselves, without continuation in content to the next image or message or to any other Sign.
- (G) Every line of copy and graphics on a Dynamic Sign visible from a road must be at least seven inches in height. If there is insufficient room for copy and graphics meeting these requirements, then no Dynamic Display is permitted. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.
- (H) Dynamic Displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the Sign owner must immediately stop the Dynamic Display when notified by the city that it is not complying with the standards of this ordinance.
- (I) Must not be primarily red, amber or green in color and must not contain words such as "Stop, Go, Slow, Caution" or similar words.

- (J) Dynamic Display Brightness Standards.
  - (1) In no case shall the luminance from a Dynamic Display exceed 500 NITS between sunset and sunrise and 5,000 NITS between sunrise and sunset.
  - (2) All signs with Dynamic Displays shall be equipped with an ambient light sensor and an automatic dimmer control that automatically controls the brightness to comply with these requirements.
- (K) Dynamic Displays existing on the effective date of this ordinance that do not meet the structural requirements or operational standards above may continue as a Non-Conforming Sign. An existing Dynamic Display that cannot meet minimum font size requirements must use the largest size possible for one line of copy to fit in the available space.

**10.20 Wall Signs**

Wall signs are allowed subject to the following conditions:

- (A) Wall signs placed or painted on the exterior walls of buildings shall not extend beyond the wall surface.
- (B) Wall signs attached to and projecting from the exterior walls of buildings shall not extend beyond 18 inches of the wall surface and shall not cover more than 15% of that business's wall.
- (C) Wall Signs shall not extend more than twelve (12) inches above the parapet line of the building.
- (D) Lighting of wall signs. Externally illuminated or back lit letters are allowed, but no internally illuminated signs are allowed.
- (E) When a number of small wall signs are grouped together, such as at the entrance of an interior mini-mall, those signs must be arranged in a framework or common display system which gives the impression of a single, larger sign. Type styles may differ but the method of construction and illumination and the display format (individual letters vs. panel) must be the same.

**ARTICLE 4. SIGN VARIANCES**

**10.21 Sign Variances**

Sign variances will follow the process designated in Chapter 3 Administration and Enforcement, Article 9 Variances. However the general provision provided below deal with sign variances.

- (A) *Application for sign variance.* An application for a sign variance shall be filed with the Zoning Administrator on an approved form and shall be accompanied by the required fee, as established by City Council resolution, and the following:
  - (1) A drawing showing the proposed location of the sign and the location of all existing signage on the premises.
  - (2) A drawing indicating the size, color, content, and materials of the sign, as well as the method of construction and attachment to the building or to the ground.
  - (3) Engineering data showing the structure is designed to accommodate dead load and wind pressure, in any direction, in the amount required within this chapter, when specifically requested by the Zoning Administrator.

## Chapter 11 Residential Districts

### ARTICLE 1. GENERAL PROVISIONS

#### **11.01 Purpose**

The residential districts are established to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the City's Land Use Plan, and to ensure adequate light, air, privacy, and open space.

#### **11.02 Residential District Names**

R-R	Rural Residential District
R-1	Single Family/Estate Living Residential District
R-2	Single and Two Family Residential District
R-3	Restricted Multiple Family Residential District
R-4	Multiple Family Residential District
R-M	Manufactured/Mobile Home Park District
R-B	Residential Business District

#### **11.03 Principal Uses for the Residential Districts**

- (A) *In general.* All permitted and conditional uses allowed in the residential districts are listed in Table 11.1.
- (B) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use, excluding single or two-family residential uses, shall obtain a zoning certificate for such use as specified in Sections 3.19 through 3.25.
- (C) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Sections 3.26 through 3.34.
- (D) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Section 3.05 governing determination of substantially similar uses.
- (E) *Specific development standards.* Permitted and conditional uses specified with an "x" under the Specific Development Standards column shall be subject to the standards identified in Chapter 8, Specific Development Standards.

Table 11.1 Use	District							Development Standards
	R-R	R-1	R-2	R-3	R-4	R-M	R-B♦	
Residential Uses								
<b>Dwellings</b>								
Single family dwelling, detached	P	P	P	P	-	-	-	
Duplex, Single family dwelling, attached, two units	-	-	P	P	-	-	-	
Single family dwelling, attached, two to four units	-	-	-	P	-	-	-	
Single family dwelling, attached, five to eight units	-	-	-	P	-	-	-	
Multi-family dwelling, three or four units	-	-	-	P	P	-	P	
Multi-family dwelling, five to eight units	-	-	-	P	P	-	P	
Multi-family dwelling, more than eight units	-	-	-	-	P	-	P	

Use	District							Development Standards
	R-R	R-1	R-2	R-3	R-4	R-M	R-B♦	
Manufactured home parks, subdivision	-	-	-	C	C	P	-	
Recreational vehicle park	C	-	-	-	-	-	-	
Relocation of dwelling	C	C	C	C	C	-	C	
Boarding house/home – foster children	-	P	P	P	P	-	-	x
Halfway house	-	-	-	-	-	-	C	x
<b>Congregate Living</b>								
Class A-1 Supervised Living Facility six or fewer	P	P	P	P	P	-	P	
Class A-2 Supervised Living Facility more than 6	P	P	P	P	P	-	P	
Class B-1 Supervised Living facility and non-ambulatory six or fewer	P	P	P	P	P	-	P	
Class B-2 Supervised Living facility and non-ambulatory seven to 16 persons	P	P	P	P	P	-	P	
Class B-3 Supervised Living facility and non-ambulatory over 17 people	P	-	-	C	P	-	C	
Correctional residential care facility, serving up to sixteen persons	P	-	-	C	C	-	C	
Correctional residential care facility, serving seventeen or more persons	P	-	-	C	C	-	C	
Dormitories, student housing	-	-	-	-	P	-	-	
Nursing home, senior housing	P	-	-	-	P	-	-	
<b>Institutional and Public Uses</b>								
<b>Educational Facilities</b>								
Early childhood learning center	C	C	C	C	P	-	P	x
Preschool	C	C	C	C	P	-	P	x
School, grades K-12	-	C	C	P	P	-	P	x
<b>Social, Cultural, Charitable, and Recreational Facilities</b>								
Cemetery	P	C	C	C	C	-	C	
Commercial outdoor recreation, golf, country clubs, swimming pools and similar	C	C	C	C	C	-	C	x
Commercial stables, dog kennels	C	-	-	-	-	-	-	x
Community center	P	C	C	P	P	-	P	x
Hospital	-	-	-	-	-	-	C	x
Outdoor recreation area	P	C	C	C	C	-	C	x
Public Library	-	-	C	P	P	-	P	
Public and private park, playground	P	C	C	C	C	-	C	x
Recreational, travel vehicle camp site	P	-	-	-	-	-	-	x
<b>Religious Institutions</b>								
Convent or monastery	-	-	C	C	P	-	P	
Church, place of assembly	P	C	C	P	P	-	P	x
<b>Commercial Uses</b>								
Airport – Public only	C	-	-	-	-	-	-	x
Bed and breakfast facility	C	C	C	C	C	-	C	x
Child care center	-	P	P	P	P	-	P	x
Home day care facility, serving fourteen or fewer persons	P	P	P	P	P	-	P	x
Home day care facility, serving fifteen to twenty persons	P	P	P	P	P	-	P	-
Offices	-	-	-	-	-	-	C	
Club, Lodge without serving food or beverage	-	-	-	-	-	-	P	x
Medical clinics, dental	-	-	-	-	-	-	C	
<b>Public Service and Utilities</b>								
Electric or gas substation	P	P	P	P	P	P	P	
Essential services	P	P	P	P	P	P	P	
Governmental buildings and structures	C	C	C	C	C	-	C	
Public utility buildings and structures	P	-	-	-	-	-	P	

♦Note – Those uses that concern R-B District please Specific Development Stands in Chapter under Residential Business District which only affect that district.

#### **11.04 Accessory Buildings and Structures**

Accessory buildings and structures located within a residential district shall comply with the provisions of Article 4, Chapter 7 of this Ordinance.

### **11.05 Permanent Foundation Required**

All principal structures in R-R, R-1, R-2, R-3, R-4 and R-B Zoning Districts shall have a permanent exterior perimeter foundation. The foundation shall meet all requirements of the International Building Code or the International Residential Code; whichever is applicable, unless existing conditions are prohibited. This provision shall not allow post and beam or pier construction above grade as an exterior perimeter foundation. This provision shall not apply to the following attached accessory structures: decks, three or four season porches, landings, bay windows, fireplaces or chimneys, uncovered stairways, canopies or any other ornamental feature that is part of the design of the structure.

### **11.06 Height**

Except for communication antennas otherwise allowed by conditional use permit, the maximum height of all principal structures located in the residential districts shall be as established within each residential district. The height of buildings within the airport overlay district is further regulated as specified in Chapter 14, Article 5.

### **11.07 Increasing Maximum Height**

The height limitations of a principal structure, other than single and two-family dwellings, located in a residential district may be increased by conditional use permit, in accordance with Sections 2.26 through 2.34. Additionally, the City Council shall consider, but not be limited to, the following factors when determining the maximum height:

- (A) Access to light and air of surrounding properties.
- (B) Shadowing of any adjacent single family or two-family dwelling.
- (C) The scale and character of surrounding uses.
- (D) Preservation of views of landmark buildings, significant open spaces or water bodies.

### **11.08 Site Design Considerations**

Development of land for multi-family residential purposes shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Chapter 5, Site Plan Review.

### **11.09 Landscaping and Screening Requirement**

Landscaping and screening requirements for uses in the residential districts are specified in Chapter 5, Site Plan Review.

### **11.10 Lot Dimension and Building Bulk Regulations**

Lot area and setback requirements for single and multi-family residential uses shall be as specified in Table 11.2. Lot area and setback requirements for manufactured home uses are shown in Table 11.4. Wetland buffer and buffer setback requirements shall be as specified in Chapter 7 of this Ordinance.

Table 11.2 Lot dimension and setback requirements in residential districts.

District	R-R	R-1	R-2*	R-3	R-4	R-M	R-B
Minimum Lot Area ft <sup>2</sup>	2.5 acres	10,000	10,000	14,400	15,000	5,000	10,000
Lot Width	150'	75'	75'	120'	100'	50'	75'
Lot Depth	200'	-	-	-	-	100'	-
<b>Building Setback Requirements</b>							
Front	50'	25'	25'	25'	25'	20'	25'
Side	30'	8'	8'	15'	15'	10'	15'
Rear	30'	30'	30'	30'	30'	10'	30'

\* Note: duplex or double bungalow split the lot equally.

Table 11.3

Minimum Lot Area Per Unit	
Single-family	10,000 square feet
Two-family	5,000 square feet
Townhouse	5,000 square feet
Multiple-family	2,000 square feet
Elderly housing	1,000 square feet

**11.11 Lot area Requirements, R-4 District**

The lot area requirement for multi-family uses in the R-4 District is two-thousand (2,000) square feet per one bedroom dwelling unit plus five-hundred (500) square feet for each additional bedroom within the dwelling unit. In the case of nursing homes, dormitories, hospitals, and other residential facilities, the area requirement shall be one thousand (1,000) square feet for each resident occupancy of the structure.

**11.12 Front Yard Setback Regulations**

Required building setbacks for the R-3 and R-4 Districts, as indicated in Table 11.2, are based on a building height of up to thirty (30) feet.

**11.13 Maximum Lot Coverage**

Principal and accessory structures shall not cover more than fifty (50) percent of any zoning lot located in the R-1 and R-2 Districts. Principal and accessory structures shall not cover more than sixty (60) percent of any zoning lot in the R-3 District, and no more than seventy (70) percent of any zoning lot in the R-4 District.

**11.14 Planned Unit Developments**

A planned unit development plan may be submitted for consideration within any residential district, subject to the requirements and standards established in Chapter 15, Planned Unit Development District.

**11.15 Parking and Loading Requirements**

- (A) *In general.* Parking and loading requirements for uses in the residential districts shall be as set forth in Chapter 8, Off-Street Parking and Loading.
- (B) *Required setbacks.* Minimum setbacks for parking, loading, and driving areas in residential districts are established in Table 11.4. It is noted that an increased setback may be required based on landscape buffer provisions established in Chapter 5, Site Plan Review.

Table 11.4 Parking, loading and driveway setback, residential districts

District	R-1	R-2	R-3	R-4
Single and two-family uses	3 feet	3 feet	3 feet	5 feet
Front	3 feet	3 feet	3 feet	5 feet
Side	3 feet	3 feet	3 feet	5 feet
Rear				
Multi-family uses				
Front	-	10 feet	10 feet	10 feet
Side	-	5 feet	5 feet	10 feet
Rear	-	5 feet	5 feet	10 feet
Other uses				
Front	10 feet	10 feet	10 feet	10 feet
Side	10 feet	10 feet	10 feet	10 feet
Rear	10 feet	10 feet	10 feet	10 feet

**11.16 Signs**

Sign requirements for uses in the residential districts shall be as specified in Chapter 10, Signs.

### **11.17 Compliance with Performance Standards**

All uses in the residential districts shall comply with all general performance standards as expressed in Chapter 7, Article 8.

## **ARTICLE 2. R-R RURAL RESIDENTIAL DISTRICT**

### **11.18 Purpose**

Rural Residential District is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space and/or agricultural uses, as well as provide large lot low density single family detached residential units, secure economy in government expenditures for public utilities and service.

### **11.19 Uses**

Permitted and conditional uses in the R-R District shall be as specified in Table 11.1.

### **11.20 Additional Permitted Uses**

- (A) Notwithstanding any other provisions in the City Code to the contrary, the residents and/or their guests shall be permitted to discharge a firearm (which is not a high powered rifle or semi-automatic assault rifle) within the district; provided, however, no firearm shall be discharged within 300 feet of any residence.
- (B) Dogs shall be permitted to run at large on the owner's property, provided they are not determined to be a nuisance.
- (C) With a minimum of five (5) acres of continuous land the following is permitted provided setbacks and conditions in this chapter are met:
  - (1) General farming including the raising of crops, livestock and poultry; dairying; horticulture; truck gardening; and similar bona fide agricultural enterprises, and including dog kennels and riding stables but not commercial feedlots and intensive livestock raising. Commercial feedlots and intensive livestock raising, as referred to in this subdivision, include any lots or buildings or combinations of lots and buildings intended for the confined feeding, breeding, raising or holding of animals or poultry and specifically designed as a confinement area in which manure may accumulate or where a concentration of animals or poultry is such that a vegetative cover cannot be maintained within the enclosure.
  - (2) Nurseries, tree farms, greenhouses and landscape material operations (not including retail sales).
  - (3) Public parks, recreational areas, wildlife areas, game refuges, conservation areas including water supply works and flood control and watershed protection works.
- (D) With a minimum of two (2) acres of continuous land the following is permitted provided setbacks and conditions in this chapter are met:
  - (1) Residents shall not be permitted to conduct commercial farming operations, but shall be entitled to have a "hobby" farm with a minor quantity of personal livestock.

### **11.21 Permitted Accessory Structures and Uses**

- (A) Operation and storage of the vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.
- (B) The boarding or renting of rooms to not more than two persons.

- (C) Living quarters of persons employed on the premises.
- (D) Home occupations, as regulated elsewhere in this ordinance.
- (E) Towers, as regulated elsewhere in this ordinance.
- (F) Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (G) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- (H) Pastures and pasturing.
- (I) Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross weight of 12,000 pounds. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. The space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment if sufficient off-street parking in full compliance with this chapter is provided elsewhere on the property. The garage shall not be used for the storage of more than one commercial vehicle owned or operated by a resident per dwelling unit.
- (J) Recreational vehicles and equipment.

**11.22 Height**

Except for communication antennas otherwise allowed by conditional use permit and except for farm structures, the maximum height of residential structures located in the R-R District shall not exceed three (3) stories or thirty (30) feet, whichever is less.

**ARTICLE 3. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**11.23 Purpose**

The R-1, Single Family Residential District, is established to provide for an environment of predominantly low density, single family dwellings, and directly related, complementary uses.

**11.24 Uses**

Permitted and conditional uses in the R-1 District shall be as specified in Table 11.1.

**11.25 Permitted Accessory Structures and Uses**

Within the R-1 District, the following uses shall be permitted as accessory uses. Accessory uses not listed may be allowed by conditional use permit, subject to the standards expressed in Sections 3.26 through 3.34.

- (A) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross capacity of 12,000 pounds as regulated by this chapter, are intended for use to share the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. The space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment.
- (B) Recreational vehicles and equipment.
- (C) Non-commercial greenhouses and conservatories.

- (D) Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (E) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- (F) Boarding or renting of rooms to not more than one person in a principal structure.
- (G) Supervised Living Facility in principal structure.
- (H) Towers which are not more than 70 feet in height and owned and operated by a federally licensed amateur radio station operator or used exclusively as a receiving only facility.

**11.26 Height**

The maximum height of structures located in the R-1 District shall not exceed two and one-half (2½) stories or thirty (30) feet, whichever is less.

**ARTICLE 4. R-2 SINGLE AND TWO FAMILY RESIDENTIAL**

**11.27 Purpose**

The R-2, Single and Two Family Residential District, is established to provide for an environment of predominantly low density residential uses, including detached and attached single family homes, duplexes, along with directly related, complementary uses. It is intended that where an R-2, Single and Two Family Residential District directly abuts a zoning district of higher or lower density, a transition from existing uses to new uses be provided. Such transition may be accomplished by a continuation of similar uses (to the extent possible allowable uses within the district), landscape buffering (as provided in Chapter 5), or both, as required by the City in conjunction with plat approval.

**11.28 Uses**

Permitted and conditional uses in the R-2 District shall be as specified in Table 11.1.

**11.29 Permitted Accessory Structures and Uses**

Within the R-2 District, the following uses shall be permitted as accessory uses. Accessory uses not listed may be allowed by conditional use permit, subject to the standards expressed in Sections 3.26 through 3.34.

- (A) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross capacity of 12,000 pounds as regulated by this chapter, are intended for use to share the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. The space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment.
- (B) Recreational vehicles and equipment.
- (C) Non-commercial greenhouses and conservatories.
- (D) Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (E) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- (F) Boarding or renting of rooms to not more than one person in a principal structure.

(G) Supervised Living Facility.

(H) Towers which are not more than 70 feet in height and owned and operated by a federally licensed amateur radio station operator or used exclusively as a receiving only facility.

**11.30 Height**

The maximum height of structures located in the R-2 District shall not exceed three (3) stories or thirty (30) feet, whichever is less.

**ARTICLE 5. R-3 RESTRICTED MULTIPLE FAMILY RESIDENTIAL DISTRICT**

**11.31 Purpose**

The purpose of the R-3, Restricted Multiple-Family Residential District is to provide for medium density housing in multiple-family structures of not more than eight dwelling units. It is intended that where an R-3, Medium Density Residential District directly abuts a zoning district of higher or lower density, a transition from existing uses to new uses be provided. Such transition may be accomplished by a continuation of similar uses (to the extent possible given allowable uses within the district), landscape buffering (as provided in Chapter 5), or both, as required by the City in conjunction with plat approval.

**11.32 Uses**

Permitted and conditional uses in the R-3 District shall be as specified in Table 11.1.

**11.33 Permitted Accessory Structures and Uses**

- (A) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross capacity of 12,000 pounds as regulated by this chapter, are intended for use to share the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. The space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment.
- (B) Recreational vehicles and equipment.
- (C) Home occupations.
- (D) Non-commercial greenhouses and conservatories.
- (E) Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (F) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- (G) Boarding or renting of rooms to not more than one person in a principal structure.
- (H) Supervised Living Facility.
- (I) Towers which are not more than 70 feet in height and owned and operated by a federally licensed amateur radio station operator or used exclusively as a receiving only facility.

**11.34 Height**

The maximum height of structures located in the R-3 District shall not exceed three (3) stories or thirty (30) feet, whichever is less.

## ARTICLE 6. R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

### **11.35 Purpose**

The purpose of the R-4, Multiple-Family Residential District is to provide for medium density housing in multiple-family structures and directly related, complimentary areas. It is intended that where an R-4, Multi-Family Residential District directly abuts a zoning district of lower density, a transition from existing uses to new uses be provided. Such transition may be accomplished by a continuation of similar uses (to the extent possible given allowable uses within the district), landscape buffering (as provided in Chapter 5), or both, as required by the City in conjunction with plat approval.

### **11.36 Uses**

Permitted and conditional uses in the R-4 District shall be as specified in Table 11.1.

### **11.37 Permitted Accessory Structures and Uses**

- (A) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross capacity of 12,000 pounds as regulated by this chapter, are intended for use to share the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. The space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment.
- (B) Recreational vehicles and equipment.
- (C) Non-commercial greenhouses and conservatories.
- (D) Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (E) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- (F) Boarding or renting of rooms to not more than one person.
- (G) Supervised Living Facility.
- (H) Towers which are not more than 70 feet in height and owned and operated by a federally licensed amateur radio station operator or used exclusively as a receiving only facility.
- (I) Off-street loading.

### **11.38 Height**

The maximum height of structures located in the R-4 District shall not exceed three (3) stories or thirty (30) feet, whichever is less.

## ARTICLE 7. R-M MANUFACTURED HOME PARK DISTRICT

### **11.39 Purpose**

It is the purpose of this section to provide a location for pre-HUD certified homes, commonly called mobile homes. In addition, this section also permit the inclusion of HUD certified homes commonly called manufactured homes as defined herein. Mobile/ manufactured housing structures which do not comply with the design standards set forth in the general building and performance requirements of this chapter shall be allowed only on a site which is part of an approved manufactured/mobile home park.

#### **11.40 Uses**

Permitted and conditional uses in the R-M District shall be as specified in Table 11.1.

#### **11.41 Permitted Accessory Structures and Uses**

Within the R-M District, the following uses shall be permitted as accessory uses. Accessory uses not listed may be allowed by conditional use permit, subject to the standards expressed in Sections 3.26 through 3.34.

- (A) Manager's office and residence.
- (B) Recreation and social centers.
- (C) Outdoor recreation facilities.
- (D) Coin-operated laundry facilities.
- (E) Security guard houses.
- (F) Boat and recreational vehicle parking areas, including washing areas.
- (G) Accessory structures which are complementary to individual manufactured homes, such as covered carports, garages, patio awnings, and storage buildings.
- (H) Antennae and other communication devices for private use, in compliance with the provisions of Section 7.23.
- (I) Recreational vehicles and equipment.
- (J) Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (K) Buildings for storage of maintenance equipment and the like.

#### **11.42 General Provisions**

- (A) *In general.* No manufactured home, whether temporary or permanent, shall be permitted on any site within the City unless said site is part of an approved manufactured home park or manufactured home subdivision which is served by utilities as required by the state law.
- (B) *Compliance with State Statutes.* In addition to the requirements of this ordinance, manufactured home parks, manufactured home subdivisions shall conform to the Statutes of Minnesota, including, but not limited to, Chapter 327 and any applicable rules and regulations of the Minnesota Department of Health.
- (C) *Unit to lot ratio.* Only one (1) manufactured home shall be located on an individual approved lot or space.
- (D) *Lot/space identification.* Each manufactured home space shall have frontage on an approved roadway and shall be marked and numbered with digits that are at least three (3) inches in height and made from a bright metal or alloy which will not rust, tarnish, or change color. The corners of each manufactured home and recreational vehicle space shall be marked on a permanent basis with metal corner markers.
- (E) *Minimum development size.* All manufactured home parks and subdivisions shall contain a minimum of five (5) acres.
- (F) *Area maintenance.* Land area shall remain adequately drained, free from dust, and free from refuse, garbage, and debris.
- (G) *Outdoor camping.* There shall be no outdoor camping or placement of tents within any manufactured home or recreational vehicle site.

- (H) It shall be the duty of the operator of the mobile home park to keep a record of all mobile homeowners and occupants located within the park. The register record for each occupant and/or mobile home register shall not be destroyed until after a period of three years following the date of departure of the registrant from the park. The register shall contain the following information:
- (1) The name and address of each mobile home occupant.
  - (2) The name and address of the owner of each mobile home.
  - (3) The make, model, year and license number of each mobile home.
  - (4) The state, territory or county of issuing the license.
  - (5) The date of arrival and departure of each mobile home.
  - (6) The number and type of motor vehicles of residents in the park.
- (I) *Outdoor speakers.* No public address or loudspeaker system shall be permitted within any manufactured home or recreational vehicle site.
- (J) *Maintenance.* The operator of any mobile home park, or a duly authorized attendant and/or caretaker, shall be responsible at all times for keeping the mobile home park, its facilities and equipment, in a clean, orderly, operable and sanitary condition. The attendant or caretaker shall be answerable, along with the operator, for the violation of any provisions of these regulations to which the operator is subject.
- (K) Mobile homes shall not be used for residential purposes in the City if they:
- (1) Do not conform to the requirements of the Vehicle Code of the state.
  - (2) Are in an unsanitary condition or have an exterior in bad repair.
  - (3) Are structurally unsound and do not protect the inhabitants against all elements.
  - (4) Do not have adequate sewage facilities as required by the Council in accordance with Pollution Control Agency regulations.
- (L) It is unlawful for any type vehicle to travel at a rate in excess of 10 mph within the limits of a manufactured home park. The park owner shall adequately post the speed limits within the manufactured home park.
- (M) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes while parked in a manufactured home park.

#### **11.43 Structure Requirements**

- (A) *In general.* All manufactured homes and recreational vehicles used for residential purposes shall be kept in good repair, shall remain in sanitary and structurally sound condition, and shall conform to the requirements of the U.S Department of Housing and Urban Development.
- (B) *Installation requirements.* All manufactured homes shall be equipped with an anchoring and support system designed to resist movement caused by wind force, in compliance with the Statutes of Minnesota and all other pertinent laws and requirements.
- (C) *Skirting required.* The entire perimeter beneath a manufactured home must be permanently enclosed as follows:
- (1) In manufactured home parks acceptable materials shall include concrete, concrete block, matching vinyl panel, or matching metal panel, provided that an access is available for necessary inspections and repair.

- (2) In manufactured home subdivisions, acceptable materials shall include concrete, concrete block, brick, or other masonry products, as deemed appropriate at the time of permit application. In all cases an access must be available for necessary inspections and repair.
- (D) *Dwellings of conventional construction.* Dwelling units of conventional construction shall not be permitted on a manufactured home or recreational vehicle site, except for a manager's office and residence.
- (E) All new manufactured home lots within manufactured home subdivisions shall provide adequate space on said lot for at least a single stall garage. Further, a manufactured home must be placed on a lot such that the lot can accommodate future placement of at least a single stall garage, in compliance with setback and separation requirements as established in Table 11.3 and Section 7.18.

#### **11.44 Accessory Structures**

- (A) *In General.* No structure shall be allowed on a pad space which is reserved for a recreational vehicle, except for utility connections for electrical and plumbing service connections. Accessory structures within a manufactured home park or subdivision shall be subject to the requirements established in Section 7.18 and the following requirements of 11.44(B).
- (B) Accessory structures in Manufactured Home Parks Existing prior to the approval of this ordinance. A single detached accessory structure shall be allowed subject to the following:
  - (1) The design and construction of the detached accessory structure shall be similar to or compatible with design and construction of the main building.
  - (2) The accessory structure shall meet the required building setbacks.
  - (3) The accessory structure may be adjacent to the principal structure, provided that a fire separation is provided between the two structures and no window or door is obstructed.
  - (4) The accessory structure shall be ten (10) feet from any structure on a neighboring lot.
  - (5) The accessory structure shall not exceed 120 square feet in area.
  - (6) The accessory structure shall not be located closer to the park access drive or street than the principal structure.
  - (7) An accessory structure may be within five (5) feet of an exterior boundary which is not a public street or right of way.
  - (8) No person shall extend electrical service to any accessory structure, except as approved by the State Electrical Inspector.

#### **11.45 Approval Procedures**

- (A) *In general.* The developer of any manufactured home park, or manufactured home subdivision shall meet informally with the Zoning Administrator to review site development issues and procedural requirements prior to making formal application.
- (B) *Development plan.* An application to amend zoning district boundaries for the purpose of creating an R-M district shall be filed and processed as specified Sections 3.14 through 3.18. Such application shall be accompanied by ten (10) copies of a development plan for the property, drawn to scale, which provides the following information:
  - (1) Proposed name of the park or subdivision, which such name not to closely resemble or duplicate names of existing parks or subdivisions within the City.
  - (2) Park or subdivision lines in relation to known section, quarter-section, or quarter-quarter section lines comprising a legal description of the property.

- (3) Names and addresses of all developers who have vested interests in the park or subdivision, including the name of the project designer.
  - (4) The number, location, and dimensions of all proposed manufactured home spaces.
  - (5) Typical manufactured home or recreational vehicle locations on all proposed spaces.
  - (6) Street locations, widths, and typical cross-sections.
  - (7) Pedestrian circulation, including proposed trails and sidewalks.
  - (8) The location, size, and proposed amenities within all proposed recreational areas, facilities, and buildings.
  - (9) Location of off-street parking areas.
  - (10) Proposed fencing and landscaping of the site.
  - (11) Location, size, content, and illumination method of all proposed.
  - (12) Location, width, and name of each existing or platted street, public way, railroad, utility right-of-way, parks or public open spaces, and permanent buildings within and adjacent to the proposed development.
  - (13) Location and size of all existing and proposed sewers, water mains, gas mains, culverts or other underground installations within and adjacent to the site.
  - (14) Description of the method of disposing of garbage and refuse.
  - (15) Detailed description of maintenance procedures and grounds supervision; and
  - (16) Details as to whether all of area will be developed at once or whether it will be developed a portion at a time.
  - (17) Any additional supplementary information requested by City staff.
- (C) *Subdivision approval.* All proposed manufactured home subdivisions must comply with the procedural and design requirements as set forth in Chapter 16, Subdivision Regulations.

#### **11.46 Parking**

Parking standards for the R-M district are established in Chapter 9, Off-Street Parking and Loading.

#### **11.47 Landscaping**

All manufactured home parks, manufactured home subdivisions, and recreational vehicle parks shall comply with the landscaping requirements as specified in Chapter 5, Site Plan Review.

#### **11.48 Signs**

All identification, advertising, and other types of signage within the R-M district shall comply with the provisions of Chapter 10, Signs.

#### **11.49 Height**

The maximum height of structures located in the R-M District shall not exceed one (1) stories or twenty-five (25) feet, whichever is less.

### **11.50 Manufactured Home Park Design and Development Requirements**

In addition to the general provisions and requirements established elsewhere in this section, all manufactured home park developments shall be subject to the standards identified as follows:

- (A) *Maximum area density.* The maximum density allowable within manufactured home parks shall be ten (10) manufactured home spaces per net acre, excluding existing and proposed right-of-way.
- (B) *Maximum height.* Except for public and utility buildings and structures allowed as a permitted or conditional use, the maximum height of all principal and accessory structures located in a manufactured home park shall not exceed 1 stories or twenty (25) feet, whichever is less.
- (C) *Yard and setback requirements.* Setback requirements for manufactured home parks are identified in Table 11.3.
- (D) *Required recreational space.* Each manufactured home park shall provide a minimum of ten (10) percent of the total land area for recreational purposes, with amenities installed and maintained at the owner/operator's expense.
- (E) *Utilities.* All manufactured home parks shall provide adequate utility service for each individual manufactured home, including connection to the public water and sanitary sewer system or a private water and sewer system approved by the Minnesota Department of Health. The location of all utilities and their connections, waste removal methods, and stormwater drainage methods must be approved by the City. Utilities shall be placed underground and no obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related manufactured home equipment. Owner shall pay any required sewer connection fees to City. The method of garbage, waste and trash disposal must be approved by the City. A central underground fuel distribution system shall be installed to serve all manufactured home lots. No individual fuel tanks shall be allowed for the purpose of providing a source of fuel for cooking, heating or other purposes for a manufactured home or accessory building.
- (F) *Internal roads and streets.* Each manufactured home park space shall abut and have access to a private road, to be built and maintained by the owner/operator of the site and approved by the City as to location and design. All streets shall be hard-surfaced, include curb and gutter, and provide a minimum width of thirty-six (36) feet, measured from back of curb to back of curb.
- (G) *Lighting.* Artificial light shall be maintained during all hours of darkness in buildings containing public toilets, laundry equipment, and other common facilities utilized by park residents. The park grounds shall be lighted as approved by the City from sunset to sunrise.
- (H) *Map directory.* A map directory of the manufactured home park shall be displayed near the entrance to the site and shall be illuminated during all hours of darkness.
- (I) *Common facilities.* When a manufactured home park harbors manufactured homes which are not equipped with laundry washing and drying facilities. Such buildings shall be centrally heated and maintained in a safe, clean, and sanitary condition. Outdoor drying areas for laundry shall only be located in areas approved by the City and shall be maintained exclusively for such purpose.

### **11.51 Manufactured Home Subdivision Design and Development Requirements**

The general provisions and requirements established in this section and in Chapter 15, Subdivision Regulations, manufactured home subdivisions shall be subject to those standards identified in those sections.

## ARTICLE 8. R-B, RESIDENTIAL – BUSINESS DISTRICT

### **11.52 Purpose**

The purpose of the R-B District is to provide high density residential use and for the transition in land use from residential to low intensity business allowing for the intermixing of the uses. Such transition may be accomplished by a continuation of similar uses (to the extent possible allowable uses within the district), landscape buffering (as provided in Chapter 5), or both, as required by the City in conjunction with plat approval.

### **11.53 Uses**

Permitted and conditional uses in the R-B District shall be as specified in Table 11.1.

Also residential dwellings in the R-B District are apartment density bonus as follows:

- (A) Except for elderly housing, a maximum of 10% reduction in square feet of lot area per unit for multiple-family dwellings of ten units or more is required in the general building and performance requirements of this chapter based upon the following bonus features and square foot reduction:

<b>Bonus Feature</b>	<b>Square Foot Reduction Per Unit</b>
(1) Type two construction	100 square feet
(2) Elevator serving each floor	50 square feet
(3) Two-third of the required fee free parking underground or within the principal structure (not including attached garages)	150 square feet
(4) Indoor recreation and social rooms equal to 25 square feet per unit or 750 square feet total, whichever is greater	50 square feet
(5) Major outdoor recreational facilities such as swimming pools, tennis courts or similar facilities requiring a substantial investment equaling at minimum 5% of the construction cost of the principal structure	20 square feet

### **11.54 Permitted Accessory Structures and Uses**

- (A) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross capacity of 12,000 pounds as regulated by this chapter, are intended for use to share the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. The space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment.
- (B) Recreational vehicles and equipment.
- (C) Non-commercial greenhouses and conservatories.
- (D) Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (E) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- (F) Boarding or renting of rooms to not more than one person.
- (G) Supervised Living Facility.
- (H) Towers which are not more than 70 feet in height and owned and operated by a federally licensed amateur radio station operator or used exclusively as a receiving only facility.
- (I) Off-street loading.

### **11.55 Height**

The maximum height of structures located in the R-B District shall not exceed three (3) stories or forty-five (45) feet, whichever is less.

By conditional use for a building in excess of three stories or forty-five feet, provided that:

- (A) The site is capable of accommodating the increase intensity of use.
- (B) The increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
- (C) Public utilities and services are adequate.
- (D) For each additional story over three stories or for each additional ten feet above 40 feet, front and side yard setback requirements shall be increased by five feet.

## Chapter 12 Business Districts

### ARTICLE 1. GENERAL PROVISIONS

#### **12.01 Purpose**

The Business districts are established to provide a range of goods and services for City residents, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

#### **12.02 District Names**

The Business District names are as follows:

B-1	Limited Neighborhood Business District
B-2	Limited Community Retail Business District
B-3	Auto Oriented Business District
B-4	Central Business District

#### **12.03 Principal Uses for the Business Districts**

- (A) *In general.* All permitted and conditional uses allowed in the business districts are listed in Table 12.1.
- (B) *Permitted uses.* Uses specified with a “P” are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified in Sections 3.19 through 3.25.
- (C) *Conditional uses.* Uses specified with a “C” are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Sections 3.26 through 3.34.
- (D) *Prohibited uses.* Any use not listed as either “P” (permitted) or “C” (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Section 3.05 governing determination of substantially similar uses.
- (E) *Specific development standards.* Permitted and conditional uses specified with an “x” under the Specific Development Standards column shall be subject to the standards identified in Chapter 8, Specific Development Standards.
- (F) *Generalized use category.* Table 12.1 employs generalized use categories for some types of commercial uses. A particular use may be determined to be within a generalized use category if not listed specifically elsewhere in Table 12.1 and if not determined to be within another less restrictive generalized use category. Determination of whether a particular use is included within a generalized use category shall be made by the Zoning Administrator in the manner provided for in Section 2.05 governing determination of substantially similar uses.
  - (1) *General retail sales and services.* General retail sales and services uses include the retail sale of new products or the provision of services to the general public that produce minimal off-site impacts. They are represented in table 12.1 if they are permitted, conditional, or not allowed in each district. General retail sales and services include the following uses:

- (a) Bakery / catering service.
- (b) Bank / Financial institutions
- (c) Barber shop / beauty salon.
- (d) Bicycle sales and repair.
- (e) Clothing and accessories.
- (f) Department and discount stores
- (g) Drug store.
- (h) Dry-cleaning establishment.
- (i) Electronics sales and repair.
- (j) Film developing / photographic supplies.
- (k) Florist.
- (l) Frozen food / meat market but not locker plant
- (m) Gift or Novelty Store.
- (n) Hardware store.
- (o) Hobby Store.
- (p) Household furnishings and appliances.
- (q) Insurance sales.
- (r) Locksmith.
- (s) Musical instruments.
- (t) Office and school supplies.
- (u) Paint and wallpaper sales.
- (v) Picture framing / hobby store.
- (w) Plumbing, television, radio, electrical sales and such repair as are accessory uses to the retail establishment.
- (x) Public utility collection offices.
- (y) Public Garage.
- (z) Real estate sales.
- (aa) Shoe repair / tailor.
- (bb) Sporting goods / bait and tackle.

(2) Limited production and processing. Limited production and processing uses include activities that are consistent and compatible with retail sales and services. These uses produce minimal off-site impacts due to their limited nature and scale. Limited production and processing is allowed as a principal use, and may include wholesale and off-premise sales, subject to other restrictions in this ordinance. They are represented in table 12.1 if they are permitted, conditional, or not allowed in each district. Limited production and processing includes the following uses:

- (a) Apparel and other finished products made from fabric.
- (b) Computers and accessories, including circuit boards and software.
- (c) Electronic components and accessories.
- (d) Film, video and audio recording.
- (e) Food and beverage products, except no live slaughter or grain milling.
- (f) Jewelry, ornamental ceramics and pottery.
- (g) Precision medical and optical goods.
- (h) Signs and advertising devices.
- (i) Visual arts, not including performances.
- (j) Watches and clocks.
- (k) Wood crafting and craving.
- (l) Wood furniture and upholstery.

Table 12.1 Principal uses in the business districts					
Use	District				Development Standards
	B-1	B-2	B-3	B-4	
<b>Commercial uses</b>					
Ambulance Facility	-	-	C	C	x
Automobile parts and accessories	-	P	P	P	
Boat and marine sales (enclosed)	-	-	-	P	
Bookstore	P	P	P	P	
Building material sales	-	P	P	P	
Clothing rental	-	-	-	P	
Child care center	C	P	P	P	x
Employment agencies	-	-	-	P	
Firearms dealer	-	-	P	P	x
Flooring store	-	P	P	P	
Funeral home	-	P	P	P	x
Furniture stores	-	P	P	P	

Use	District				Development Standards
	B-1	B-2	B-3	B-4	
General Retail Sales and Services	P	P	P	P	
Gift shop/Novelty store	-	P	P	P	
Greenhouse, lawn and garden supplies	-	P	P	P	
Grocery or convenience store	-	P	P	P	
Laundry, self-service	P	P	P	P	x
Pawn shop	-	C	C	C	x
Performing, visual, or martial arts school	-	P	P	P	
Pet store	-	P	P	P	x
Photocopying	-	-	P	P	
Recreational vehicle sales and service	-	-	P	P	x
Recreational Commercial uses	-	-	P	P	x
Rental of household goods and equipment	-	P	P	P	
Sewing machine sales and repair	-	-	-	P	
Small engine repair	-	C	P	-	
Tattoo parlor	-	P	P	P	
Veterinary clinic	-	P	P	P	
Video store	P	P	P	P	
<b>Offices</b>	C	P	P	P	
<b>Auction Establishments</b>	-	C	C	-	x
<b>Adult Entertainment</b>	-	C	-	-	x
<b>Automobile Services</b>					
Automobile convenience facility	-	P	P	-	x
Automobile rental	-	C	-	-	x
Automobile repair	-	C	P	-	x
Automobile sales	-	C	P	P	x
Car wash	-	C	P	-	x
Farm machinery sales, repair, storage	-	C	P	-	x
<b>Retail Sales and Services</b>					
General retail sales and services	-	P	P	P	
Antiques and collectibles	-	P	P	P	
Bank or financial institution	-	P	P	P	
Electrical appliance sales and repair	-	-	-	P	
Travel bureaus and tickets	-	-	-	P	
<b>Farm and Construction Equipment Sales</b>	-	C	P	-	
<b>Food and Beverages</b>					
Bar, nightclub, liquor establishment	-	-	P	P	x
Bakery	-	P	P	P	
Coffee shop with limited entertainment	-	-	P	P	x
Liquor store	-	-	P	P	
Restaurant, drive-through	-	P	P	-	x
Restaurant Drive in	-	C	C	P	x
Restaurant with general entertainment	-	C	P	P	x
<b>Commercial Recreation, Entertainment and Lodging</b>					
Bed and breakfast facility	C	C	C	C	x
Bowling alley	-	P	P	P	
Hotel, motel	-	-	P	P	
Outdoor recreation area Indoor recreational facility	-	-	-	P	x
Sports and health facility	-	P	P	P	
Theater, indoor	-	P	P	P	
<b>Institutional and Public Uses</b>					
<b>Educational Facilities</b>					
Early childhood education center	C	P	P	P	x
Schools, vocational or business	C	P	P	C	x

Use	District				Development Standards
	B-1	B-2	B-3	B-4	
<b>Social, Cultural, Charitable and Recreational Facilities</b>					
Stadiums, arenas	-	C	C	-	
Private Clubs and lodges	-	-	P	P	
Community center	-	P	P	C	x
Library	C	P	P	P	
Museum	C	P	P	P	
Park	P	P	P	P	
<b>Religious Institutions</b>					
Place of assembly	C	P	P	C	x
<b>Health and Medical Facilities</b>					
Clinic, medical or dental	-	P	P	P	
Laboratory, medical or dental	-	P	P	P	
Hospital	-	C	C	-	x
Massage Therapist	-	P	P	P	
<b>Production, Processing, and Storage</b>					
Limited production and processing	-	P	P	-	
Contractor office and showroom	-	P	P	P	x
Furniture moving and storage	-	P	P	-	
Industrial machinery and equipment, sales, service, and rental	-	P	P	-	x
Dry cleaning plant	-	-	-	P	
Laundry, commercial	-	P	P	P	x
Packaging of finished goods	-	P	P	P	
Printing and publishing	-	P	P	P	
Self-service storage facility	-	P	P	C	
Wholesaling, warehousing, and distribution	-	P	P	C	x
<b>Public Service and Utilities</b>					
Governmental buildings and structures (other than those used primarily as offices)	C	P	P	P	x
Essential Services	P	P	P	P	
<b>Residential Uses</b>					
<b>Dwellings</b>					
Dwelling in conjunction with business	-	-	-	C	x
Dwelling unit as part of mixed-use structure	-	-	-	C	x
Multiple-family dwelling				P	
Single family detached and two family	P	P	C	C	
<b>Congregate Living</b>					
Boarding House	P	P	P	P	x
Residential care facility, serving six or fewer persons	-	-	-	C	x
Residential care facility, serving seven to sixteen persons	-	-	-	C	x

#### **12.04 Permitted Accessory Structures and Uses**

- (A) Accessory buildings and structures shall comply with the provisions of Section 7.19. Design of such structures is further regulated in Chapter 5, Site Plan Review.
- (B) Child care center as an accessory use to a principal industrial activity and for the exclusive service to employees of that activity.
- (C) Temporary structures for storage of equipment and materials used in connection with construction of a lawfully authorized use, not to exceed two years.

### **12.05 Height**

Except for communication antennas otherwise allowed by conditional use permit, the maximum height of all principal structures located in the commercial districts shall be as specified within each commercial district. The height of buildings within the airport overlay district is further regulated as specified in Chapter 14, Article 5.

### **12.06 Increasing Maximum Height**

The height limitations of principal structures located in the commercial districts may be increased by conditional use permit, subject to the standards identified in Sections 3.27 through 3.35. Additionally, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:

- (A) Access to light and air of surrounding properties.
- (B) Shadowing of any adjacent residential areas.
- (C) The scale and character of surrounding uses.
- (D) Preservation of views of landmark buildings, significant open spaces or water bodies.

### **12.07 Building Design and Construction**

- (A) *In general.* All buildings and structures shall meet applicable Building Code requirements. Additionally, the following standards are established to encourage architectural creativity and diversity, to create a lessened visual impact upon surrounding land uses, and to establish uniformity in acceptable exterior construction materials for commercial development.
- (B) Buildings design, finish materials, and colors should be consistent or compliment neighboring structures. Colors that are not consistent with neighboring structures because they are of bold or bright color palettes shall not be used.
- (C) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

### **12.08 Site Design Considerations**

Development of land within the business districts shall follow established standards for traffic circulation, landscape design and buffering, and other considerations as specified in Chapter 5, Site Plan Review.

### **12.09 Application of Building and Site Design Standards**

In the event that an existing principal building within a business district is to be enlarged or remodeled, the City may require that building design standards and landscaping requirements created by this chapter be applied to the entire site or to a portion of the site. Such determination shall be made by the Zoning Administrator based on the scale and nature of the proposed construction. If disagreement arises over the extent of required improvements, the property owner may appeal such determination to the Planning Commission and City Council for further review.

### **12.10 Lot Dimension and Building Bulk Regulations**

Lot area and setback requirements shall be as specified in Table 12.2. Wetland buffer and buffer setback requirements shall be as specified in Chapter 7 of this Ordinance.

Table 12.2. Lot dimension and setback requirements in the business districts.

<b>District</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>
Minimum Lot Area (sq. ft.)	10,000	None	None	None
Minimum Lot Width	75'	100'	100'	None
Building Setback Requirements				
Front	25'	25'	25'	None

Side	20'	20'	10'	None
Side (abutting residential district)	25'	25'	25'	25'
Rear	30'	30'	30'	None

**12.11 Parking and Loading Requirements**

Parking and loading requirements for uses in the business districts shall be as set forth in Chapter 9, Off-Street Parking and Loading.

**12.12 Truck and Commercial Vehicle Parking**

- (A) *Residential uses.* Parking of commercial vehicles shall be prohibited from parking residential specified areas.
- (B) *Non-residential uses.* Regulations governing the parking of trucks and other commercial vehicles accessory to permitted or conditional non-residential uses shall be as specified in each business district. These regulations shall apply only to vehicles that are parked regularly at the site and shall not apply to pick-up and delivery activities or to the temporary use of vehicles during construction. Outdoor storage of motorized equipment other than motor vehicles in operable condition shall be prohibited, except as specifically provided for in this ordinance.

**12.13 Signs**

Sign requirements for uses in the business districts shall be as specified in Chapter 10, Signs.

**12.14 Compliance with Performance Standards**

All uses in the business districts shall comply with all general performance standards as expressed in Chapter 7, Article 10.

**ARTICLE 2. B-1 LIMITED NEIGHBORHOOD BUSINESS DISTRICT**

**12.15 Purpose**

The purpose of the neighborhood business district is to provide for the establishment of local centers for convenience, limited office, retail, or service outlets. These centers are located in close proximity to residences and are to be arranged and designed to be a functional and harmonious part of a residential neighborhood. It is the intent of this ordinance that the location and nature of these commercial activities be reasonably serviced with public sidewalks or other pedestrian access. The district is not intended to draw customers from the entire community, but to be limited in size and number of uses to assure continued compatibility with surrounding residential uses.

**12.16 Uses**

Permitted and conditional uses in the B-1 District shall be as specified in Table 12.1.

Conditional use of professional and commercial (leased) offices; provided that:

- (A) The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.
- (B) The architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.
- (C) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community; provided that:

- (1) Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
- (2) Equipment is completely enclosed in a permanent structure with no outside storage.
- (3) Adequate screening and landscaping from neighboring residential districts is provided in accordance with this general building and performance requirements of this chapter.

**12.17 Enclosed Building Requirement**

(A) *In general.* All production, processing, storage, sales, display, or other business activity in the B-1 district shall be conducted within a completely enclosed building.

**12.18 Permitted Accessory Structure and Uses**

- (A) *In general.* Permitted accessory uses within the B-1 district include maintenance and parking facilities, mechanical equipment, and other buildings and structures which are necessary to the operation of the principal use.
- (B) Child care center as an accessory use to a principal commercial activity and for the exclusive service to employees of that activity.
- (C) Temporary structures for storage of equipment and materials used in connection with construction of a lawfully authorized use, not to exceed two years.
- (D) Commercial or business buildings and structures for a use accessory to the principal use, but the use shall not exceed 30% of the gross floor space of the principal use.

**12.19 Maximum Height**

The maximum height of all principal structures located in the B-1 District shall be two (2) stories or Thirty (30) feet, whichever is less.

**12.20 Maximum Ground Coverage**

The sum total of ground area covered by all structures shall not exceed fifty (50) percent of the total lot area. The sum total of ground area covered by all structures and off-street parking and loading areas shall not exceed seventy-five (75) percent of the total lot area.

**12.21 Truck and Commercial Vehicle Parking for Non-Residential Uses**

Outdoor parking of trucks and other commercial vehicles shall be limited to single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight.

**ARTICLE 3. B-2 LIMITED COMMUNITY RETAIL BUSINESS DISTRICT**

**12.22 Purpose**

The purpose of the limited community retail business district is to provide low intensity, retail or serviced outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and located in areas which are well served by the collector or arterial street facilities at the edge of the residential districts.

**12.23 Uses**

Permitted and conditional uses in the B-2 District shall be as specified in Table 12.1.

#### **12.24 Enclosed Building Requirement**

- (A) *In general.* All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in (B) through (D) below or elsewhere in this ordinance.
- (B) *Outdoor storage.* Outdoor storage may be allowed as an accessory use provided that the standards for such use, as identified in Chapter 8, Specific Development Standards, are met.
- (C) *Outdoor speakers.* Outdoor speakers shall not be audible from a residential district boundary or residential use.
- (D) *Outdoor dining area.* Facilities offering outside dining shall be allowed provided that the standards identified for such use in Chapter 8, Specific Development Standards, are satisfied.

#### **12.25 Permitted Accessory Structure and Uses**

- (A) *In general.* Permitted accessory uses within the B-2 district include maintenance, storage, and parking facilities, mechanical equipment, and other buildings and structures which are necessary to the operation of the principal use.
- (B) Child care center as an accessory use to a principal commercial activity and for the exclusive service to employees of that activity.
- (C) Temporary structures for storage of equipment and materials used in connection with construction of a lawfully authorized use, not to exceed two years.

#### **12.26 Maximum Height**

The maximum height of all principal structures located in the B-2 District shall be three (3) stories or forty-five (45) feet, whichever is less.

#### **12.27 Maximum Ground Coverage**

The sum total of ground area covered by all structures shall not exceed sixty (60) percent of the total lot area. The sum total of ground area covered by all structures, exterior storage areas, and off-street parking and loading areas shall not exceed ninety (90) percent of the total lot area.

#### **12.28 Truck and Commercial Vehicle Parking for Non-Residential Uses**

Outdoor parking of trucks and other commercial vehicles shall be limited to single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight, when located within three hundred (300) feet of a residential district boundary. There shall be no limit on the size of trucks and other commercial vehicles when located more than three hundred (300) feet from a residential district.

### **ARTICLE 4. B-3 AUTO-ORIENTED BUSINESS DISTRICT**

#### **12.29 Purpose**

The purpose of the B-3, Auto-Oriented Business District is to provide for and limit the establishment of motor vehicle oriented or dependent commercial and service activities.

#### **12.30 Uses**

Permitted and conditional uses in the B-3 District shall be as specified in Table 12.1.

As a conditional use an accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this section; provided that:

- (A) The use is allowed as a permitted use in a "B-1" or "B-2" District.
- (B) The use does not constitute more than 30% of the lot area and not more than 50% of the gross floor area of the principal use.
- (C) Adequate off-street parking and off-street loading in compliance with the general building and performance requirements of this chapter is provided.
- (D) All signing and informational or visual communication devices shall be minimized and shall be in compliance with the general building and performance requirements of this chapter.

**12.31 Enclosed Building Requirement**

- (A) *In general.* All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in (B) through (C) below or elsewhere in this ordinance.
- (B) *Outdoor storage.* Outdoor storage may be allowed as an accessory use provided that the standards for such use, as identified in Chapter 8, Specific Development Standards, are met.
- (C) *Outdoor speakers.* Outdoor speakers shall not be audible from a residential district boundary or residential use.

**12.32 Permitted Accessory Structure and Uses**

- (A) *In general.* Permitted accessory uses within the B-3 district include maintenance, storage, and parking facilities, mechanical equipment, and other buildings and structures which are necessary to the operation of the principal use.
- (B) Child care center as an accessory use to a principal commercial activity and for the exclusive service to employees of that activity.
- (C) Temporary structures for storage of equipment and materials used in connection with construction of a lawfully authorized use, not to exceed two years.
- (D) Semi-truck parking and loading.

**12.33 Maximum Height**

The maximum height of all principal structures located in the B-4 District shall be three (3) stories or forty-five (45) feet, whichever is less.

**12.34 Maximum Ground Coverage**

The sum total of ground area covered by all structures shall not exceed sixty (60) percent of the total lot area. The sum total of ground area covered by all structures, exterior storage areas, and off-street parking and loading areas shall not exceed ninety (90) percent of the total lot area.

**12.35 Truck and Commercial Vehicle Parking for Non-Residential Uses**

Outdoor parking of trucks and other commercial vehicles shall be limited to single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight, when located within three hundred (300) feet of a residential district boundary. There shall be no limit on the size of trucks and other commercial vehicles when located more than three hundred (300) feet from a residential district.

## ARTICLE 5. B-4 CENTRAL BUSINESS DISTRICT

### **12.36 Purpose**

The purpose of the central business district is to provide for the development and redevelopment of the established downtown core, including a mix of retail, financial, office, service, and entertainment uses. Additionally, residential units are allowed as an accessory use, when located above a first-story commercial use.

### **12.37 Uses**

Permitted and conditional uses in the B-4 District shall be as specified in Table 12.1.

### **12.38 Enclosed Building Requirement**

- (A) *In general.* All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in (B) through (E) below or elsewhere in this ordinance.
- (B) *Outdoor storage.* Outdoor storage may be allowed as an accessory use provided that the standards for such use, as identified in Chapter 8, Specific Development Standards, are met.
- (C) *Outdoor sales and display.* Retail merchandise may be displayed on a temporary basis on the sidewalk immediately in front of the principal building or displayed at convenience store gasoline pump islands, provided that such display does not interfere with pedestrian or vehicle traffic. In addition, the following principal uses may include outdoor sales and display provided that the standards for such use, as identified in Chapter 8, Specific Development Standards, are met:
  - (1) General retail sales.
- (D) *Outdoor speakers.* Outdoor speakers shall not be audible from a residential district boundary or residential use.
- (E) *Outdoor dining area.* Facilities offering outside dining shall be allowed provided that the standards identified for such use in Chapter 8, Specific Development Standards, are satisfied.

### **12.39 Residential Uses**

Residential uses are permitted in the Central Business District, secondary to ground floor commercial uses, with the maximum number of units based on the lesser of the calculations shown below.

- (A) The number of units that satisfy area requirements as follows:
  - (1) Efficiency 600 square feet.
  - (2) One-bedroom units 600 square feet.
  - (3) Two-bedroom units 720 square feet.
  - (4) More than two bedrooms, an additional 70 ft<sup>2</sup> for each additional bedroom.

### **12.40 Permitted Accessory Structure and Uses**

- (A) *In general.* Permitted accessory uses within CBD district include maintenance and parking facilities, mechanical equipment, and other buildings and structures which are necessary to the operation of the principal use.
- (B) Child care center as an accessory use to a principal commercial activity and for the exclusive service to employees of that activity.

- (C) Temporary structures for storage of equipment and materials used in connection with construction of a lawfully authorized use, not to exceed two years.
- (D) *Warehousing and Storage Uses*. In conformance with Chapter 8 Specific Development Standards.

**12.41 Maximum Height**

The maximum height of all principal structures located in the B-4 District shall be three (3) stories or forty-five (45) feet, whichever is less. A conditional use for buildings in excess of three stories, provided that:

- (A) The site is capable of accommodating the increased intensity of use.
- (B) The increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
- (C) Public utilities and services are adequate.
- (D) For each additional story over three stories or for each additional ten feet above 40 feet, front and side yard setback requirements shall be increased by five feet.

**12.42 Truck and Commercial Vehicle Parking for Non-Residential Uses**

Outdoor parking of trucks and other commercial vehicles shall be limited to single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight.

## Chapter 13 Industrial Districts

### ARTICLE 1. GENERAL PROVISIONS

#### **13.01 Purpose**

The industrial districts are established to provide locations for industrial land uses engaged in the production, processing, assembly, manufacturing, packaging, wholesaling, warehousing or distribution of goods and materials. Regulations are established to accommodate industrial development while maintaining compatibility with surrounding areas.

#### **13.02 District Names**

The Industrial District names are as follows:

I-1	Limited Industrial District
I-2	General Industrial District

#### **13.03 Principal Uses for the Industrial Districts**

- (A) *In general.* All permitted and conditional uses allowed in the industrial districts are listed in Table 13.1.
- (B) *Permitted uses.* Uses specified with a “P” are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified Sections 3.19 through 3.25.
- (C) *Conditional uses.* Uses specified with a “C” are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Sections 3.26 through 3.34.
- (D) *Prohibited uses.* Any use not listed as either “P” (permitted) or “C” (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Section 2.05 governing determination of substantially similar uses.
- (E) *Specific development standards.* Permitted and conditional uses specified with an “x” under the Specific Development Standards column shall be subject to the standards identified in Chapter 8, Specific Development Standards.
- (F) *Generalized use categories.* Table 13-1 employs generalized use categories for some types of industrial uses. A particular use may be determined to be within a generalized use category if not listed specifically elsewhere in Table 13-1 and if not determined to be within another less restrictive generalized use category. Determination of whether a particular use is included within a generalized use category shall be made by the Zoning Administrator in the manner provided for in Section 2-50 governing determination of substantially similar uses.
  - (1) *Limited Industrial Uses.* Limited industrial uses are low impact uses which produce little or no noise, odor, vibration, glare or other objectionable influences and which, given proper controls, have little or no adverse effect on surrounding properties. Limited industrial uses generally do not involve processing of raw materials or production of primary materials. Limited industrial uses include the production, processing, or storage of the following:
    - (a) Apparel, textiles, and fabrics.
    - (b) Bottling establishments.

- (c) Building material sale and storage.
- (d) Electronic and electrical equipment, components, and accessories.
- (e) Fabricated plastic and rubber products, except tires and inner tubes.
- (f) Fabricated metal products such as cans and shipping containers, cutlery, hand tools and general hardware.
- (g) Foods and food products, not including distilling or live slaughter.
- (h) Household goods and appliances.
- (i) Household, industrial and commercial machinery and equipment such as engines and turbines, farm, lawn and garden equipment, heating, cooling and refrigeration equipment, and machine tools.
- (j) Jewelry manufacturing.
- (k) Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bond cloth, cork, fiber, leather, paper, plastic, metals, stones, tobacco, wax, yarns and wools
- (l) Measuring, analyzing, and controlling instruments.
- (m) Medical and optical goods and technology.
- (n) Metal working such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating.
- (o) Novelty items, musical instruments, sporting and athletic equipment, and other personal goods.
- (p) Office and commercial equipment, furniture, and fixtures.
- (q) Paint mixing.
- (r) Pharmaceuticals, health and beauty products.
- (s) Printing and publishing operations, including distribution.
- (t) Signs, including electric and neon signs, and other advertising devices, light sheet metal products, including heating and ventilating equipment.
- (u) Paper and paperboard products, except no pulp, paper or paperboard mills.
- (v) Pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or natural gas
- (w) Woodworking, lumber and wood products, not including saw mills.

(2) *General Industrial Uses.* General industrial uses include high impact and outdoor uses which are likely to have a substantial adverse effect on the environment or on surrounding properties and which require special measures and careful site selection to ensure compatibility with the surrounding area. General industrial uses often include processing of raw materials or production of primary materials. General industrial uses include the production or processing of the following:

- (a) Asphalt, paving and roofing materials.
- (b) Battery manufacture and reprocessing.
- (c) Creamery and bottling plant.
- (d) Manufacturing, compounding, assembly, packaging, treatment or storage of products or materials including: breweries, cement, stone cutting, brick, glass, batteries (wet cell) ceramic products, mill working, metal polishing, and plating, pain (Pigment mfg.), vinegar works, rubber products, plastics, meat packing, flour, feed, grain milling, milling, coal distillation, gypsum, plaster of paris, glue, size, cloth and similar uses.
- (e) Manufactured housing.
- (f) Petroleum, creosote and coal products, except no mining or extraction of materials.
- (g) Pulp, paper or paperboard mills.
- (h) Sand and gravel, except no mining or extraction.
- (i) Sawmills.
- (j) Tanned hides and leather.
- (k) Tires and inner tubes.
- (l) Transportation equipment, including motor vehicle and aircraft parts and equipment.

**Table 13.1**

Use	District		Development Standards
	I-1	I-2	
<b>Industrial Uses</b>			
<b>Generalized Use Categories</b>			
Limited Industrial	P	P	
General Industrial	-	P	x
<b>Specific Industrial Uses</b>			
Boat construction, repair, and storage	P	P	
Chemicals and chemical products, acids, including ammonia, chlorine, household cleaners, detergent, fertilizer, and industrial and agricultural chemicals.	-	C	
Cleaning services and laundries	P	P	
Concrete, asphalt, and rock crushing facility	-	C	x
Contractor showroom	P	P	x
Contractor yard	-	P	x
Creosote Plant	-	C	
Crude Oil, gasoline or other liquid storage tanks	-	C	
Furniture moving and storage	P	P	
Grain elevator or storage	-	P	
Grain milling and distillation	-	P	
Greenhouse, wholesale	-	P	
Kilns or other heat processes fired by means other than electricity	-	C	
Industrial machinery and equipment sales, service and rental	P	P	x
Machine Shop	P	P	
Research, development, and testing laboratory	P	P	
Recycling facility	P	P	
Refuse disposal and incineration facility	-	C	x
Scrap/salvage yard, metal milling facility	-	C	x
Self-service storage	P	P	
Stockyards, slaughter of animals	-	C	x
Stone, clay and concrete products such as cement, bricks, tile and concrete blocks.	-	P	x
Wholesaling, warehousing and distribution	P	P	
<b>Commercial Uses</b>			
<b>Adult Entertainment Uses</b>			
Animal Kennel, Veterinary Services	P	P	x
Auction Establishments		C	x
<b>Automobile Services</b>			
Automobile convenience facility	P	P	x
Automobile repair	-	P	x
<b>Commercial Recreation, Entertainment and Lodging</b>			
Firearm range, indoor	-	C	x
Hotel, motel	C	-	
Indoor recreational facility	C	C	x
Outdoor recreation area	P	P	x
<b>Offices</b>			
<b>Retail Sales and Services</b>			
Ambulance Facility	P	P	x
Building material sales, lumberyard	P	P	
Child care center (as principal use)	C	C	
Farm and construction equipment	P	P	

Use	District		Development Standards
	I-1	I-2	
<b>Restaurants, Liquor Establishments</b>	P	P	x
<b>Transportation</b>			
Bus garage or maintenance facility	P	P	
Heliport	C	C	x
Package delivery service	P	P	
Transportation services	P	P	
Transportation terminal	P	P	
Truck, trailer, boat or recreational vehicle, sales service or rental	-	P	x
Waste hauler	-	P	x
<b><i>Institutional and Public Uses</i></b>			
<b>Educational Facilities</b>			
School, vocational or business	P	P	x
<b><i>Public Service and Utilities</i></b>			
Communication facilities	P	P	
Communication towers	P	P	
Electric or gas substation	P	P	
Electric City generation plant non-nuclear	P	P	
Essential services	P	P	
Governmental buildings and structures	P	P	
Public utility buildings and structures	P	P	
Street and equipment maintenance facility	P	P	
Waste transfer or disposal facility	C	C	x

#### **13.04 Accessory Buildings and Structures**

Accessory buildings and structures shall comply with the provisions of Section 7.19. Design of such structures is further regulated in Chapter 5, Site Plan Review.

#### **13.05 Retail Sales, Service and Repair**

Retail sales, service, and repair shall be prohibited in all industrial districts except those specifically listed in Table 13.1 or where such activity is accessory to the permitted principal use. Accessory retail uses shall be limited to a maximum of twenty (20) percent of the overall gross floor area occupied by the primary business, up to a maximum of two thousand (2,000) square feet.

#### **13.06 Height**

Except for communication antennas otherwise allowed by conditional use permit, the maximum height of all principal structures located in the I-1 shall be forty-five (45) feet and 120 feet in I-2. Buildings to be located within five hundred (500) feet of a residential district shall have a maximum height of thirty (30) feet. Parapets not exceeding three (3) feet in height shall be exempt from such limitations. The height of buildings within the airport overlay district is further regulated as specified in Chapter 14, Article 5.

#### **13.07 Increasing Maximum Height**

The height limitations of principal structures located in the industrial districts may be increased by conditional use permit, subject to the standards identified in Sections 3.26 through 3.34. Additionally, the City Council shall consider, but not be limited to, the following factors when determining the maximum height:

- (1) Access to light and air of surrounding properties.
- (2) Shadowing of any adjacent residential areas.
- (3) The scale and character of surrounding uses.
- (4) Preservation of views of landmark buildings, significant open spaces or water bodies.

### **13.08 Building Design and Construction**

- (A) *In general.* All buildings and structures shall meet applicable Building Code requirements. Additionally, the following standards are established to encourage architectural creativity and diversity, to create a lessened visual impact upon surrounding land uses, and to establish uniformity in acceptable exterior construction materials for industrial development.
- (B) Buildings design, finish materials, and colors should be consistent or compliment neighboring structures. Colors that are not consistent with neighboring structures because they are of bold or bright color palettes shall not be used.
- (C) The use of prefinished metal architectural panels shall be allowed, provided that no more than seventy (70) percent of the front elevation and no more than eighty (80) percent of any additional street-facing elevation consists of such material. Elevations with interstate exposure on a lot that abuts the interstate right-of-way shall include non-metal accent materials covering at least thirty (30) percent of said elevation, with at least fifty (50) percent of such material placed above the mid-point of the building.
- (D) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

### **13.09 Site Design Considerations**

Development of land within the industrial districts shall follow established standards for traffic circulation, landscape design and buffering, and other considerations as specified in Chapter 5, Site Plan Review.

### **13.10 Application of Building and Site Design Standards**

In the event that an existing principal building within an industrial district is to be enlarged or remodeled, the City may require that building design standards and landscaping requirements created by this chapter be applied to the entire site or to a portion of the site. Such determination shall be made by the Zoning Administrator based on the scale and nature of the proposed construction. If disagreement arises over the extent of required improvements, the property owner may appeal such determination to the Planning Commission and City Council for further review.

### **13.11 Lot Dimension and Building Bulk Regulations**

Lot area and setback requirements shall be as specified in Table 13.2. Wetland buffer and buffer setback requirements shall be as specified in Chapter 7 of this Ordinance.

Table 13.2 - Lot dimension and setback requirements in industrial districts.

District	I-1	I-2
Minimum Lot Area	20,000 ft.	One Acre
Minimum Lot Width	100'	100'
Building Setbacks		
Front	25'	50'
Side	20'	20'
Side abutting Residential District	50'	100'
Rear	20'	50'
Rear abutting Residential District	50'	100'

### **13.12 Parking and Loading Requirements**

Parking and loading requirements for uses in the industrial districts shall be as set forth in Chapter 9, Off-Street Parking and Loading.

### **13.13 Signs**

Sign requirements for uses in the industrial districts shall be as specified in Chapter 9, Signs.

### **13.14 Compliance with Performance Standards**

All uses in the industrial districts shall comply with all general performance standards as expressed in Chapter 8.

### **13.15 Permitted Accessory Structures and Uses**

- (A) *In general.* Permitted accessory uses within the industrial park districts include maintenance, storage, and parking facilities, mechanical equipment, and other buildings and structures which are necessary to the operation of the principal use.
- (B) Child care center as an accessory use to a principal industrial activity and for the exclusive service to employees of that activity.
- (C) Temporary structures for storage of equipment and materials used in connection with construction of a lawfully authorized use, not to exceed two years.

### **13.16 Enclosed Building Requirement**

- (A) *In general.* All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in (B) through (D) below or elsewhere in this ordinance.
- (B) *Outdoor storage.* Outdoor storage may be allowed as an accessory use provided that the standards for such use, as identified in Chapter 8, Specific Development Standards, are met.
- (C) *Outdoor sales and display.* Retail merchandise may be displayed on a temporary basis on the sidewalk immediately in front of the principal building or displayed at convenience store gasoline pump islands, provided that such display does not interfere with pedestrian or vehicle traffic. In addition, the following uses may include outdoor sales and display provided that the standards for such use, as identified in Chapter 8, Specific Development Standards, are met:
  - (1) Automobile sales, service, or rental.
  - (2) Lawn and garden center or greenhouse.
  - (3) Truck, trailer, boat, or recreational vehicle sales, service, or rental.
  - (4) Building material sales.
- (D) *Outdoor speakers.* Outdoor speakers shall not be audible from a residential district boundary or residential use.

## ARTICLE 2. I-1, LIMITED INDUSTRIAL DISTRICT

### **13.17 Purpose**

The purpose of the light industrial district is to provide for the establishment of bulk commercial activities, service warehousing, light industrial development, and the further processing or refining of materials first handled by heavy industry. An I-1 district should be located with access to a major arterial roadway and may abut another industrial or business district, but should be separated from residential uses through natural or manmade barriers.

### **13.18 Uses**

Permitted and conditional uses in the I-1 District shall be as specified in Table 13.1.

**13.19 Maximum Structure Coverage**

The sum total of ground area covered by all structures shall not exceed sixty (60) percent of the total lot area.

ARTICLE 3. I-2, GENERAL INDUSTRIAL DISTRICT

**13.20 Purpose**

The purpose of the heavy industrial district is to provide for the establishment of heavy industrial and manufacturing development and uses, which because of the nature of the product or services, requires isolation from residential and/or commercial uses. An I-2 district should be located with access to a major arterial roadway and should be separated from all other districts, except light industrial, through natural or manmade barriers.

**13.21 Uses**

Permitted and conditional uses in the I-2 District shall be as specified in Table 13.1.

**13.22 Maximum structure coverage**

The sum total of ground area covered by all structures shall not exceed sixty (60) percent of the total lot area.

## **Chapter 14 Overlay and Special Districts**

### **ARTICLE 1. OVERLAY DISTRICT GENERAL PROVISIONS**

#### **14.01 Purpose**

Overlay districts are established in recognition of the unique characteristics of land and land use within certain parts of the City, including those properties within flood-prone areas, shoreland areas and within and adjacent to the City's airport facilities. Overlay districts are further intended to protect the public health, safety, and welfare by preserving the unique character of existing areas for future use and development.

#### **14.02 Relationship to Other Applicable Regulations**

Property located within an overlay district shall be subject to the provisions of both the primary zoning district and the overlay district. Since overlay districts may be more or less restrictive than the primary zoning district, where the provisions of the overlay and primary zoning districts are in conflict, the provisions of the overlay district shall govern.

#### **14.03 Established boundaries**

Overlay district boundaries shall be as specified in the individual overlay district regulations.

#### **14.04 Establishment of Overlay Districts**

The overlay district names are:

FP	Floodplain District
W	Wetland District
A	Airport District
S	Shoreland District

### **ARTICLE 2. FLOODPLAIN MANAGEMENT DISTRICTS**

#### **14.05 Floodplain District Purpose**

The Minnesota Department of Natural Resources, in compliance with directives from the Federal Emergency Management Agency ("FEMA") and the National Flood Insurance Program ("NFIP") has requested that the City of Redwood Falls adopt and incorporate the "Flood Insurance Study, Redwood County, Minnesota And Incorporated Areas," the accompanying Flood Insurance Rate Map Panels numbered 27127C0145C, 27127C0153C, 27127C0154C, 27127C0161C and 27127C0162C, and to make other pertinent revisions to the existing floodplain ordinance to bring it into compliance with FEMA regulations, NFIP requirements and the "Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota" as set out in Minnesota Statutes § 103F and Minnesota Rules 6120.5000 to 6120.6200. To comply with these federal and state requirements, to provide for the protection and safety of residents, and to ensure that flood insurance remains available to affected residents, Redwood Falls Code of Ordinances § 11.65 and § 11.66 shall be combined into a unified floodplain ordinance and shall be amended and restated in their entirety as follows:

#### **14.06 Statutory Authorization**

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Redwood Falls, Minnesota does ordain as follows:

#### **14.07 Findings of Fact**

- (A) The flood hazard areas of the City of Redwood Falls, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (B) Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- (C) National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

#### **14.08 Statement of Purpose**

It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in section 14.07(A) by provisions contained herein.

#### **14.09 Lands to Which Ordinance Applies**

This Ordinance shall apply to all lands within the jurisdiction of the City of Redwood Falls, Minnesota shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

#### **14.10 Establishment of Official Zoning Map**

The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study, Redwood County, Minnesota And Incorporated Areas, the Flood Insurance Rate Map Index for Redwood County, Minnesota And Incorporated Areas with a Map Number of 27127CIND1A and the Flood Insurance Rate Map panels therein for Redwood County, Minnesota And Incorporated Areas numbered 27127C0145C, 27127C0153C, 27127C0154C, 27127C0161C and 27127C0162C; all of the aforementioned documents being dated July 16, 2013 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the City Clerk and the Zoning Administrator.

#### **14.11 Regulatory Flood Protection Elevation**

The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

#### **14.12 Interpretation**

- (A) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (B) The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped

boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the City Council shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the City Council, following review and recommendation from the Planning Commission, and to submit technical evidence.

#### **14.13 Abrogation and Greater Restrictions**

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

#### **14.14 Warning and Disclaimer of Liability**

This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Redwood Falls, Minnesota or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

#### **14.15 Severability**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### **14.16 Definitions**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

- (A) Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (B) Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- (C) Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (a) certain conditions as detailed in the zoning ordinance exist; and (b) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- (D) Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- (E) Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- (F) Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- (G) Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Redwood County, Minnesota and Incorporated Areas.

- (H) Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- (I) Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- (J) Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- (K) Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- (L) Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- (M) Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- (O) Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
- (P) Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- (Q) Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- (R) Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- (S) Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- (T) Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in 14.24(C)(1) of this Ordinance and other similar items.
- (U) Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (V) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial

damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

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

#### **14.17 Annexations**

The Flood Insurance Rate Map panels adopted by reference into section 14.07 above may include floodplain areas that lie outside of the corporate boundaries of the City of Redwood Falls, Minnesota at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Redwood Falls, Minnesota after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Redwood Falls, Minnesota

#### **14.18 Establishment of Zoning Districts**

- (A) Districts.
- (1) Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in section 14.09.
  - (2) Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in section 14.09 as being within Zone AE but being located outside of the floodway.
  - (3) General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone AE without a floodway on the Flood Insurance Rate Map adopted in section 14.09.
- (B) Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in sections 14.19, 14.20 and 14.21 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:
- (1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically section 14.24.
  - (2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically section 14.26.
  - (3) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in section 14.25 of this Ordinance.

#### **14.19 Floodway District (FW)**

- (A) Permitted Uses.
- (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - (2) Industrial-commercial loading areas, parking areas, and airport landing strips.
  - (3) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
  - (4) Residential lawns, gardens, parking areas, and play areas.
- (B) Standards for Floodway Permitted Uses.
- (1) The use shall have a low flood damage potential.
  - (2) The use shall be permissible in the underlying zoning district if one exists.
  - (3) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
- (C) Conditional Uses.
- (1) Structures accessory to the uses listed in section 14.19 (A) above and the uses listed in section 14.19(C)(2)- 4(C)(7) below.
  - (2) Extraction and storage of sand, gravel, and other materials.
  - (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
  - (4) Railroads, streets, bridges, utility transmission lines, and pipelines.
  - (5) Storage yards for equipment, machinery, or materials.
  - (6) Placement of fill or construction of fences.
  - (7) Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of section 14.24(C) of this Ordinance.
  - (8) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- (D) Standards for Floodway Conditional Uses
- (1) All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
  - (2) All floodway conditional uses shall be subject to the procedures and standards contained in section 14.25(D) of this Ordinance.
  - (3) The conditional use shall be permissible in the underlying zoning district if one exists.

- (4) Fill.
- (a) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
  - (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
  - (c) As an alternative, and consistent with (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the City Council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.
- (5) Accessory Structures.
- (a) Accessory structures shall not be designed for human habitation.
  - (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
    - (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
    - (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
  - (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
    - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
    - (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
    - (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

- (6) Storage of Materials and Equipment.
  - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
- (7) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- (8) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

**14.20 Flood Fringe District**

- (A) *Permitted Uses.* Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in section 14.20(B) and the "Standards for all Flood Fringe Uses" listed in section 14.20(E).
- (B) Standards for Flood Fringe Permitted Uses.
  - (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
  - (2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with section 14.19(D)(5)(c).
  - (3) The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with section 14.20(B)(1) of this ordinance.
  - (4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
  - (5) The provisions of section 14.20(E) of this Ordinance shall apply.
- (C) *Conditional Uses.* Any structure that is not elevated on fill or flood proofed in accordance with sections 14.20(B)(1) – 14.20(B)(2), and/or any use of land that does not comply with the standards in sections 14.20(B)(3) – 14.20(B)(4), shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in sections 14.20(D) – 14.20(E) and section 14.25(D) of this Ordinance.
- (D) *Standards for Flood Fringe Conditional Uses.*

- (1) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
  - (a) Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
  - (b) Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate: (1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- (2) Basements, as defined by section 14.16(B) of this Ordinance, shall be subject to the following:
  - (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
  - (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with section 14.20(D)(3) of this Ordinance.
- (3) All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
- (4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland

management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

- (5) Storage of Materials and Equipment.
  - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
- (6) The provisions of section 14.20(E) of this Ordinance shall also apply.

(E) Standards for All Flood Fringe Uses.

- (1) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the City Council must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- (2) Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
- (3) Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in section 14.20(E)(2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- (4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- (5) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- (6) Standards for recreational vehicles are contained in section 14.24(C).

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

#### **14.21 General Flood Plain District**

(A) Permissible Uses.

- (1) The uses listed in section 14.19(A) of this Ordinance shall be permitted uses.
- (2) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to section 14.21(B) below. Section 14.19 shall apply if the proposed use is in the Floodway District and section 14.20 shall apply if the proposed use is in the Flood Fringe District.

(B) Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

- (1) Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
  - (a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - (b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
  - (c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
  - (d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- (2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
  - (a) Estimate the peak discharge of the regional flood.
  - (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
  - (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

- (3) The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the City Council. The Council must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The City Council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the City Council shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of sections 14.19 and 14.20 of this Ordinance.

#### **14.22 Subdivisions**

- (A) Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- (B) Floodway/Flood Fringe Determinations in the General Flood Plain District. In the General Flood Plain District, applicants shall provide the information required in section 14.21(B) of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- (C) Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

#### **14.23 Public Utilities, Railroads, Roads and Bridges**

- (A) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
- (B) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with sections 14.19 and 14.20 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (C) On-site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Subdivision.

#### **14.24 Manufactured Homes and Manufactured Home Parks and Placement of Recreational Vehicles**

- (A) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by section 14.22 of this Ordinance.
- (B) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with section 14.20 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with section 14.20(E)(1), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the City Council.
  - (1) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (C) Recreational vehicles that do not meet the exemption criteria specified in section 14.24(C)(1) below shall be subject to the provisions of this Ordinance and as specifically spelled out in sections 14.24(C)(3) and 14.24(C)(4) below.
  - (1) Exemption. Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in section 14.24(C)(2) below and further they meet the following criteria:
    - (a) Have current licenses required for highway use.
    - (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
    - (c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
  - (2) Areas Exempted For Placement of Recreational Vehicles:
    - (a) Individual lots or parcels of record.
    - (b) Existing commercial recreational vehicle parks or campgrounds.
    - (c) Existing condominium type associations.
  - (3) Recreational vehicles exempted in section 14.24(C)(1) lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in sections 14.19 and 14.20 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood-free location should flooding occur.
  - (4) New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

- (a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with section 14.20(E)(1) of this Ordinance. No fill placed in the floodway to meet the requirements of this Subdivision shall increase flood stages of the 100-year or regional flood.
- (b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of section 14.25(D) of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of sections 14.24(C)(1) and 14.24(C)(2) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with section 14.23(C) of this Ordinance.

**14.25 Administration**

- (A) Zoning Administrator. A Zoning Administrator or other official designated by the City Council shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in section 14.27 of the Ordinance.
- (B) Permit Requirements.
  - (1) Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
  - (2) Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
  - (3) State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
  - (4) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
  - (5) Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning

compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by section 14.27 of this Ordinance.

- (6) **Certification.** The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- (7) **Record of First Floor Elevation.** The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
- (8) **Notifications for Watercourse Alterations.** The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (9) **Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation.** As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

(C) **Variances.**

- (1) **Rules.** The City Council shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- (2) **Administrative Review.** The City Council, following review and recommendation of the Planning Commission, shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
- (3) **Variances.** The City Council, following review and recommendation by the Planning Commission, may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the City Council shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the City, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) *Hearings.* Upon filing of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Planning Commission shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least a ten day notice of the hearing.
- (5) *Decisions.* The City Council, following review and recommendation by the Planning Commission, shall arrive at a decision on such appeal or variance within sixty (60) days of completed application. In passing upon an appeal, the City Council may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the City Council may prescribe appropriate conditions and safeguards such as those specified in section 14.25(D)(6), which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under section 14.27. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- (6) *Appeals.* Appeals from any decision of the City Council may be made, and as specified in this community's official controls and also by Minnesota Statutes.
- (7) *Flood Insurance Notice and Record Keeping.* The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.
- (D) *Conditional Uses.* The City Council, following review and recommendation by the Planning Commission, shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application for consideration.
- (1) *Hearings.* Upon filing an application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least a ten day notice of the hearing.

- (2) Decisions. The City Council shall arrive at a decision on a conditional use within sixty (60) days. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in section 14.25(D)(6), which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under section 14.27. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- (3) Procedures to be followed by the City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.
- (a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Zoning Administrator for determining the suitability of the particular site for the proposed use:
- (i) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
- (ii) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (b) Transmit one copy of the information described in (a) above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- (c) Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- (4) *Factors Upon Which the Decision of the City Council Shall Be Based.* In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other subdivisions of this Ordinance, and:
- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.

- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - (l) Such other factors which are relevant to the purposes of this Ordinance.
- (5) *Time for Acting on Application.* The City Council shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to section 14.25(D)(3) of this Ordinance, the City Council shall render a written decision sixty (60) days from the receipt of such additional information.
- (6) **Conditions Attached to Conditional Use Permits.** Upon consideration of the factors listed above and the purpose of this Ordinance, the City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
- (a) Modification of waste treatment and water supply facilities.
  - (b) Limitations on period of use, occupancy, and operation.
  - (c) Imposition of operational controls, sureties, and deed restrictions.
  - (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
  - (e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

**14.26 Nonconforming Uses**

- (A) A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in section 14.16(V) of this Ordinance, shall be subject to the provisions of section 14.26(A)(1) – 14.26(A)(5) of this Ordinance.
- (1) No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
  - (2) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in section 14.26(A)(3) and 14.26(A)(6) below.
  - (3) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the

conditions of this Subdivision are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of section 14.19 or 14.20 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

- (4) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
- (5) If any nonconforming use or structure is substantially damaged, as defined in section 14.16(U) of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in section 14.19, 14.20, 14.21 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- (6) If a substantial improvement occurs, as defined in section 14.16(V) of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of section 14.19 or 14.20 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

#### **14.27 Penalties for Violations**

- (A) Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- (B) Nothing herein contained shall prevent the City of Redwood Falls, Minnesota from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
  - (1) In responding to a suspected Ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
  - (2) When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
  - (3) The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper

permit or approval is granted by the City. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

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

#### **14.28 Amendments**

- (A) The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.
- (B) All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of the DNR must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

#### **14.29 Adopted**

The City Council of the City of Redwood Falls, Minnesota passed and adopted this Flood Plain Overlay district on July 2, 2013.

### ARTICLE 3. WETLAND DISTRICT

#### **14.30 Purpose, Intent, Definitions**

- (A) *Purpose and Intent.* A district relating to low lands, marshes, wetlands, drainage ways, water bodies and water courses regulating alteration and development of such lands and providing for the issuance of permits therefore, and specifically to:
  - (1) Reduce danger to the health, safety and welfare of the residents of Redwood Falls by protecting surface and ground water supplies from the impairment which results from incompatible land uses and alterations, and by providing safe and sanitary drainage;
  - (2) Restrict and control land development so it will not impede the flow of flood water or cause danger to life or property;
  - (3) Designate suitable land uses that are compatible with the preservation of the natural vegetation and marshes which are a principal factor in the maintenance of constant rates of water flow through the year and which sustain many species of wildlife and plant growth;
  - (4) Regular runoff of surface waters from developed areas to prevent pollutants such as motor oils, sand, salt and other foreign materials from being carried directly into the nearest natural stream, lake or other public or private waters;

- (5) Regulate the alteration of wetland district to prevent excessive sediment pollution, increased and rapid water runoff, excessive nutrient runoff pollution and to maintain the aesthetic appearance of the wetlands; and
  - (6) Prevent the development of structures in areas which will adversely affect the public passage and use of creeks, marshes, low lands and water courses within the City.
- (B) *Definitions.*
- (1) *Wetland District* - Lands within the City that include water courses, natural drainage system, water body or a wetland, that may be subject to periodic flooding, overflow, or seasonally high water tables. The district boundary lines shall be established at the edge of the aforesaid areas as depicted in the Redwood Falls Comprehensive Plan.
  - (2) *Wetlands, a wetland, the wetland, or wetland area* - Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have a predominance of hydric soils, be inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions and, under normal circumstances, support a prevalence of hydrophytic vegetation. Wetlands does not include public waters wetlands and public waters unless reclassified by the Commissioner of the Minnesota Department of Natural Resources, under Minnesota Statutes section 103G.201.

#### **14.31 District Application**

- (A) The "W", Wetland District shall be applied to and superimposed upon the Rural Residential, Residential, Business or Industrial Districts contained herein existing or amended by the text and map of this chapter. The regulations and requirements imposed by the "W", Wetland District shall be in addition to floodplain and shoreland and those established for the district which jointly apply. Under the Joint Application of Districts, the more restrictive requirements shall apply.
- (B) Applications for determining applicable wetland areas (wetland delineation) within the Wetland District, shall be in conformance to the current Midwest Regional Supplement of the 1987 US Army Corps of Engineers, Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1) and Minnesota Rules 8420. Wetland delineations shall be reviewed and approved by the Local Government Unit (LGU) responsible for implementing the Minnesota Wetland Conservation Act.
- (C) Landowners, developers, and project proposers intending to impact a wetland area, shall submit a Joint Application Form for Activities Affecting Water Resources in Minnesota.

#### **14.32 Permitted Uses**

The following operations and uses are permitted in the "Wetland District" as a matter of right, subject to any other applicable City Code provision or law:

- (A) Routine agricultural activities associated with grazing, farming, nursing, gardening and harvesting of crops, as permissible under Minnesota Rules 8420.
- (B) Routine silvicultural activities associated with sustained yield forestry and tree farms, as permissible under Minnesota Rules 8420.
- (C) Conservation of soil vegetation, water, fish and wildlife.
- (D) Scientific research and educational activities that teach principles of ecology and conservation.

- (E) Leisure activities such as hiking, nature studies, canoeing, boating, camping, water-skiing, skin-diving, horseback riding, field trails and general outdoor recreation including play and sporting areas that are not inconsistent with the intent of this chapter.
- (F) Essential services.

#### **14.33 Prohibited Uses**

Except as may hereinafter be conditionally permitted, it shall be unlawful for any person to:

- (A) Place, deposit or permit to be deposited, debris, fill or any material including structures into, within or upon any water body, water course or wetland, floodplain or natural drainage system.
- (B) Dig, dredge or in any other way alter or remove any material from water bodies, water courses, wetlands, floodplains or natural drainage system.
- (C) Erect structures for human habitation.
- (D) Create ponds, dam or relocate any water course, or change the natural drainage system.
- (E) Clear and/or cut trees or other vegetation.
- (F) Permanently store materials.
- (G) Erect signs.
- (H) Dispose of waste materials, including, but not limited to, sewage, garbage, rubbish and other discarded materials.

#### **14.34 Development Regulations**

- (A) Land owners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any of the wetlands district within the City shall first submit a conditional use permit application as regulated by this chapter and a plan of development, hereinafter referred to as "a wetland impact plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade changes and its effect, if any, upon lakes, streams, water courses and marshes, low lands and wetlands in the area. The plan shall minimize tree removal, ground cover change, loss of natural vegetation and grade changes as much as possible, and shall affirmatively provide for the relocation of replanting of as many trees as possible which are proposed to be removed. The purpose of the wetland impact plan shall be to identify all proposed wetland impacts and applicable state and federal wetland regulations, permit requirements, and mitigation criteria.
- (B) High Water Elevation. For lakes, ponds or flowages, no structure, except boat houses, piers and docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated highwater elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize and construction shall not begin until the property has been inspected by the Building Official.

## ARTICLE 4. SHORELAND DISTRICT

### **14.35 Statutory Authorization and Statement of Purpose**

- (A) *Statutory Authorization.* This Shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules 6120, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462 as amended from time to time.
- (B) *Purpose and Intent.* The uncontrolled use of shorelands of the City affects public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interest of public health, safety and welfare to provide for the wise use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision use and development of shorelands of public waters to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands and provide for wise use of waters and related land resources. This responsibility is hereby recognized by the City.

### **14.36 General Provisions**

- (A) *Lands to which these regulations apply.* The provisions of this ordinance shall apply to the Shorelands of the public water bodies as classified in Section 14.38 of this ordinance, and as shown on the Shoreland management Overlay District Map, adopted herein by reference. Pursuant to Minnesota Rules, Part 6120, no lake, pond or flowage less than ten (10) acres in size in municipalities need be regulated in a local government's Shoreland regulations. A body of water created by a private user where there was no previous Shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- (B) *Compliance.* The use of any Shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any Shoreland area; the cutting of Shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.
- (C) *Enforcement; Unlawful Acts.* The Zoning Administrator shall be responsible for the administration and enforcement of this section. It is unlawful for any person to violate the provisions of this section or fail to comply with any of its requirements (including violations of conditions and safeguards established in connection with building permits, shoreland alteration permits, grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by Chapter 3 of this ordinance. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity pursuant to this section.
- (D) *Interpretation.* In their interpretation and application, the provision of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (E) *Abrogation and greater restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (F) *Severability.* If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### **14.37 Administration**

- (A) *Zoning Administrator.* The Zoning Administrator is designated by the City Council to enforce this ordinance. If he/she finds a violation of the provisions of this ordinance, he/she shall notify the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.
- (B) *Permits required.* A permit is required for the construction of buildings or building additions (including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems.
  - (1) Application shall be made to the Zoning Administrator on forms furnished by him/her and shall include the following where applicable: plans drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel, ordinary high water line and bluff line, if present.
  - (2) A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined in this ordinance, shall be reconstructed or replaced in accordance with the provisions of this ordinance.
- (C) *County, State and Federal permits.* Prior to granting a permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator or designated official shall require proof that the applicant has applied for all necessary County, State and Federal Permits.
- (D) *Variances.*
  - (1) Variances may only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. Variances shall be reviewed based on the provisions of Chapter 3 of this ordinance.
  - (2) The City Council shall hear and decide requests for variances in accordance with the provisions of Chapter 3 of this ordinance. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 14.37(E)(1) below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - (3) For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require a nonconforming sewage treatment system to bring it into compliance.
- (E) *Notifications to the Department of Natural Resources*
  - (1) Copies of all notices of any public hearings to consider variances, amendments, conditional uses, or Planned Unit Developments, under local Shoreland management controls must be sent to the Commissioner, or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
  - (2) A copy of approved amendments, subdivisions/plats, Planned Unit Developments, and final decisions granting variances or conditional uses under local Shoreland management controls

must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten (10) days of final action.

**14.38 Shoreland Classification**

- (A) *Shoreland Classification System.* The public waters of the City of Redwood Falls have been classified below consistent with the criteria found in Minnesota Regulations, Part 120.3300, and the Protected Waters Inventory Map for Redwood County, Minnesota. The Shoreland areas for the lakes, rivers and streams shall be shown on the Official Zoning Map.

<i>General Development Lake (GD)</i>	<i>DNR ID #</i>	<i>Acreage</i>	<i>Type Wetland</i>	<i>Shoreland Overlay District</i>
Redwood Lake	64-58	67	5	Business/Residential

<i>River</i>	<i>Class</i>	<i>Shoreland District</i>
Redwood River	Agricultural	Residential/Business
Ramsey Creek	Tributary	Residential

**14.39 Land Use**

- (A) *Consistency with other Chapters.* The intent of this overlay district is to guide the development of public waters Shoreland, thus preserving the quality of surface waters, preserving natural resources and providing for the wise utilization of water and related land resources in the City. The regulations in this overlay district are intended to manage areas suitable for development of various types as allowed in the underlying zoning district. It is the intent of this overlay district to be used in conjunction with the adopted land use regulations and requirements of the City's Unified Development Ordinance. The permitted and conditional uses in the Shoreland management overlay district shall be as identified in the Zoning Ordinance and reflected on the Zoning Map.
- (B) *Inconsistent zoning districts.* When existing zoning districts are inconsistent with the criteria specified above, these inconsistent zoning district designations may continue until revisions are proposed to change either the land use district designation within an existing zoning district boundary shown on the Official Zoning Map, or to modify the boundary of an existing zoning district shown on the Official Zoning Map.
- (C) *Interpretation.* When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the Planning Commission. When a question arises as to whether a zoning district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the Planning Commission.
- (D) *Proposed revisions.* When a revision is proposed to an inconsistent zoning district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The City Council will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy the requirements above. The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent zoning district designations on said waterbody, are consistent with the enumerated criteria and use provisions of this ordinance.
- (E) Land use districts for lakes and rivers. Permitted (P), Conditional (C), and Not Permitted (N).

<b>Use Districts</b>	<b>General Development Lake</b>	<b>Agricultural River</b>	<b>Tributary</b>
<i>Residential District Uses</i>			
Sensitive resources management	P	P	P
Agricultural: crop and pasture	P	P	P
Agricultural: feedlots	N	N	N
Single residential	P	P	P
Semi-public/public parks and historic sites	P	C	C
Multiple residential	C	C	C
Surface water-oriented commercial	C	C	N
Planned developments	P	C	C
<i>Business/Residential District Uses</i>			
Any use permitted in residential district	As regulated in residential district	As regulated in residential district	As regulated in residential district
Commercial	C	C	C
Commercial planned development	P	C	N
Residential planned development	C	C	C

**14.40 Zoning, Water Supply and Sanitary System Standards**

(A) *Lot Area and Width Standards.* The minimum lot area (in square feet) and width standards (in lineal feet) for seweried single, duplex, and townhome residential lots created after the date of enactment of this ordinance are the following:

(1) *Sewered Lakes*

Sewered Lakes, General Development				
	Riparian Lots		Non-riparian Lots	
	Area	Width	Area	Width
Single	15,000	75	10,000	175
Duplex	26,000	135	17,000	185
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,000	245
Commercial Development		100		200

(2) *Unsewered Lakes*

Unsewered Lakes, General Development				
	Riparian Lots		Non-riparian Lots	
	Area	Width	Area	Width
Single	40,000	100	40,000	150
Duplex	60,000	180	80,000	265
Triplex	80,000	260	120,000	375
Quad	100,000	340	160,000	490

(3) *River/Stream*

River/Stream							
	Agricultural		Tributary			Both Sewered	
	Lot Width	Unsewered Lot Area	Sewer	Unsewered Width	Unsewered Lot Area	Riparian	Non-riparian
Single	150	40,000	75	150	80,000	15,000	10,000

Duplex	225	60,000	115	150	100,000	26,000	17,000
Triplex	300	80,000	150	200	120,000	38,000	25,000
Quad	375	100,000	190	250	140,000	49,000	32,000

(B) Special Provisions

- (1) Single-family attached (triplex, quad or townhome units). For each unit over two (2) units (duplex), add the lot area and width to the total development area within the Shoreland zone. The area and width may be added to individual lots or to the lot area owned in common by the development, so that the total area of the development and total width are equal to the areas prescribed on the table.
- (2) Residential subdivisions with dwelling unit densities exceeding those in the tables above can only be allowed if designed and approved as planned unit developments. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 14.40(A) above can only be used if publicly owned sewer system service is available to the property.
- (3) Subdivisions of duplexes and attached single-family units of four (4) units or less on Natural Environment Lakes must also meet the following standards:
  - (a) Each building must be set back at least two hundred (200) feet from the ordinary high water level.
  - (b) Watercraft docking facilities for each lot must be centralized in one (1) location and serve all dwelling units in the building; and
  - (c) No more than twenty-five (25) percent of a lake's shoreline can be in duplex and single-family attached developments.
- (4) Attached single-family and multifamily dwellings with five (5) or more units shall only be allowed as part of a Planned Unit Development.

(C) *Lots with controlled access to public waters.* Lots intended as controlled access to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:

- (1) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- (2) If docking, mooring or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

Ratio of lake size to Shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- (3) Lots must be jointly or commonly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot in the manner acceptable to the City and the DNR
- (4) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the conflict activities that are not significant include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

(D) *Placement of structures.* When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structure setbacks\* (in feet) from the Ordinary High Water Level are as follows:

Waters Classification	Sewered (Structure Setback)	Unsewered (Structure Setback)	On-Site Sewage Treatment System Setback
General Development Lake	50	100	50
Ag, Urban, Trib. River/Stream	50	175	75

(E) *Bluff setback.*

- (1) Structures must be set back thirty (30) feet from the top of the bluff, regardless of the classification of the water body.
- (2) Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(F) *Floodplain design criteria for structures.* Structures must be placed in accordance with floodplain regulations applicable to the site as required in Chapter 14, Article 2 of the Redwood Falls Unified Development Ordinance. Chapter 14, Article 2, Section 14.11, states that the regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from the designation of a floodway. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- (1) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
- (2) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood

protection elevation. Under all three (3) approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules 6120 governing management of floodplain areas. If more than one (1) approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

- (3) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- (G) *Water-oriented accessory structures.* Each lot may have one (1) water-oriented accessory structure not meeting the normal structure setback requirements of this ordinance if this water-oriented accessory structure complies with the following provisions:
- (1) The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. Detached decks must not exceed eight (8) feet above grade at any point.
  - (2) The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet.
  - (3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent Shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions.
  - (4) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
  - (5) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage and including storage of related boating and water-oriented sporting equipment, may occupy an area up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- (H) *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- (1) Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space-recreational properties, and planned unit developments.
  - (2) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in aggregate area for each stairway. One (1) landing is allowed per twelve (12) vertical feet. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space-recreational properties, and planned unit developments.
    - (a) Canopies or roofs are not allowed on stairways, lifts, or landings.
    - (b) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
    - (c) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

- (d) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) of Subsection (G) above are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- (I) *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- (J) *Steep slopes.* The Zoning Administrator/City Engineer/Building Official must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for site grading, construction of roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- (K) *Height of structures.* All structures in all Shoreland Districts shall not exceed 35 feet in height except that a conditional use permit may be granted for additional height up to four stories maximum, provided it can be demonstrated that any such proposed structure will not negatively impact views from the water body, and provided all other provisions for planned unit developments are met.. The conditional use permit for additional height shall be subject to notice and comment by the DNR before issuance by the City.

#### **14.41 Shoreland and Vegetation Alterations**

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve Shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

- (A) *Exemptions.* Vegetation alteration necessary for the construction of structures and sewage treatment systems, agricultural uses, and the construction of roads and parking areas regulated by Section 14.43 of this ordinance are exempt from the vegetation alteration standards that follow.
- (B) *Alteration standards.* Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subsections 14.35(B) and (C), is allowed subject to the following standards:
  - (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is prohibited.
  - (2) Intensive vegetation clearing for forestland conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the City.
- (C) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed if approved by City staff to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
  - (1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
  - (2) Along streams, existing shading of water surfaces is preserved; and
  - (3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards as may be determined by the City.

- (4) Vegetation to be removed, including limbs to be pruned, must be marked for inspection and approval by the City, or a vegetation management plan provided and approved by the City before clearing or pruning begins. Live trees larger than three inches in diameter shall not be cut, except to provide for water-oriented accessory structures or to provide a water-viewing corridor not to exceed 20% of the shoreline width of the lot.

#### **14.42 Topographic Alterations, Grading and Filling**

- (A) *Permits.* Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. The grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways. Public roads and parking areas are regulated by Section 14.42 of this ordinance.
- (B) *Standards.* A grading and filling permit will be required for the movement of more than ten (10) cubic yards of material on steep slopes or within shore and bluff impact zones. A grading and filling permit will be required for the movement of more than fifty (50) cubic yards of material in a Shoreland area that is outside of steep slope and Shoreland and bluff impact zones.
- (C) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
  - (1) Grading or filling in any wetland is subject to the regulations of the Minnesota Wetland Conservation Act, reviews or approvals by other local, state or federal agencies such as Redwood County, the Minnesota Department of Natural Resources, and/or the United States Army Corps of Engineers.
  - (2) The proposed work should be evaluated for its effect on the following functional values of the wetland:
    - (a) Sediments and pollutant trapping and retention;
    - (b) Storage of surface runoff to prevent or reduce flood damage;
    - (c) Fish and wildlife habitat;
    - (d) Recreational use;
    - (e) Shoreline or bank stabilization; or
    - (f) Noteworthiness, including special qualities such as historic significance and critical habitat.
  - (3) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
  - (4) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible and approved by staff.
  - (5) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
  - (6) Altered areas must be stabilized to acceptable erosion control standards consistent with the Minnesota Pollution Control Agency's Best Management Practices Water Conservation Districts and the United States Soil Conservation Service.

- (7) Fill or excavated material must not be placed in a manner that creates an unstable slope.
- (8) Plans to place fill or excavated material on steep slopes must be reviewed by the City Engineer for continued slope stability and must not create finished slopes of fifteen (15) percent or greater.
- (9) Fill or excavated material must not be placed in bluff impact zones.
- (10) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, section 103G.245.
- (11) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- (12) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- (13) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local Shoreland controls. Permission for excavations may be given only after the DNR commissioner has approved the proposed connection to public waters.

#### **14.43 Placement and Design of Roads, Driveways and Parking Areas**

Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the Minnesota Pollution Control Agency's Best Management Practices and the following:

- (A) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within shore and bluff impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- (B) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within the shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private roads and facilities, the grading and filling provisions of this ordinance must be met.

#### **14.44 Stormwater Management**

- (A) *Design and Construction Standards.* Site design and stormwater management standards shall conform to the following:
  - (1) When possible, existing natural drainageways, wetland, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters as determined by authorized City personnel.
  - (2) Where appropriate and feasible, strategies such as infiltration or filtration of stormwater will be considered to manage the quality and quantity of stormwater.
  - (3) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff, velocities, erosion potential, and reduce the delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

- (4) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities, such as diversion, settling basins, skimming devices, dikes, waterways, and ponds shall be required. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- (5) Impervious surface coverage of lots must not exceed 25% of the lot. This may be increased provided the City has approved and implemented a storm water management plan affecting the subject site and a conditional use permit permitting an increase has been granted.
- (6) When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local Soil and Water Conservation Districts.
- (7) New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge where possible as determined by authorized City personnel.
- (8) The Central Business District shall be excluded from any requirements related to impervious surface.

**14.45 Special Provisions for Public/Semipublic and Agricultural Uses**

- (A) Surface water-oriented uses and public, or semipublic uses, where permitted by this section, that have need for access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards.
  - (1) In addition to meeting impervious coverage limits, setbacks and other zoning standards in this chapter, the uses must be designed to incorporate topographic and vegetative screening or parking areas and structures.
  - (2) Uses that depend on patrons arriving by watercraft may use lighting to convey needed information to the public, subject to the following general standards:
    - (a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority.
    - (b) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
    - (c) Commercial uses such as boat rides, on-board vendors or similar uses are strictly prohibited
    - (d) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstruction of navigation and to be the minimum size necessary to meet the need.
  - (3) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must meet the following standards:
    - (a) Be set back double the normal ordinary high water level setback;

- (b) Be substantially screened from view from the water by vegetation or topography assuming summer, leaf-on conditions, based on an approved vegetative management plan; and
  - (c) The Shoreland impact zone shall be doubled.
- (B) *Agricultural Uses.* In all lake and river shoreland areas, general cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or managed under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation districts of the United States Natural Resource Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. Animal feedlot and grazing operation shall be prohibited.
- (C) *Forest Management Standards.* The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."
- (D) *Extractive Use Standards.* An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, and possible pollutant discharge, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
- (E) *Conditional Uses.*
  - (1) Conditional uses allowable within Shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established in Chapter 3 of this ordinance and Subsection 14.35 (E) of this Chapter.
  - (2) The following additional evaluation criteria and conditions apply within Shoreland areas:
    - (a) A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure the prevention of soil erosion or other possible pollution of public waters, both during and after construction.
    - (b) The visibility of structures and other facilities as viewed from public waters is limited.
    - (c) The site is adequate for water supply and is served by municipal sewer services.
    - (d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- (F) *Conditions attached to conditional use permits.* The City Council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
  - (1) Increased setbacks from the ordinary high water level;
  - (2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

- (3) Special provisions for the location, design, and use of structures, on-site sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

#### **14.46 Water Supply and Treatment**

- (A) *Water Supply.* Any public or private supply of water for domestic purposes shall meet or exceed standards for water quality of the Minnesota Department of Health, Redwood County and the Minnesota Pollution Control Agency.
- (B) *Nonconforming Sewage Treatment System.* A permit or variance authorizing any improvement on, or new use of, a property in the Shoreland district requires reconstruction of any existing nonconforming sewage system on the property. Sewage systems installed according to applicable local shoreland management standards adopted under M.S. § 103G.2243
- (C) *Sewage Treatment.*
  - (1) All private sewage treatment systems shall meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Minn. Rules Chapter 7080," a copy of which is hereby adopted by the City by reference and declared to be a part of this chapter.
  - (2) Connections shall be made to public systems where available.
  - (3) On-site sewage treatment systems shall be set back from the ordinary high water level in accordance with the setbacks contained in this subdivision.
  - (4) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in the following 14.46(C)(4), (1) through (4). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil boring and percolation tests from on-site field investigations. Evaluation criteria:
    - (a) Depth to the highest known or calculated ground water table or bedrock;
    - (b) Soil conditions, properties and permeability;
    - (c) Slope; and
    - (d) The existence of lowlands, local surface depressions and rock outcrops.

#### **14.47 Nonconformities**

- (A) *Existing Nonconformities.*
  - (1) All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repairs after damage, discontinuance of use and intensification of use except that the following standards shall also apply in shoreland areas.
  - (2) Lots of record in the office of the county recorder on the date of enactment of local Shoreland controls that do not meet the requirements of this ordinance may be allowed as building sites without variance from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
- (B) *A variance from setback requirements.* Must be obtained before any use, sewage treatment system or building permit is issued for a lot. In evaluating the variance, the City shall consider sewage treatment

and water supply capabilities or constraints of the lot and shall deny the variance if adequate municipal facilities cannot be provided.

- (C) *Contiguous lots.* If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one (1) or more contiguous lots so they equal one (1) or more parcels of land, each meeting the requirements of this ordinance as much as possible.
- (D) *Additions or expansions.*
  - (1) Additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height and other requirements of Chapter 4 of this ordinance. Any deviation from these requirements must be authorized by a variance.
  - (2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
    - (a) The structure existed on the date the structure setbacks were established.
    - (b) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
    - (c) The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.
    - (d) The deck is constructed primarily of wood, and is not roofed or screened.
  - (3) *Nonconforming sewage treatment systems:*
    - (a) A sewage treatment system not meeting the requirements of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
    - (b) The City Council has by formal resolution notified the Commissioner of its program to identify nonconforming sewage treatment systems. The City will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two (2) years. Sewage systems installed according to all applicable local Shoreland management standards adopted under Minnesota Statutes, section 103 [sic], in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

#### **14.48 Planned Unit Developments (PUD)**

- (A) *PUDs Density Evaluation.* The regulations in this overlay district are intended to manage Shoreland areas suitable for development as Planned Unit Developments as allowed in the underlying Zoning District. It is the intent of this overlay district to be used in conjunction with the adopted land use regulations and requirements of the City's Unified Development Ordinance. The allowable uses and standards for Planned Unit Developments in the Shoreland management overlay district shall be

consistent with those identified in the Unified Development Ordinance, Chapter 15, and reflected on the Zoning Map, with the exceptions in Shoreland areas as identified in the following sections. The Shorelands of all classified water bodies shall be made up of density tiers, which shall vary in width depending on each classification. Within each tier the density allowed may be increased based on the specific standards applicable to the water body's classification, and provided the provisions of this section can be met:

- (1) General Development Lakes (each tier is two hundred (200) feet):
  - (a) Within the first tier (two hundred (200) feet from the OHWL), minimum lot size shall be fifteen thousand (15,000) square feet.
- (2) Natural Environment Lakes (each tier is three hundred (300) feet)
  - (a) Within the first tier (three hundred (300) feet from the OHWL), minimum lot size shall be forty thousand (40,000) square feet.
- (3) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- (4) The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein.
- (5) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards are met or exceeded and the design criteria are satisfied. The allowable density increases below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback.
- (6) *Residential and Commercial Planned Development P.D. Density Evaluation.* The procedures for determining the "base" density of a P.D. and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any other tier closer.
  - (a) Residential P.D. "Base" Density Evaluation: The suitable area within each tier is divided by the minimum single residential lot size standard for each lake and river class to determine the maximum permitted density. Proposed locations and number of dwelling units or sites for residential planned developments are then compared with the tier, density and suitability analyses herein and the design criteria in 6(c) below.
  - (b) Commercial P.D. "Base" Density Evaluation: Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes shall not include decks, patios, stoops, steps, garages or porches and basements, unless they are habitable space.
  - (c) Select the appropriate floor area ratio from the following table:

Table 14.2

COMMERCIAL PLANNED UNIT DEVELOPMENT FLOOR AREA RATIOS PUBLIC WATERS CLASSES		
Average Unit Floor Area (Sq.ft.)	Agricultural River, General Development Lakes and Tributaries	Second Tier Unsewered Lakes
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500 and above	.150	.075

- (d) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
  - (e) Divide the total floor area by tier, computed in 6(d) above, by the average inside living area size determined in 6(a) above. This yields a base number of dwelling units and sites for each tier.
  - (f) Proposed locations and number of dwelling units or sites for the commercial planned development are then compared with the tier, density and suitability analyses herein and the design criteria in following sections.
- (7) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments are as follows:

Density Evaluation Tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

- (B) *Development organization and functioning.* Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
- (1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

- (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - (3) Assessments must be adjustable to accommodate changing conditions; and
  - (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- (C) *Erosion Control and Stormwater Management.* Erosion control and stormwater management plans shall be prepared for all planned Shoreland developments, and shall be consistent with the following:
- (1) Stormwater facilities must be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
  - (2) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area except that for commercial P.D.s, 35% impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistent with the provisions of this section.
- (D) *Centralization and design of facilities.* Centralization and design of facilities and structures shall be done according to the following standards:
- (1) Planned unit developments must be connected to publicly-owned water supply and sewer systems.
  - (2) Dwelling units or sites shall be clustered into groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the dimensional standards for the relevant Shoreland classification, including setbacks from the ordinary high water level, elevation above surface water features, and maximum height.
  - (3) Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from the public waters and adjacent Shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic features shall be preserved, if existing, or may be required to be provided.
  - (4) Accessory structures and facilities shall meet the required principal structure setback and must be centralized.
  - (5) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this ordinance centralized.
  - (6) Shore recreation facilities, including, but not limited to, swimming areas, docks and watercraft mooring areas and launching ramps, shall be centralized and located in suitable areas. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft shall not exceed one for each allowable dwelling units or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

- (E) *Evaluation of Factors.* The following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:
- (1) Suitability of the site for the proposed use;
  - (2) Physical and aesthetic impact of increased density;
  - (3) Level of current development;
  - (4) Amount of ownership of undeveloped shoreland;
  - (5) Levels and types of water surface use and public access;
  - (6) Possible effects on overall public use.
- (F) *Open Space Preservation.*
- (1) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
  - (2) Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provide to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
    - (a) Commercial uses prohibited;
    - (b) Vegetation and topographic alterations other than routine maintenance prohibited;
    - (c) Construction of additional buildings or storage of vehicles and other materials prohibited;
    - (d) Uncontrolled beaching of watercraft prohibited.
  - (3) Planned unit developments must contain open space meeting all of the following criteria:
    - (a) At least fifty (50) percent of the total project area within the shoreland zone must be preserved as open space.
    - (b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
    - (c) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
    - (d) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial facilities or uses, but may contain water-oriented accessory structures or facilities.
    - (e) Open space must not include commercial facilities or uses, but may include water-oriented accessory structures or facilities.
    - (f) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

- (g) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural or existing state.

## ARTICLE 5. AIRPORT DISTRICT

### **14.49 Purpose and Authority**

- (A) This subdivision is adopted pursuant to the authority conferred by M.S. § 360.063, as amended from time to time. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and may reduce the size of the area available for the landing, taking-off and maneuvering of aircraft, thereby impairing the utility of the airport and the public investment therein. It is also found that the social and financial costs of disrupting existing land uses around airports in built up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.
- (B) Accordingly, it is hereby declared:
  - (1) The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;
  - (2) It is therefor necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation; and
  - (3) The elimination or removal of existing land uses, particularly established residential neighborhoods in built up urban areas, or their designation as non-conforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety.
- (C) It is further declared that the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

### **14.50 Short Title**

This subdivision shall be known and may be cited as the "Redwood Falls Municipal Airport Zoning Ordinance".

### **14.51 Definitions**

For purposes of this subdivision, unless the context otherwise requires, the following terms shall have the following meanings.

- (A) The term "airport" means the Redwood Falls Municipal Airport which is located in a portion of Section 32, Township 113, north of Range 35, west of the Fifth Principal Meridian, Redwood County, Minnesota, the area being used or intended to be used for the landing and takeoff of aircraft and includes its buildings and facilities, if any.
- (B) The term "airport elevation" means the established elevation of the highest point on the usable landing area which elevation is established to be 1,023 feet above mean sea level.

- (C) The term "airport hazard" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.
- (D) The term "Board" means the Redwood Falls Planning Commission.
- (E) The term "City" means the City of Redwood Falls, Minnesota.
- (F) The term "dwelling" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.
- (G) The term "height", for the purpose of determining the height limits in all zones set forth in this subdivision and shown on the zoning map, the datum shall be mean sea level elevation as determined by U.S. Geological Survey.
- (H) The term "land area" means the area of the airport used for landing, taking off or taxiing of aircraft.
- (I) The term "landing strip" means any grass or turf covered area of the airport specifically designated and used for the landing and/or takeoff of aircraft. This term shall have the same meaning throughout this subdivision as does the term "runway".
- (J) The term "person", when used herein, shall include an individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.
- (K) The term "runway" means any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and taking off of aircraft.
- (L) The term "slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.
- (M) The term "structure" means an object constructed or installed by people, including, but without limitations, buildings, towers, smokestacks, earth formations and overhead transmission lines.
- (N) The term "tree" means any object of natural growth.
- (O) The term "water surfaces" shall have the same meaning as land for the establishment of protected zones.

#### **14.52 Zones**

In order to carry out the provisions of this subdivision, there are hereby created and established certain zones which include all of the land lying within the primary zone, horizontal zone, conical zone, approach zone and transitional zone. The areas and zones are shown on the Redwood Falls Municipal Airport Land Use Plan and Zoning Map consisting of 11 sheets, prepared by The HNTB Companies, and dated February, 1996, which is attached to this subdivision and made a part hereof. The various zones are hereby established and defined as follows:

- (A) *Primary Zone.* A primary zone is hereby established as all that land which lies directly under an imaginary surface longitudinally centered on a runway and extending 200 feet beyond each end of a runway with a specially prepared hard surface or planned hard surface, or coinciding with each end of other runways. The width of the primary surface is 500 feet for all runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (B) *Horizontal Zone.* A horizontal zone is hereby established as all that land which lies directly under an imaginary horizontal surface with its height 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the

primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 6,000 feet for all runways.

- (C) *Conical Zone.* A conical zone is hereby established as all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to one (20:1) for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.
- (D) *Approach Zone.* An approach zone is hereby established as all that land which lies directly under an imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of 40 to one (40:1) for a horizontal distance of 10,000 feet. The approach surface expands uniformly to a width of 2,500 feet (10:1 flare ratio).

#### **14.53 Height Restrictions**

Except as necessary and incidental to airport operation, no structure or tree shall be constructed, altered or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces as established in 14.52(D) above. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

#### **14.54 Land Use Safety Zones**

- (A) *Safety Zone Boundaries.* In order to carry out the purposes of this subdivision, there are hereby created and established the following safety zone boundaries:
  - (1) *Safety Zone A.* All that land in the approach zones of a runway extending outward from the end of the primary surface a distance equal to two-thirds the runway length or planned runway length.
  - (2) *Safety Zone B.* All that land in the approach zones of a runway extending outward from safety zone a distance equal to one-third the runway length.
  - (3) *Safety Zone C.* All that land which is enclosed within the perimeter of the horizontal zone defined in 14.52(D) above and which is not included in Zone A or Zone B.
- (B) *Use Restrictions.* In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from an airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use safety zones.
  - (1) *General.* No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off or maneuvering of aircraft.
  - (2) *Zone A.* Zone A is subject at all times to the height restriction set forth in 14.53 above and to the general restrictions contained in 14.54(B)(2) Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries and auto parking.

(3) *Zone B.* Zone B is subject at all times to the height restrictions set forth in 14.54(B)(2) and to the general restrictions contained in subsection (general), Zone B shall be restricted in use as follows.

- (a) Each use shall be on a site whose area shall not be less than three acres.
- (b) Each use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage.
- (c) Each site shall have no more than one building plot upon which any number of structures may be erected.
- (d) A building plot shall be single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Lot Size (Acres)	Ratio	Ground Floor Building Area (square feet)	Maximum Site Population
3-3.99	12:1	10,900	45
4-5.99	10:1	17,400	60
6-9.99	8:1	32,600	90
10-19.99	6:1	72,500	150
More than 20	4:1	218,000	300

(e) The following uses are specifically prohibited in zone B: Churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds and other places of public or semi-public assembly.

(4) *Safety Zone C.* Areas designated within Safety Zone C are subject only to height restrictions as set forth in Section 14.54 and the general restrictions established in Section 14.54(B)(2).

**14.55 Non-Conforming Uses**

- (A) *Regulations Not Retroactive.* These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this subdivision.
- (B) *Marking or Lighting.* Notwithstanding the preceding paragraph of this section, the owner of any existing structure or tree that has an adverse effect on the public interest and safety as determined by the Board of Adjustment shall install or allow the installation of obstruction markers as deemed necessary by the Board of Adjustment, at the expense of the City, so that the structures become more visible to pilots.

**14.56 Permits**

- (A) *Future Uses.*
  - (1) Except as specially provided in 14.56(1) (a) and (b) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created, unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If the determination is in the affirmative, the permit shall be granted.
    - (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the

ground, except when because of terrain, land contour or topographic features the tree or structure would extend above the height limits prescribed for the zone.

- (b) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.
- (2) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this subdivision except as set forth in section 14.53.
- (B) *Existing Uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this subdivision or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for the permit shall be granted.
- (C) *Non-conforming Uses Abandoned or Destroyed.* Whenever the Zoning Administrator determines that a non-conforming structure or tree has been abandoned or more than 50% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. The Zoning Administrator may order the owner of the abandoned or partially destroyed, physically deteriorated or decayed non-conforming structure, at their own expense, to lower, remove or reconstruct or equip in the same manner necessary to conform to the provisions of this subdivision. In the event the owner of the non-conforming structure shall neglect or refuse to comply with such order within ten days after receipt of written notice of the order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed, physically deteriorated or decayed non-conforming structure lowered, removed, reconstructed or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within 90 days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of 8% per annum from the date the cost and expense were incurred until paid, and shall be collected in the same manner as are general taxes.
- (D) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this subdivision, may apply to the Board of Adjustment for a variance from such regulations. The variances shall be allowed where it duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would will do substantial justice and be in accordance with the spirit of this subdivision.
- (E) *Hazard Marking and Lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this subdivision and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

#### **14.57 Enforcement**

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Redwood Falls Zoning Administrator upon a form furnished by him or her. Applications required by this subdivision to be submitted to the Zoning Administrator shall be promptly considered and granted or denied by him or her. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator.

**14.58 Board of Adjustment.**

- (A) *Establishment.* The Planning Commission shall serve as the Board of Adjustment for this subdivision.
- (B) *Powers.* The Board of Adjustment shall have and exercise the following powers:
  - (1) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter;
  - (2) To hear and decide special exceptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass; and
  - (3) To hear and decide specific variances.
- (C) *Procedures.*
  - (1) *Majority Control.* The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in this chapter.
  - (2) *Rules and Procedures.* The Board shall adopt rules for its governance and procedure in accordance with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. The Chair, or if absent, the acting Chair, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

**14.59 Appeal**

- (A) Any person aggrieved, or taxpayer affected, by any decision of the Zoning Administrator made in his or her administration of this chapter, may appeal to the Board of Adjustment.

All appeals hereunder must be taken with a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- (B) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed within, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board on notice to the Zoning Administrator and on due cause shown.
- (C) The Board shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (D) The Board may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances.

**14.60 Judicial Review**

Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, may present to the District Court of Redwood County a verified petition setting forth that the decision or act is illegal, in whole or in part, and

specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the decision is filed in the office of the Board. The petitioner must exhaust the remedies provided in this chapter before availing itself of the right to petition a court as provided by this section.

#### **14.61 Violations, Penalties and Remedies**

Every person who shall construct, establish, substantially change or substantially alter or repair any existing structure or use, or permit the growth of any tree, without having complied with the provisions of this chapter or who, having been granted a permit or variance under the provisions of this chapter, shall construct, establish, substantially change, or substantially alter or repair any existing growth or structure, or permit the growth of any tree, except as permitted by such permit or variance, or who shall violate any orders, or rulings promulgated or made pursuant to this chapter, shall be guilty of a misdemeanor, and each day a violation continues to exist shall constitute a separate offense. In addition, the City may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation this chapter, or of any order or ruling made in connection with its administration or enforcement, and the court shall adjudge to the plaintiff the relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter, and of the regulations adopted and orders and rulings made pursuant thereto.

#### **14.62 Conflicting Regulations**

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### **14.63 Severability**

If any of the provisions of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, of the subdivision which can be given effect without the invalid provision or application, and to this end, the provisions of this subdivision are declared to be severable.

## **Chapter 15 Planned Unit Development District**

### **ARTICLE 1. GENERAL PROVISIONS**

#### **15.01 Purpose**

This chapter is established to provide comprehensive procedures and standards designed to allow the development of neighborhoods or portions thereof incorporating a variety of residential types and non-residential uses. Recognizing that traditional density, bulk, setbacks, use and subdivision regulations which may be useful in protecting the character of substantially developed areas, may be inappropriate to control development in less developed areas.

#### **15.02 Identified Objectives**

When reviewing requests for approval of a planned unit development, the City shall consider whether one or more of the objectives listed below are served or achieved. It is not the intent of this chapter to allow for reductions or waivers to standard zoning requirements solely for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- (A) Accommodation of the growing demand for housing of all types and for commercial facilities conveniently located to such housing.
- (B) Promotion of integrated land uses, allowing for a mixture of residential, business, and public facilities along corridors and in transitional areas.
- (C) More convenience in location of accessory commercial and service areas.
- (D) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (E) Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.
- (F) An efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investments and the promotion of energy resource conservation.
- (G) A development pattern in harmony with the objectives of the Comprehensive Plan.
- (H) A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.

#### **15.03 Relationship to Other Applicable Regulations**

A planned unit development shall be subject to all applicable standards, procedures, and regulations of this ordinance and the zoning district in which it is located, including applicable site plan review standards contained in Chapter 5, Site Plan Review, for the individual uses within the development, except as otherwise provided in this chapter.

#### **15.04 Platting Requirement**

All land proposed for planned unit development shall be platted or replatted into one or more lots, in compliance with the applicable requirements of Chapter 16, Subdivision Regulations. For the purposes of this chapter, the development plan shall include the necessary information to serve as a preliminary plat for the development.

#### **15.05 Allowed Uses**

Any use allowed within the zoning district in which the planned unit development is located may be included as part of the development plan. In addition, other uses of land may be permitted within the planned unit

development upon approval by the City Council. The development plan shall identify all proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Single-family attached and multifamily uses with more than five (5) dwelling units may be allowed in the Shoreland Management District only as part of a planned unit development.

#### **15.06 Minimum Project Size**

There shall be no required minimum or maximum area size for planned unit developments.

#### **15.07 Phasing of Development**

Phasing of the planned unit development shall be permitted, provided that each individual phase shall be designed and developed to exist as an independent unit. Additionally, the construction and provision of all common open space and site amenities that are shown on the development plan must proceed at the same rate as the construction of dwelling units, if any. Any violation of this provision shall authorize the City Council to hold a public hearing to review compliance of the planned unit development.

#### **15.08 Procedure for Planned Unit Development Approval**

Prior to the issuance of any building permits for development within a Planned Unit Development District, the following approvals are required:

- (A) Approval of a development plan and Planned Unit Development District designation as described in this chapter.
- (B) Final plat approval in accordance with Chapter 16, Subdivision Regulations.
- (C) Site plan approval, if necessary, in accordance with Chapter 5, Site Plan Review.

#### **15.09 Concept Plan Required**

As required in Section 3.09(B), the developer of a planned unit development project shall meet with the Zoning Administrator prior to submittal of an application for development plan approval to review a concept plan for the project. Such plan shall include the following minimum information:

- (A) Property boundary.
- (B) North arrow.
- (C) Scale.
- (D) Proposed density of development.
- (E) General location of major streets and pedestrian ways.
- (F) General location and extent of public and common open space.
- (G) General location of residential and non-residential land uses with approximate type and intensities of development.
- (H) Proposed development schedule.

## ARTICLE 2. DEVELOPMENT PLAN

### **15.10 Purpose**

The development plan is intended to illustrate the basic intent and general nature of the proposed planned unit development and to establish the requirements and standards that will apply to the project. Approval of the development plan shall authorize the applicant to seek approval of any required final development plans.

### **15.11 Application Procedure**

Any person having a legal or equitable interest in a property may file a development plan application for a planned unit development. An application for development plan approval shall be filed with the Zoning Administrator on an approved form and shall be accompanied by the materials identified elsewhere in this chapter.

### **15.12 Approval of Planned Unit Development**

The Planning Commission shall hold a public hearing on each final complete application for a planned unit development, as provided in Section 3.01. After the close of the hearing on a proposed development, the Planning Commission shall make findings, pursuant to Section 15.14 and shall submit the same together with its recommendations to the City Council.

### **15.13 Action by City Council on Planned Unit Development**

The City Council shall make the final decision regarding all applications for planned unit development approval. Such approval shall require a two-thirds (2/3) vote of the City Council. Upon approval of the development plan, the official zoning map shall be amended to designate the property as a "PUD- Planned Unit Development" overlay district.

### **15.14 Required Findings**

The Planning Commission and City Council shall make each of the following findings before granting approval of a planned unit development:

- (A) Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
- (B) The interior circulation plan and access from and onto public right-of-way does not create congestion or dangers and is adequate for the safety of the project residents and general public.
- (C) A sufficient amount of usable open space is provided.
- (D) The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy of surrounding property owners or reduce the value of adjacent properties.
- (E) The architectural design of the project is compatible with the surrounding area.
- (F) The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.
- (G) The development schedule insures a logical development of the site, protecting the interests of project residents and the general public.
- (H) The planned unit development is in reasonable compliance with the intent and purpose of the Land Use Plan.

### **15.15 Established Conditions of Approval**

The Planning Commission and City Council may establish any reasonable conditions of approval that are deemed necessary to mitigate adverse impacts associated with the planned unit development, to protect

neighboring properties, and to achieve the objectives identified within this chapter and elsewhere in this ordinance.

#### **15.16 Expiration of Planned Unit Development Approval**

The planned unit development shall remain valid for a period of one (1) year from the date of approval, unless a longer time period has been agreed to by the City Council. If an application for final plan approval has not been submitted within such period, the planned unit development shall be considered void unless a petition for a time extension has been granted by the City Council. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the approval and shall state facts showing a good faith effort to initiate final development plans for the project. In the event that a planned unit development is allowed to expire, the City Council shall direct the Planning Commission to hold a public hearing to remove the planned unit development designation from the property.

#### **15.17 Submittal Requirements for Development Plan**

- (A) *In general.* Required submittal materials include a narrative statement, site plan, architectural elevation plans, and any other information requested by the Zoning Administrator, the Planning Commission, or the City Council.
- (B) *Narrative statement.* A written narrative of the proposed development shall be provided, indicating, at a minimum, the information listed below:
  - (1) A statement providing evidence that the applicant has sufficient property control to effectuate the planned unit development.
  - (2) Development schedule showing the time and sequence of proposed development.
  - (3) A summary of the total number of units of each type of use, number of dwelling units, the acreage devoted to all land uses, and the overall net density of the development.
  - (4) A statement as to the character and size of all proposed structures, including the use, height, and gross floor area of the buildings.
  - (5) A description of architectural design standards that will be implemented as part of the development.
  - (6) A description of the anticipated market which the development is intended to serve.
  - (7) A statement presenting the applicant's justifications for approval of the planned unit development and how the identified objectives of this chapter are being satisfied.
  - (8) A statement describing the form of ownership and maintenance of all common open space, recreational facilities, and other commonly held area intended for the exclusive benefit of the residents.
  - (9) A description of proposed protective covenants, easements, or restrictions to be imposed upon the use of the land, buildings, and structures.
  - (10) A statement identifying, and providing justification for, any variances, modifications, or waivers from the development standards specified in this chapter.
- (C) *Site plan information and contents.* The site plan submitted in support of a development plan shall include the information listed below, unless specifically waived by the Zoning Administrator prior to submittal:
  - (1) Proposed name of development; names shall not duplicate or too closely resemble names of existing subdivisions or developments.

- (2) Location of boundary lines in relation to known section, quarter-section or quarter-quarter section lines comprising a legal description of the property.
- (3) Vicinity sketch, at a legible scale, illustrating the relation of the plan to its surroundings.
- (4) Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his registration number.
- (5) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.
- (6) Date and north arrow.
- (7) Boundary line and total acreage of proposed plan, clearly indicated.
- (8) Designation of existing zoning classifications for land within one hundred (100) feet of the proposed development.
- (9) Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
- (10) Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
- (11) Boundary lines of adjoining unsubdivided or subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
- (12) Topographic data of the site and area within one hundred (100) feet, including contours at vertical intervals of not more than two (2) feet. Watercourses, floodplain areas, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. U.S.G.S. data shall be used for all topographic mapping and such preliminary plat shall also show the location of all open public or private drainage ditches and tile branches or laterals thereof, and all City storm sewers and sanitary sewers.
- (13) Location and type of land uses to be developed including a summary of the number of residential dwellings by building type and gross floor areas of both residential and nonresidential buildings.
- (14) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
- (15) Locations and widths of proposed alleys and pedestrian ways.
- (16) Locations and size of proposed sewer lines and water mains.
- (17) Location, dimension, and purpose of all easements.
- (18) Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.
- (19) Minimum front and side street building setback lines to illustrate compliance with development standards of this chapter. When lots are located on a curve, the width of the lot at the building setback line shall be shown.

- (20) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public or private use, including the size of such area or areas in acres.
  - (21) Location of parking areas, including the number of stalls required and the number provided, loading facilities, and proposed vehicular driveways and aisles.
  - (22) Location, general exterior dimensions, and approximate gross floor areas of all proposed buildings, along with a description of the proposed use and, if applicable, approximate amount of floor area devoted to each separate use.
  - (23) The location, type, and size of proposed landscape and screening plantings, signs, or other site enhancements.
- (D) *Building plans and elevations.* Drawings shall be submitted indicating use and illustrating typical floor plans, elevations, and exterior building materials.
- (E) *Required supplemental information.* Any or all of the supplementary information or reports listed in Section 3.10(C) shall be submitted when deemed necessary by the Zoning Administrator, Planning Commission, or City Council.

## ARTICLE 3. FINAL DEVELOPMENT PLANS

### **15.18 Procedure for Approval of Final Development Plans**

Approval of the development plan shall authorize the applicant to proceed with final plans, including any necessary final plat, site plan, and building permit approvals. All such plans shall be reviewed in accordance with the procedures established elsewhere in this ordinance.

### **15.19 Plan Consistency**

The City shall withhold approval of any final plat, site plan, or building permit required for a planned unit development if the proposal is inconsistent with the development plan as approved, except as provided below:

- (A) *Minor revisions.* Minor changes, such as the location, placement, and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the development plan was approved.
- (B) *Major revisions.* Changes in use, any rearrangement of lots, blocks, and building tracts, changes in the provision of common open spaces, and all other changes shall require approval of a revised development plan, in accordance with the procedures established in Section 15.12.

## ARTICLE 4. DEVELOPMENT STANDARDS

### **15.20 Exceptions to Ordinance Standards**

As part of planned unit development approval, the City Council shall be authorized to approve exceptions to the zoning controls applicable to the zoning district in which the planned unit development is located. Such exceptions shall only be granted, however, when it is clearly warranted to achieve the objectives identified in Section 15.02. Nothing in this chapter, however, shall be construed to provide a property owner any right to compel the City to grant such exceptions. When a planned unit development is to be located within a Shoreland Management District, flexibility in may be allowed, provided the recommendations as required by the City Engineer, subject to the requirements of Chapter 14, Article 4, Shoreland District, are met.

**15.21 Placement of Structures**

More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of individual buildings to other site elements and to surrounding development shall be given primary consideration in reviewing and approving the placement and spacing of structures.

**15.22 Bulk Regulations**

- (A) *Floor area.* The City Council may authorize an increase in the maximum gross floor area allowed by right in the base zoning district by not more than twenty (20) percent for the purpose of promoting project integration and additional site amenities.
- (B) *Building height.* The City Council may authorize an increase in building height for the purpose of promoting project integration and additional site amenities.
- (C) *Building setbacks.* The City Council may authorize a reduction in or elimination of required yards provided that a landscaped yard of the minimum width established for the base zoning district is maintained along the periphery of the planned unit development.

**15.23 Lot Requirements**

- (A) *In general.* The City Council may authorize reductions in the area and width of individual lots within a planned unit development from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the planned unit development. Such open space shall not include areas designated as public or private streets.
- (B) *Density bonus.* The City Council may authorize a reduction in the minimum lot area per dwelling unit required by the zoning district regulations by not more than twenty (20) percent for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

**15.24 Open Space**

For all planned unit developments, at least twenty (20) percent of the project area not within street right-of-way must be devoted to open space. Such open space must be available to the residents or tenants of the planned unit development for recreational purposes or other similar benefit. Land reserved for stormwater detention facilities and other required site improvements, private yards and required or proposed setback areas, and areas not accessible by those living in the development, shall not be applied toward satisfaction of open space requirements. Such open space must be suitably improved for its intended use, and plans for such improvements shall be submitted and approved as part of the planned unit development approval process. Areas containing natural features worthy of preservation or excessive areas of public or private utility easements may, at the City Council’s discretion, be counted as open space, and may, at the City Council’s discretion, be left unimproved. The development plan must coordinate improvements to open space areas concurrent with construction of permitted structures and other required improvements within their respective phase of the planned unit development.

**15.25 Parking**

- (A) *In general.* Parking requirements for all uses within the planned development shall be as established in Chapter 9, Off-Street Parking and Loading. When private streets are proposed as part of a residential planned development, additional common area off-street parking will be required in accordance with Table 15-1 below. Such parking areas shall be dispersed throughout the planned development and shall not be located directly in front of any residential unit.

Table 15-1. Additional parking requirements, residential planned development.			
On-street parking	No garages	Single garages1 stall / unit	Double garages
None	1½ stalls / unit	1 stall / unit	½ stall / unit

1-side of street	1 stall / unit	½ stall / unit	none
2-sides of street	½ stall/ unit	none	none

(B) *Effect of on-street parking.* At least fifty (50) percent of the curb frontage on the designated parking side or sides of a street must be available for parking. Available parking frontage shall not include driveways, three (3) feet either side of a driveway, the frontage within twenty-five (25) feet of an intersection, and ten (10) feet either side of a fire hydrant. A length of twenty (20) feet shall be used as a parking space length along the available curb frontage. When less than fifty (50) percent of the curb frontage is available for on-street parking, off-street parking, in addition to that required in Table 15-1, shall be provided. The amount of additional parking provided shall be the difference between the amount of on-street parking that would be available if fifty (50) percent of the curb frontage was available for parking and the amount actually being provided based on the development plan.

**15.26 Private Streets**

(A) *When permitted.* Private streets will be allowed when the pattern of development does not lend itself to through streets, taking into consideration existing properties, buildings, or topographical features that make construction of a public street unfeasible or inappropriate.

Private streets will not be permitted in the following instances:

- (1) When a street serves as an extension of an existing public street.
- (2) When a future extension of the street will serve as access to adjacent properties.
- (3) When the street is, or will be, part of a larger neighborhood traffic system or is part of the City-wide comprehensive street system.

(B) *Design standards.* Private streets shall be located within a dedicated easement and shall be equivalent to public streets in construction design, as determined by the City Engineer. Streets shall include concrete curb and gutter, with surmountable style curbing permitted, and street lighting equivalent to standards for installation along public streets. Minimum street width, as measured from face-to-face of curb, along with the minimum easement width to allow for utility installations, is indicated in Table 15-2.

Table 15-2. Minimum street and easement width, private streets.		
Proposed on-street parking	Minimum street width	Minimum easement width
None	24 feet	50 feet
1-side of street	28 feet	50 feet
2-sides of street	32 feet	60 feet

(C) *Maintenance.* Maintenance of private streets and street lighting shall be the responsibility of the developer or homeowner’s association formed as part of the planned development. Requests for dedication of private streets as public streets shall only be considered if streets are constructed to City standards.

## ARTICLE 5. ENFORCEMENT OF TERMS OF PLANNED UNIT DEVELOPMENT APPROVAL

### **15.27 Recording of Documents**

Upon approval of the development plan, it shall be filed with the Redwood County Recorder's office to serve as notice that the property is being developed under the terms and conditions agreed to by the applicant and the City. Upon approval of a final plat, said plat shall be filed along with a development agreement, executed by both the applicant and the City, and any necessary restrictions or homeowner's association documents governing the planned unit development.

### **15.28 Performance Guarantee**

A cash escrow or letter of credit shall be required by the City Council to guarantee performance by the developer. The amount of said cash escrow or letter of credit, and the specific elements of the development that it is intended to guarantee, will be stipulated in the development agreement.

### **15.29 Control of planned development following completion**

- (A) *In general.* After a certificate of occupancy has been issued, no changes shall be made in the use or configuration of any buildings or structures within the planned unit development, except as permitted below. All other modifications shall require approval of a revised development plan in accordance with the procedures specified in Section 15.12.
- (B) *Permitted amendments.* The Development Review Committee may authorize any minor extensions, alterations, or modifications to existing buildings or structures if they are consistent with the purpose and intent of the development plan. No change authorized by this section may increase the size of any building or structure by more than ten percent (10%).

### **15.30 Violations**

Any violation of the conditions established with approval of the planned unit development shall be handled in accordance with the enforcement provisions specified in Sections 3.62 through 3.65.

## Chapter 16 Subdivision Regulations

### ARTICLE 1. GENERAL PROVISIONS

#### **16.01 Purpose**

This chapter is established to provide for the orderly, economic, and safe development of land and urban services and facilities, and to promote the public health, safety, and general welfare of the community by establishing physical standards, design requirements, procedures for the subdivision of land, and requirements which will allow flexibility in the design of subdivisions.

#### **16.02 Jurisdiction**

The regulations governing plats and subdivision of land established by this ordinance shall apply within the corporate limits of the City of Redwood Falls and to the unincorporated area within two (2) miles of its limits, as provided for under Minnesota Statutes, Section 462.358(1)(a).

#### **16.03 Application of Subdivision Regulations**

- (A) *In general.* The regulations established by this chapter shall apply to any division of a parcel of land into two (2) or more parcels by platting, conveyance, registered land survey, or other means, and the combination of any two (2) or more such adjoining parcels. Platting shall be deemed to include townhouse development, planned unit developments, and any building, common area or land coming within the purview of the Minnesota Condominium Act and the Minnesota Common Interest Ownership Act. No subdivision or conveyance of land shall be entitled to be recorded in the Redwood County Recorder's Office or have any validity until all requirements of this chapter have been satisfied.
- (B) *Restrictions on filing and recording conveyances.* Except as provided below in this subdivision, no conveyance of land shall be filed or recorded if the land is described in the conveyance by metes and bounds, or by reference to an unapproved registered land survey made after 4-1-1961, or if the land is described by referenced to an unapproved plat made after 3-10-1977, unless the land described:
- (1) Was a separate parcel of record 3-10-1977.
  - (2) Was the subject of a written recorded agreement to convey entered into prior to 3-10-1977.
  - (3) Was a separate parcel of not less than two and one-half acres in area and 150 feet in width on 1-1-1966.
  - (4) Was a separate parcel of land of not less than five acres in area and 300 feet in width on 7-1-1980.
  - (5) Is a single parcel of business or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area, 300 feet in width or has less than 300 feet of frontage on a public right-of-way.
  - (6) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area, less than 500 feet in width or has less than 300 feet of frontage on a public right-of-way. The determination of whether land is residential, agricultural, business or industrial shall be based upon the zoning of the particular parcel as of 7-20-1999.

- (7) Is land conveyed to the City or some other public entity for right-of-way or any residual land resulting from the conveyance.
- (C) *Building Permits.*
- (1) No building permit shall be issued for the construction of any building, structure or improvement to or on any land within any subdivision or which is the subject of a conveyance unless the subdivision or conveyance complies with all applicable requirements of the City Code and Minnesota Statutes.
  - (2) No building permit shall be granted without the production of proof that all conditions of plat approval have been met or, in the event a minor subdivision has been obtained under section 16.04 of the chapter, all conditions associated therewith have been met.
  - (3) No final approval for the erection of any structure or the addition to any structure shall be granted until property corners or other points of reference have been marked by a registered land surveyor and identified by the City.
- (D) *VariANCES.* A request to vary from the regulations set forth in this chapter shall be processed and reviewed under the procedures established in Section 3.44 through 3.50.
- (E) *Fees.*
- (1) To defray administrative costs for processing of subdivision applications, variances or appeals, fees to be paid by all applicants shall be established by the Council, adopted by the Council and may, from time to time, be amended by the Council by resolution.
  - (2) In order to defray the additional cost of processing said applications, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, plus all material costs for said request.
    - (a) **MATERIALS** shall include, but not be limited to maps, graphs, charts, drawings, etc. and all printing or reproduction of same.
    - (b) **STAFF** and/or **CONSULTING TIME** shall include any time spent in either researching for or actual production of materials.
    - (c) The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the City Clerk prior to production of any materials and the applicant shall be given a reasonable estimate of projected time and/or material costs.
  - (3) Fees shall be payable at the time applications are filed with the City Clerk and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and materials will be established and required by the City Clerk at the time the base fee is paid. Any portion of the deposit not spent to defray the above mentioned costs shall be refunded to the applicant within 30 days after the application process is completed.

## ARTICLE 2. MINOR SUBDIVISION

### 16.04 Purpose

This section is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this chapter. It is intended largely to

facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.

#### **16.05 Application for Minor Subdivision**

Any person having a legal or equitable interest in a property may file an application for minor subdivision. An application for minor subdivision shall be filed with the Zoning Administrator on an approved form and shall be accompanied by an accurate boundary survey and legal description of the parent parcel and a survey and legal description identifying the resulting parcels after subdivision.

#### **16.06 Review of Minor Subdivision**

The Zoning Administrator shall review all applications for minor subdivision to determine compliance with the standards identified in this section and all other pertinent requirements of this ordinance. Upon written approval of the request by the City Administrator, the applicant shall be responsible for filing the subdivision survey with the Redwood County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the applicant, in writing, of the reasons for such denial. Any appeal of staff's decision shall be made to the Planning Commission as specified in Sections 3.12 through 3.14.

#### **16.07 Findings Required for Minor Subdivision Approval**

In order for the Zoning Administrator to grant administrative approval for a proposed minor subdivision, each of the provisions shown below must be met:

- (A) The proposed subdivision of land will not result in more than three (3) lots.
- (B) All necessary utility and drainage easements are provided for.
- (C) All lots to be created by the subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
- (D) The subdivision does not require dedication of public right-of-way for the purpose of gaining access to the property.
- (E) The property has not been divided through the provisions of this section within the previous five (5) years.
- (F) The subdivision meets all design standards as specified elsewhere in this chapter.

#### **16.08 Minor Subdivision Conditions of Approval**

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

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

## ARTICLE 3. PRELIMINARY PLATS

### **16.09 Purpose of Preliminary Plat**

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

### **16.10 Application for Preliminary Plat**

Any person having a legal or equitable interest in a property may file an application for a preliminary plat. An application for a preliminary plat shall be filed with planning and zoning staff on an approved form and shall be accompanied by ten (10) copies of the preliminary plat along with any other information required by planning and zoning staff in support of the application. Submittals shall be delivered at least 28 days prior to the regular Planning Commission meeting at which it will be scheduled. The application shall be considered as being officially filed when all the informational requirements are complied with.

### **16.11 Hearing on Application for Preliminary Plat**

The Planning Commission shall hold a public hearing on each complete application for preliminary plat approval, as provided in Section 3.11. After the public hearing has been set, the City Administrator shall instruct the staff to prepare technical reports, where appropriate, and provide general assistance in preparing a recommendation on the action of the Council. After the close of the hearing on a proposed preliminary plat, the Planning Commission shall make findings and submit these, together with a recommendation, to the City Council.

### **16.12 Action by City Council on Preliminary Plat**

The City Council shall make the final decision regarding all applications for preliminary plat approval. Approval shall require a majority vote by the City Council. Council shall act upon the preliminary plat within 120 days of the date on which it was officially filed. If the recommendation of the Planning Commission has not been received in time to meet the requirement, the Council may act on the preliminary plat without the recommendation.

If the preliminary plat is not approved by the Council, the reasons for the action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The Council may require the revisions in the preliminary plat and final plat as it deems necessary for the health, safety, general welfare and convenience of the City.

### **16.13 Required Findings for Preliminary Plat**

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

- (1) The proposed preliminary plat conforms with the requirements of this chapter, the applicable zoning district regulations, and any other applicable provisions of this ordinance, subject only to acceptable rule exceptions.
- (2) The proposed subdivision is consistent with the City's Land Use Plan and any other adopted land use studies.
- (3) The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.
- (4) The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.

- (5) All submission requirements have been satisfied.

**16.14 Expiration of Preliminary Plat**

An approved preliminary plat shall be valid for a period not to exceed one (1) year from the date of approval by the City Council. In the event that a final plat is not submitted within such time, the preliminary plat will become void. The Council may, at its discretion, extend the one-year limitation when, for good cause shown, the extension is necessary.

**16.15 Sketch Plan Required**

- (A) *In general.* In order to insure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other City code provisions or plans, all applicants shall present a sketch plan to the Zoning Administrator for review prior to submittal of a preliminary plat. Review of the sketch plan further provides staff the opportunity to determine whether the proposed subdivision is premature, based upon criteria established in Section 16.24.
- (B) *Required information.* To facilitate initial review by City staff, the sketch plan shall include the following minimum information:
- (1) Plat boundary.
  - (2) North arrow.
  - (3) Scale.
  - (4) Street layout on and adjacent to plat.
  - (5) Designation of land use and current or proposed zoning.
  - (6) Significant topographical or physical features.
  - (7) General lot locations and layout.

**16.16 Submittal Requirements for Preliminary Plat**

- (A) *In general.* Once a sketch plan has been reviewed by the Zoning Administrator, the applicant may submit a request for preliminary plat approval as provided for in Section 16.11.
- (B) *Required information and contents.* The preliminary plat, at a minimum, shall contain the information identified below unless specifically waived by the Zoning Administrator prior to submittal:
- (1) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.
  - (2) Location of boundary lines in relation to known section, quarter-section or quarter-quarter section lines comprising a legal description of the property.
  - (3) Vicinity sketch, at a legible scale, illustrating the relation of the plat to its surroundings.
  - (4) Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his registration number.
  - (5) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.
  - (6) Data and north arrow.
  - (7) Boundary line and total acreage of proposed plat clearly indicated.

- (8) Existing zoning classifications for land within and abutting the subdivision and any proposed zoning changes associated with the proposed plat.
  - (9) Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
  - (10) Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
  - (11) Boundary lines of adjoining unsubdivided or subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
  - (12) Topographic data of the site and area within one hundred (100) feet, including contours at vertical intervals of not more than two (2) feet. Watercourses, floodplain areas, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. U.S.G.S. data shall be used for all topographic mapping and such preliminary plat shall also show the location of all open public or private drainage ditches and tile branches or laterals thereof, and all City storm sewers and sanitary sewers.
  - (13) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
  - (14) Locations and widths of proposed alleys and pedestrian ways.
  - (15) Locations and size of proposed sewer lines and water mains.
  - (16) Location, dimension, and purpose of all easements.
  - (17) Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.
  - (18) Minimum front and side street building setback lines.
  - (19) When lots are located on a curve, the width of the lot at the building setback line.
  - (20) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- (C) *Required supplemental information.* Any or all of the supplementary information requirements listed below shall be submitted when deemed necessary by City staff, consultants, advisory bodies or the City Council:
- (1) Proposed protective covenants or restrictions.
  - (2) A grading plan to indicate the approximate gradients of streets and lots, proposed grading and drainage of the site, and the anticipated garage floor or basement elevations of all structures.
  - (3) Preliminary storm water plans including the location of culverts, bridges, underground pipe, improved channels, and natural waterways. Hydrologic calculations shall be based upon a 50-year standard as stipulated by the City Engineer.
  - (4) An accurate soil survey of the subdivision prepared by a qualified person.

- (5) A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.
- (6) Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- (7) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant for uses other than residential.
- (8) Provision for surface water disposal, ponding, drainage, and flood control.
- (9) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.
- (10) Where structures are to be placed on large (over 30,000 square feet) or excessively deep (300 feet) lots which are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.
- (11) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system and shall be included as part of the required drainage plan.
- (12) When the City has agreed to install improvements in a development, the developer may be required to furnish a financial statement satisfactory to the City indicating the developer's ability to develop the plat.
- (13) Such other information as may be required as documented in writing by the City staff or Planning Commission.
- (14) In plats where public water and sewer are not available, the subdivider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot and shall include soils boring analysis and percolation tests to verify conclusions.
- (15) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

## ARTICLE 4. FINAL PLATS

### **16.17 Purpose of Final Plat**

A final plat is a drawing representing the proposed subdivision of land within the City and serves as the document for recording purposes, as required by the Redwood County Recorder's office. Once a preliminary plat has been approved by the City Council, the applicant may submit a request for final plat approval. In certain cases, the Zoning Administrator may allow a final plat to be submitted concurrent with a request for preliminary plat approval.

#### **16.18 Application for Final Plat**

Any person having a legal or equitable interest in a property may file an application for a final plat. An application for a final plat shall be filed with the Zoning Administrator on an approved form and shall be accompanied by ten (10) copies of the final plat along with any other information required by the Zoning Administrator in support of the application at least 20 days prior to a Commission meeting.

#### **16.19 Hearing on Application for Final Plat**

The Planning Commission shall hold a public hearing on each complete application for final plat approval, as provided in Section 3.10. After the close of the hearing on a proposed final plat, the Planning Commission shall make findings and submit these, together with a recommendation, to the City Council.

#### **16.20 Action by City Council on Final Plat**

The City Council shall make the final decision regarding all applications for final plat approval. Approval shall require a majority vote by the City Council. Nature of approval, disapproval or any delay in decision of the final plat will be conveyed to the subdivider within ten days after the meeting of the Planning Commission at which the plat was considered. In case the plat is disapproved, the subdivider shall be notified in writing of the reason for the action and what requirement shall be necessary to meet the approval of the Commission.

After review of the final plat by the Planning Commission, the final plat and, when required, a fully executed developer's agreement, together with the recommendations of the Planning Commission shall be submitted to the Council for approval. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the Council.

If disapproved, the ground for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for the approval.

#### **16.21 Required Findings for Final Plat**

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

- (1) The final plat substantially conforms to the approved preliminary plat;
- (2) The plat conforms to all applicable requirements of this ordinance, subject only to approved rule exceptions; and
- (3) All submission requirements have been satisfied.

#### **16.22 Recording of Final Plats**

- (A) If the final plat is approved by the Council, the subdivider shall record it with the County Recorder within 100 days after the approval or approval of the final plat shall be considered void. The subdivider shall, immediately upon recording, furnish the Zoning Administrator with a print and reproducible tracing of the final plat showing a copy of the final plat showing evidence of recording.
- (B) No building permits shall be issued for construction of any structure on any lot in the plat until the City has received evidence of the plat being recorded by the county and, when appropriate, the requirements of the developer's agreement have not been met.

#### **16.23 Submittal Requirements for Final Plat**

- (A) The final plat, at a minimum, shall contain the information identified below unless specifically waived by the Zoning Administrator prior to submittal:

- (1) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
- (2) Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions that must mathematically close. The allowable error closure of any portion of a final plat shall be one (1) foot in seven thousand five hundred (7,500) feet.
- (3) The exact location of existing and proposed monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
- (4) Location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- (5) Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
- (6) The exact locations, widths, and names of all streets to be dedicated.
- (7) Location and width of all easements to be dedicated.
- (8) Name and address of developer and surveyor making the plat.
- (9) Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.
- (10) Statement dedicating all streets, alleys, other public areas, and easements as follows: "have caused the same to be surveyed and platted as (*Name of Plat*), and dedicated to the public use forever the thoroughfares and also dedicate the easements as shown on this plat for drainage and utility purposes only."
- (11) Notarized certification by a registered surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.
- (12) Certification indicating that all taxes and special assessments due on the property have been paid in full.
- (13) Execution of all owners of any interest in the land and any holders of a mortgage thereon of the certificates required by Section 505.02, Minnesota Statutes, as amended, and which certificate shall include a dedication of streets, utility easements, and other public areas.
- (14) Space for certificates of approval and review to be filled in by the signatures of the Mayor and City Clerk.

## ARTICLE 5. PREMATURE SUBDIVISIONS

### **16.24 Premature Subdivision Described**

Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council. A subdivision may be deemed premature should any of the conditions which follow exist:

- (A) *Lack of adequate drainage.* A condition of inadequate drainage shall be deemed to exist if surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the

proposed structures, the proposed subdivision will cause damage from erosion and siltation on downhill or downstream land, or the proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.

- (B) *Lack of adequate roads or highways to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition.
- (C) *Lack of municipal sanitary sewer and water availability.* A proposed subdivision shall be deemed premature if the extension of municipal sanitary sewer or water facilities is not feasible or is not proposed as part of subdivision improvements or if existing facilities are inadequate to support the subdivision if developed to its maximum permissible density.
- (D) *Inconsistency with Land Use Plan.* The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Land Use Plan of the City, as may be amended.
- (E) *Threat to Environmentally Sensitive Areas:* The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections.

## ARTICLE 6. DESIGN STANDARDS

### **16.25 Minimum Design Standards**

The design standards set forth below are deemed to be minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets, and overall design as deemed appropriate considering the property being subdivided.

### **16.26 Blocks**

- (A) *Block length.* In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand three hundred twenty (1,320) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from such standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks intended for business or industrial use shall be of sufficient size to provide for adequate off-street parking, loading, and other site requirements and should normally not exceed 1,320 feet in length.
- (B) *Block Width.* The width of the block should be sufficient to allow two tiers of lots or appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

### **16.27 Lots**

- (A) *In general.* All lots shall have size, width, depth, shape, and orientation that is appropriate for the type of development and use contemplated.
- (B) *Minimum Lot Area.* The minimum lot area, width and depth shall not be less than that established by the zoning section in effect at the time of adoption of the final plat.

- (C) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required within the individual zoning districts.
- (D) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- (E) *Required street frontage.* Every lot must have minimum street frontage, as required within the individual zoning districts, on a City approved street other than an alley, except that lots permitted as part of a planned unit development may front a private street.
- (F) *Natural features.* In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (G) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
- (H) *Double-Frontage.* Double-frontage, or lots with frontage on two (2) parallel streets, shall not be permitted except: where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot lines.
- (I) *Turn-around access.* Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.
- (J) *Setback or Building Lines.* Setback or building lines shall be shown on all lots and shall not be less than the setback required by the zoning section.
- (K) *Water Courses.* Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth and/or width in accordance with provisions of zoning section (Shoreland and Wetland District).

**16.28 Streets and Alleys**

- (A) *Street network.* Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- (B) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not serve more than twenty (20) lots nor be longer than five hundred (500) feet in length, including a terminal turn around which shall be provided at the closed end, with an outside curb radius of at least 50 feet and a with a right-of-way radius of not less than sixty (60) feet. Such distance shall be measured from the centerline of the street of origin to the center point of the cul-de-sac.
- (C) *Marginal Access Street. Access to arterial streets.* In cases where a proposed subdivision abuts a limited access highway or arterial street, there shall be no direct vehicular or pedestrian access from individual lots to such highway or street.
- (D) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

- (E) *Arrangement of Lots or Parcels.* When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- (F) *Street intersections.* Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred twenty-five (125) feet, as measured from centerline to centerline, shall be avoided.
- (G) *Subdivisions abutting major rights-of-way.* Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway or thoroughfare, the City may require the provision of a marginal access street, located approximately parallel and adjacent to the boundary of such right-of-way. Due consideration shall be given to proper circulation design or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.
- (H) *Sidewalks.* In cases where the City deems it appropriate, sidewalks of not less than five (5) feet in width shall be provided. Where sidewalks are provided provisions shall be made for handicapped access.
- (I) *Alleys.* Alleys shall be provided in business and industrial districts, except that this requirement may be waived where other definite and assured provisions is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Deadend alleys shall be avoided wherever possible, but if unavailable, such deadend alleys may be approved if adequate turn-around facilities are provided at the closed end.
- (J) *Half streets.* Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.
- (K) *Minimum Right-of-Way.* For all public ways hereafter dedicated and/or accepted, the minimum right-of-way and paved width for streets, thoroughfares, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

Table - 16.1		
	Right-of-Way (feet)	Paved (feet)
Arterial street	100	52
Collector street	70	44
Minor street and cul de sac size	60	36
Marginal access service street	50	30
Alley - business/industrial	30	20
Alley - residential	20	n/a
Pedestrian way	10	n/a
*Private Common Access	30	20
*The Council may choose to approve private common access for PUD, townhouse development, etc., where appropriate. Standards for said access, however, shall comply with minimums as outlined for minor streets (except ROW) and all other provisions as required by the Council.		
Where the existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way or paved surface, these shall be required.		

- (L) *Street Grades.* Except when, upon the recommendation of authorized City personnel that the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, minor streets, and alleys in any subdivision shall not be greater than 6%. In addition, there shall be a minimum grade on all streets and thoroughfares of not less than 0.30%.
- (M) *Street alignment.* A tangent of at least one hundred (100) feet shall be provided between reverse curves on arterial or collector streets and fifty (50) feet on lesser streets. Other than at intersections, connecting street lines that deflect from each other shall be connected by a curve with a radius adequate to ensure a sight distance of no less than the following:

Table 16.2	
Arterial street	500 feet
Collector street	320 feet
Local street	100 feet
Cul-de-sac	100 feet

- (N) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited.
- (O) *Naming of streets.* The City Council reserves the right to establish street names, which shall be based on area naming patterns, ease of public safety response, and other pertinent factors.
- (P) *Curb Radius.* The minimum curve radii for thoroughfares, collector streets, minor streets is fifteen (15) feet and alleys shall be four (4) feet.

**16.29 Municipal Use Easements**

- (A) *Easement for Utilities.* An easement for utilities to a minimum of ten feet wide shall be provided along a side line of lots or the frontline and a minimum of ten (10) feet wide on the rear line of lots where necessary to form a continuous right-of-way. If necessary for the extension of main water or sewer lines of similar utilities, easements of greater width may be required along lot lines or across lots.
- (B) *For storm water drainage.* Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement or other means of land dedication conforming substantially with the lines of such water course and of such further width as determined by the City Engineer.
- (C) *For walkways or trails.* Pedestrian easements, with a width not less than twenty (20) feet, may be required where deemed necessary to provide circulation, access to schools, parks, or other community facilities, or as part of a planned community-wide trail system.
- (D) *Pole Guys.* Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.
- (E) *Continuous easement provision.* All required easements, when approved as part of a final plat, shall not thereafter be changed without the approval of the City Council of a vacation of such easement, as specified in Section 3.51

**16.30 Erosion and Sediment Control**

- (A) *In general.* The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- (B) *Erosion and siltation control measures.* Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

- (C) *Incremental development.* Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- (D) *Soil exposure or removal.* When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement. Where topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Top soil shall be restored or provided to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
- (E) *Runoff.* Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

**16.31 Storm Drainage**

All subdivision design shall incorporate adequate provisions for storm water, subject to review and approval of the City Engineer. The rate of runoff for the area being subdivided is to be maintained at a level equal to that which existed in an undeveloped state, except as may be approved by the City Engineer.

**16.32 Protected Areas**

Where land proposed for subdivision contains drainage ways, water courses, floodable areas, wetlands or steep slopes and thus may be unsuitable for development, the platting of those areas shall be consistent with limitations presented by said conditions. Subdivisions shall be designed so that not more than 25% of the minimum lot area contains wetland soil types, water bodies, water courses, drainage ways or flood way areas, or is unusable due to steep slopes (over 18%). Also, no construction or grading will be conducted on slopes steeper than 18% in grade.

**ARTICLE 7. PARK LAND DEDICATION**

**16.33 Parks, open Space Land Dedication Requirements**

- (A) *In general.* As a prerequisite to plat approval, subdividers shall dedicate land for parks, playgrounds, public open spaces, or trails and/or shall make a cash contribution to the City's park fund as provided within this section. In the case of a replat of previously subdivided property where a park dedication or contribution has been made or where the previously subdivided lots are less than seventy (70) percent of current lot area standards, no park dedication or contribution shall be required. No park dedication or contribution shall be required in the case of a minor subdivision where land is being added to an existing parcel for the creation of a larger lot.
- (B) *Required park land.* In all new subdivisions, a percentage of the gross area of all property to be subdivided shall be dedicated for parks, as follows:

Table 16.3	
Residential subdivision	7% minimum
Commercial subdivision	4% minimum
Industrial subdivision	4% minimum
Other subdivisions	7% minimum

- (C) *Land suitability.* Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. In evaluating the adequacy of proposed park and recreation areas, the City Council shall consider factors including size, shape, topography, geology, hydrology, tree cover, access, and location. Wetlands, ponding areas, and drainageways accepted by the City shall not contribute towards park land requirements, except at the discretion of the City Council.

- (D) *Terms of dedication.* Dedication of land for public use shall be without restrictions or reservations and shall be designated as an outlot on the plat. The subdivider shall be responsible to grade the land to the contours shown on the approved preliminary plat and to leave such dedicated land in a condition suitable to the City.
- (E) *Fee in lieu of land dedication.* When it is determined that park land dedication is not desirable due to location, size, or other suitability factors as defined in Section 16.33(C) above, the City shall require, in lieu of land donation, a cash donation equal to a percentage of the fair market value of the property. Such percentage is based on the requirements identified in Section 16.33(B). For the purposes of this section, fair market value shall be determined at the time of final plat approval in accordance with the following:
- (1) The City and the developer may agree as to the fair market value, or
  - (2) The fair market value may be based upon a current appraisal submitted to the City by the subdivider at the subdivider's expense. The appraisal shall be made by a qualified real estate appraiser who is an approved member of the SREA or MAI, or equivalent real estate appraisal societies.
  - (3) If the City disputes such appraisal the City may, at its own expense, obtain a second appraisal of the property by a qualified real estate appraiser, mutually agreed upon by the developer and the City, which appraisal shall be conclusive evidence of the fair market value of the land.
- (F) *Combined land and cash donations.* The City may elect to receive a combination of cash and land as part of parkland dedication requirements. In such cases, the percentage of land dedicated shall reduce the required fee percentage by an equal amount.
- (G) *Planned unit developments.* Planned developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.
- (H) *Payment requirements.* Park cash contributions are to be calculated at the time of final plat approval. The City Council may approve a delay in the payment of cash requirements provided that an agreement is executed guaranteeing such payment in accordance with the following:
- (1) Any developer may elect to pay in full park fees based on the amount required at the time of the final plat approval.
  - (2) Plats with park fees of up to \$2,500.00 must be paid in full when the City Council approves the final plat.
  - (3) *Twelve month scheduled payment plan.* Plats with park fees of \$2,501.00 to \$7,500.00 must pay at least one-third of the fee when the final plat is approved by the City Council, one-half of the balance no later than six (6) months from the date of final plat approval, and the final balance not later than twelve (12) months from the date of final plat approval. No interest will be charged on the payments during the twelve (12) months.
  - (4) *Twenty-four month scheduled payment plan.* Plats with park fees of over \$7,501.00 must pay at least one-third of the fee when the final plat is approved by the City Council, and one-half of the balance no later than twelve (12) months from the date of final plat approval. No interest will be charged on the money due and paid during the first twelve (12) months. The final payment must be paid not later than twenty-four (24) months from the date of final plat approval by the City Council, and interest at a rate set forth in the development agreement shall be charged on the park fees due and paid after twelve (12) months.

- (I) *Identified sites.* When a proposed park, playground, recreational area, school site or other public ground has been indicated in the City's official map or Land Use Plan and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit. If the subdivider elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the City may consider acquiring the site through purchase or other available means prior to approval of the plat.
- (J) *Private open space / parks.* Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so.

## ARTICLE 8. REQUIRED BASIC IMPROVEMENTS

### **16.34 General Provisions**

- (A) *Development agreement required.* Before a final plat is delivered by the City to the subdivider, the subdivider of the land covered by said plat shall pay all applicable fees and execute and submit to the Council a developer's agreement which shall be binding on his or their heirs, personal representatives and assigns, a part of which agreement shall set forth that the subdivider will cause no private construction to be made on the lands within said plat, nor shall the subdivider file or cause to be filed any application for building permits for such construction until all improvements required under this Section have been made or arranged for in the manner and conforming to the requirements as set forth herein. No private construction shall commence, nor shall building permits be issued, until all improvements required under this section have been contracted for and the subdivision improved by completion of sewer, water, storm sewer, and graded right-of-way. No final certificate of occupancy shall be issued for private construction until all improvements, including paving of streets, have been completed.
- (B) *Surety Required.* Prior to the delivery of the approved final plat, the subdivider shall deposit with the City Treasurer an amount of equal to one and one-half times authorized City personnel's estimated cost of the required improvements within the plat, either in a cash escrow fund performance and indemnity bond, or letter of credit. Any surety involved in said financial guarantees shall be acceptable to the City. The said cash escrow letter of credit or performance and indemnity bond shall be conditioned upon:
  - (1) The making and installing of all the improvements required by terms and conditions set forth by the City within one year.
  - (2) Satisfactory completion of the work and payment therefor, which work was undertaken by the subdivider in accordance with the developer's agreement referred to above.
  - (3) The payment by the subdivider to the City of all expenses incurred by the City, which expenses shall include but not be limited to expenses for engineering, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed within one year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the City and applied by the City to the cost of completing the required improvements. If the funds available within the said cash escrows agreement are not sufficient to complete the required improvements, the necessary additional cost to the City shall be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses therefor have been paid, shall be returned to the subdivider. In

instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the said letter of credit shall be in a form satisfactory to the City and the terms thereof shall substantially comply with the procedure as set forth for a cash escrow fund. In instances where a performance and indemnity bond is used in lieu of a cash escrow or letter of credit, the said bond shall be in a form acceptable to the City and shall comply with all requirements as set forth in Minnesota Statutes as amended, which statutes relate to surety bonds.

- (C) *Special assessments for improvements.* In lieu of the requirements outlined in Section 16.34(B) above, the subdivider may petition the City for basic improvements to be made as part of a special assessment project, pursuant to Minnesota Statutes, Chapter 429. If the City elects to install the improvements, the developer shall post a cash escrow or letter of credit guaranteeing payment of the assessments, unless specifically waived by the City Council.
- (D) No final plat shall be approved by the Council without first receiving a report signed by authorized City personnel and the City Attorney certifying that the improvements described therein together with the agreements and documents required under this Section meet the requirements of the City. The City Treasurer shall also certify that all fees are required to be paid to the City in connection with the plat have been paid.
- (E) The City shall, where appropriate, require of a subdivider submission of a Warranty Bond in the amount equal to the original cost of the improvements, which shall be in force for one year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvement.
- (F) Reproducible "as-built drawings" as may be required by authorized City personnel shall be furnished to the City by the subdivider of all required improvements. Such "as-built drawings" shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvement.
- (G) No final plat shall be approved by the Council on land subject to flooding or containing poor drainage facilities, and on land which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of authorized City personnel, make the area completely safe for residential occupancy and provide adequate street and lot drainage and conform to applicable regulations of the other agencies such as the U.S. Corps of Engineers, or the Department of Natural Resources, the final plat of the subdivision may be approved. In addition, such plats may not be approved if the cost of providing municipal services to protect the flood plain area would impose an unreasonable economic burden upon the City.
- (H) All of the required improvements to be installed under the provisions of this Section shall be approved by and subject to the inspection of authorized City personnel. All of the City's expenses incurred as the result of the requirement improvements shall be paid either directly, indirectly or by reimbursement to the City by the subdivider.

### **16.35 Monuments**

- (A) Official monuments approved by the Redwood County District Court for use as judicial monuments, property to include with the plat to be fully dimensioned; all angles of the boundary to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- (B) Pipes or steel rods shall be placed at each lot. All the United States, state, county or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in the precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks shall be permitted in indicating dimensions.

- (C) To insure that all irons and monuments are correctly in place following the final grading of a plat, second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of the certificate of the occupancy as provided for in the zoning section.

#### **16.36 Street Improvements**

- (A) The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for street construction as outlined herein.
- (B) All streets shall be improved with pavement in accordance with the standards and specifications for street construction as required by the Council.
- (C) All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the Council. The portion of the right-of-way outside the area surfaced shall be sodded or riprapped by the developer if deemed necessary.
- (D) Curb and gutter will be required on all streets according to specifications for street construction as set forth and approved by the Council.
- (E) The grade and drainage requirements for each plat shall be established by authorized City personnel at the expense of the applicant. Every plat presented for final signature shall be accompanied by a certificate of authorized City personnel that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunk the applicant shall be responsible, before platting, to provide for a storm water disposal plan, without damage to properties outside the platted area and said storm water disposal plan shall be submitted to authorized City personnel, who shall report the Council on the feasibility of the plan presented. The use of dry wells for the purpose of storm water disposal is prohibited.
- (F) Street trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by the Council.
- (G) Street signs of the standard design as may be required by the Council shall be installed at each street intersection.
- (H) Driveway approaches and/or sidewalks of standard design or pedestrian pathways as may be required by the Council shall be installed.
- (I) Street lighting fixtures as may be required by the Council shall be installed.

#### **16.37 Sanitary Sewer and Water Distribution Improvements**

- (A) *In general.* All sanitary sewer and water distribution improvements shall be completed in accordance with the standards and specifications for such construction as required by the City Council
- (B) *Sanitary sewer and water required.* Whenever municipal sanitary sewer or water facilities are not available for extension, or proposed for extension, to serve a subdivision, such subdivision shall be deemed premature and shall be ineligible for development until such time that sanitary sewer and water service will be provided. In the case of a minor subdivision of land, as provided for in chapter 16 and where municipal sanitary sewer and water facilities are not located within one hundred (100) feet of the new or residual parcels of land, the City Council may approve the conveyance or division of land subject to the following conditions being satisfied:
  - (1) The new or residual parcels of land resulting from the conveyance or division are not less than one (1) acre in size.
  - (2) The private wastewater disposal and water supply systems shall be in compliance with applicable State and local regulations.

### **16.38 Public Utilities**

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

### **16.39 Sale of Lots From Unrecorded Plats**

It is unlawful for any person to sell, trade, or otherwise convey any lot parcel land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this chapter unless said plan, plat or replat shall have first been recorded in the Office of the County Recorder of Redwood County.

### **16.40 Receiving or Recording Unapproved Plats**

It is unlawful for any person to receive or record in any public office any plans, plats or replats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this chapter, unless the same shall bear thereto, by endorsement of otherwise, the approval of the Council.

### **16.41 Misrepresentation as to Construction, Supervision, or Inspection of Improvements**

It is unlawful for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision has been constructed according to the plans and specifications approved by the Council, or has been supervised or inspected.

### **16.42 Violations**

Any violation of the provisions of this chapter shall be enforced in accordance with the policies established in Section 3.62 through 3.65.

## **Chapter 17 Cannabis Businesses**

### **ARTICLE 1. GENERAL PROVISIONS**

#### **17.01 Purpose**

This chapter is established for the purpose of implementing the provisions of Minnesota Statutes, Chapter 342, which authorizes the Redwood Falls City Council to protect the public health, safety, welfare of Redwood Falls residents by regulating cannabis businesses within the legal boundaries of the City of Redwood Falls through the use of zoning requirements, and land use designations and restrictions.

#### **17.02 Definitions**

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

- (A) The term “Cannabis Business” means a business as defined in Minn. Stat. 342.01, as amended from time to time.
- (B) The term “Cannabis Cultivation” means a cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
- (C) The term “Cannabis Retail Business” means a cannabis business with a license or endorsement authorizing the retail sale of cannabis flower, plants, cannabis products, and lower-potency hemp products, including cannabis products sold for on-site consumption.
- (D) The term “Cannabis Retailer” means any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- (E) The term “Indoor Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts within an indoor facility.
- (F) The term “Lower-Potency Hemp Edible” has the meaning as defined under Minn. Stat. 342.01, subd. 50, as amended from time to time.
- (G) The term “Lower-Potency Hemp Edible Retailer” means any place of business with a preapproved state license, license, or endorsement to sell lower-potency hemp edible products to the public from the Office of Cannabis Management and/or any place of business holding a valid pre-existing state registration as a hemp-derived cannabinoid business authorizing the sale of hemp-derived cannabinoid products directly to consumers.
- (H) The term “Office of Cannabis Management” means the Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
- (I) The term “Outdoor Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts at an outdoor location.
- (J) The term “Retail Registration” means an approved registration issued by Redwood County to a state-licensed cannabis retail business.

- (K) The term “State License” means an approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.
- (L) The term “Volatile Solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Volatile Solvent includes but is not limited to butane, hexane, and propane.

## ARTICLE 2. REQUIREMENTS

### **17.03 Zoning and Land Use**

- (A) *Cultivation.* Cannabis businesses licensed or endorsed for cultivation are allowed as a permitted use in the listed zoning districts as follows:
  - (1) *Indoor Cultivation:* I-1 Limited Industrial;  
I-2 General Industrial; and  
B-3 Auto-Oriented.
  - (2) *Outdoor Cultivation:* I-1 Limited Industrial; and  
R-R Rural Residential.

\* Outdoor cultivation of up to 2 acres of mature flowering plants is allowed as a permitted use in the R-R zoning district, provided there is a minimum of five (5) acres of continuous land and all setbacks and conditions within the Redwood Falls Unified Development Ordinance are met.
- (B) *Cannabis Manufacturer.* Cannabis businesses licensed or endorsed for cannabis manufacturer are allowed as a permitted use in the following zoning districts:
  - (1) I-1 Limited Industrial;
  - (2) I-2 General Industrial; and
  - (3) B-3 Auto-Oriented.
- (C) *Hemp Manufacturer.* Businesses licensed or endorsed for low-potency hemp edible manufacturers are allowed as a permitted use in the following zoning districts:
  - (1) I-1 Limited Industrial;
  - (2) I-2 General Industrial; and
  - (3) B-3 Auto-Oriented.
- (D) *Wholesale.* Cannabis businesses licensed or endorsed for wholesale are allowed as permitted use in the following zoning districts:
  - (1) I-1 Limited Industrial;
  - (2) I-2 General Industrial; and
  - (3) B-3 Auto-Oriented.

(E) *Cannabis Retail.* Cannabis businesses licensed or endorsed for cannabis retail are allowed as a permitted use in the following zoning districts:

- (1) I-1 Limited Industrial;
- (2) B-2 Limited Community Retail;
- (3) B-3 Auto Oriented; and
- (4) B-4 Central Business District.

\* Lower-Potency Hemp Edible Retailers holding a valid preapproved state license, license or endorsement, or a registration as a hemp-derived cannabinoid business prior to the effective date of this ordinance shall be considered a legal nonconforming use within zoning districts not listed in this paragraph and may continue operating as Lower-Potency Hemp Edible Retailer and/or hemp-derived cannabinoid business so long as the retailer's state license and/or registration remains valid and is not discontinued for more than one year. A retailer that meets the requirements of this exemption may not expand the nonconforming use by applying for or obtaining any other state license, endorsement, or registration that would authorize the cultivation, manufacture, or sale of cannabis plants, cannabis flower, or other cannabis products.

(F) *Cannabis Transportation.* Cannabis businesses licensed or endorsed for transportation are allowed as a permitted use in the following zoning districts:

- (1) I-1 Limited Industrial;
- (2) I-2 General Industrial; and
- (3) B-3 Auto-Oriented.

(G) *Cannabis Delivery.* Cannabis businesses licensed or endorsed for delivery are allowed as a permitted use in the following zoning districts:

- (1) I-1 Limited Industrial;
- (2) B-2 Limited Community Retail;
- (3) B-3 Auto-Oriented; and
- (4) B-4 Central Business District.

#### **17.04 Advertising**

(A) Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building and/or on the property of the business in accordance with Chapter 10 of the Redwood Falls Unified Development Ordinance, unless otherwise limited or prohibited by Minnesota Statute.

(B) Cannabis businesses shall comply with all advertisement requirements in Minn. Stat. 342.64, as amended from time to time.

#### **17.05 Performance Standards**

- (A) *Security.* Pursuant to Minn. Stat. 342.27, subd. 9, cannabis businesses shall at all times maintain compliance with security requirements established by OCM, including but not limited to requirements for maintaining video surveillance records, using specific locking mechanisms, establishing secure entries, and the number of employees working at all times.
- (B) *Shared Use.* A cannabis business is prohibited from sharing a common entrance or a premises with a business licensed as a tobacco products shop. This prohibition does not include Lower-Potency Hemp Edible Retailers.
- (C) *Nuisance.* Odors, noise, vibration, glare and other potential side effects of cannabis manufacturing or cultivation processes shall not be discernable beyond the property line. Except in the I-1 and I-2 zoning districts, the use of volatile solvents for cannabinoid extractions is prohibited.