

**CITY OF FRAZEE
MINNESOTA
ORDINANCE NO. 156**

**AN ORDINANCE OF THE CITY OF FRAZEE, MINNESOTA,
AMENDING CODE OF ORDINANCES TITLE 10**

SECTION 1. PURPOSE:

The City Council of the City of Frazee, Minnesota finds that it needs to update certain zoning regulations.

SECTION 2. REPEAL:

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF FRAZEE that Title 10 (Zoning Regulations) of the Frazee City Code is hereby repealed in its entirety.

SECTION 3. REPLACEMENT:

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF FRAZEE that Title 10 (Zoning Regulations) shall now read as follows:

CHAPTER 1: TITLE AND APPLICATION:

10-1-1: AUTHORITY:

This Ordinance is enacted pursuant to authority granted by the Municipal Planning Act, Minnesota Statutes, section 462.351 to 462.363.

10-1-2: TITLE AND EFFECTIVE DATE:

The official title of this Ordinance is the *ZONING ORDINANCE OF THE CITY OF FRAZEE, MINNESOTA* and is referred to within this document as either the "Zoning Ordinance" or "Ordinance". This Ordinance shall become effective following its passage and publication in the City's official newspaper.

10-1-3: PURPOSE:

This is an Ordinance for the purpose of promoting the health, safety, and general welfare of the public, and to implement the City's Comprehensive Plan. This is achieved by regulating the location and size of buildings and other structures; the percentage of each lot which may be occupied; the size of yards and other open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes; and the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation,

conservation of shorelands, flood control, or other purposes, and establishing standards and procedures regulating such uses. As residential development is considered the cornerstone of development in the City, this Zoning Ordinance will ensure the availability of an ample supply of land to meet the diverse housing needs of all residents in a compact and orderly manner. As housing growth occurs, the opportunity for commercial and light industrial development must also be accommodated.

10-1-4: INTENT:

To protect the public, such provisions are intended to provide for adequate light and air; safety from fire and other danger; prevent unhealthy concentrations of population; provide ample parking facilities; regulate the location and operation of businesses, industries, dwellings, and buildings for other specified purposes; preserve and stabilize property values by providing for orderly and compatible development of the various land uses; provide for administration of the Ordinance; provide for amendments hereto; and provide for official recording of the Ordinance and all amendments hereto.

10-1-5: RELATION TO THE ADOPTED COMPREHENSIVE PLAN:

Administration, enforcement, and amendment of this Ordinance will be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan, as adopted and periodically amended by the Planning Commission and City Council. The City Council recognizes the Comprehensive Plan as the principle guidance for regulating land use and development in accordance with the policies and purpose set forth in this Ordinance.

10-1-6: TERRITORIAL APPLICABILITY:

As of the effective date of this Ordinance, the use of all land and every structure within the incorporated limits of the City of Frazee shall be subject to the provisions within this Ordinance. Additionally, any identified joint powers agreements and/or orderly annexation agreements may be subject to regulations established within this Ordinance or the Subdivision Ordinance.

10-1-7: STANDARD REQUIREMENTS:

- A. MORE RESTRICTIVE PROVISIONS TO GOVERN: Where the conditions imposed by any provisions of this title are either more restrictive or less restrictive than comparable conditions imposed by any law, ordinance, code, statute, resolution, or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
- B. INTERPRETATION: In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the public.
- C. CONFORMITY WITH THIS TITLE: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved, or altered, and no building, structure, or land shall be used for any purpose, nor in any manner, which is not in conformity with the provisions of this title and without a building permit being issued when required by this code.

- D. **BUILDING OCCUPANCY:** Except as herein provided, no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this title.
- E. **NONREDUCTION OF YARDS OR LOTS:** No yard or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this title shall meet at least the minimum requirements established by this title.
- F. **REGULATION APPLICATION:** These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this title are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this title shall be controlling.

10-1-8: SEPARABILITY:

It is hereby declared to be the intention of the City that the provisions of this title are separable in accordance with the following:

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

CHAPTER 2: RULES AND DEFINITIONS:

10-2-1: RULES:

For the purpose of this Ordinance, certain words and terms used shall be interpreted as defined herein:

- A. The word "person" includes an owner or representative of the owner, firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular includes the plural, and the plural includes the singular.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. For terminology not defined in this title, "Webster's Third New International Dictionary", or its most current descendent, will be used to define such terms.

10-2-2: DEFINITIONS:

Wherever the following words and terms occur in this Ordinance, they shall be interpreted as herein defined:

ABUTTING: Making contact with another property.

ACCESSORY STRUCTURE OR USE: A building or use which, at a minimum, meets the following: (1) is subordinate to and serves an existing principle building or principle use; (2) is subordinate in area, extent, or purpose to the principal structure or use; and (3) is located on the same legal lot, parcel, or property as the principle use. Examples of accessory uses are private garages, carports, storage sheds, playhouses, and swimming pools.

ADDITION: A physical enlargement of an existing structure.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

ALLEY: A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principle frontage is on the street.

ANIMAL SHELTER: Any lot or premises, not a kennel, in which strayed or abandoned animals are cared for on a temporary basis until claimed, adopted, or euthanized.

ANTENNA: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and omnidirectional antennas, such as whip antennas.

APARTMENT: A portion of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence by a single-family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

APPLICANT: The owner, their agent, or person having legal control, ownership, and/or interest in land for whom the provisions of this Ordinance are being considered or reviewed.

ASSISTED LIVING FACILITY: A facility which offers a service or package of services pursuant to Minnesota Statutes, Chapter 144G that meets the minimum requirements set forth within Minnesota Statutes, section 144G.03. These services may include assistance with self-administration of medication, assistance with daily living activities (bathing, grooming, dressing, eating, transferring, continence care, or toileting), twenty-four (24) hour access to health professionals, and other specific requirements established under law.

BASEMENT: 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.

BED AND BREAKFAST: A single-family dwelling in which four (4) or fewer transient guest rooms are rented on a nightly basis for periods of time less than a week and where at least one (1) meal is offered in connection with the provision of sleeping accommodations only.

BOARD OF ADJUSTMENT: The Frazee Board of Adjustment.

BOUNDARY LINE: Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the Official Zoning Map.

BUFFER: The use of land, topography, difference in elevation, space, fences, or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattel, or movable property of any kind, and includes any structure.

BUILDING CODE: The Minnesota State Building Code.

BUILDING HEIGHT: A distance to be measured from the mean ground level to the uppermost point on all roof types.

BUILDING OFFICIAL: Representative of the City who has been appointed by the City Council and/or assigned the responsibility of enforcing provisions of the Minnesota State Building Code.

BUILDING SETBACK: The minimum horizontal distance between the building and the lot line.

BUSINESS: Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold, or where services are offered for compensation.

CAMPGROUND: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

CARPORT: A canopy supported by posts, either ornamental or solid, and completely open on one (1) or more sides.

CEMETERY: A site or property set apart for the burial or interment of the dead.

CHURCH: A place that people regularly attend to participate in or hold religious services, meetings, and other related activities.

CITY: City of Frazee.

CITY CODE: The City of Frazee's code of ordinances.

CITY COUNCIL: The Frazee City Council.

CLINIC: Any establishment where human patients are examined and treated by doctors or dentists, but not hospitalized overnight.

CLUB OR LODGE: A nonprofit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, provided that adequate dining space and kitchen facilities are available.

COMMERCIAL RECREATION: Bowling alley, cart track, jump center, golf course, billiard (pool) hall, vehicle racing or amusement, dance hall, firearms range, campgrounds, park, and similar uses.

COMMON OPEN SPACE: Any open space, including private parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

COMPREHENSIVE PLAN: A general plan for land use, housing, transportation, and community facilities prepared and maintained by the Planning Commission and City Council for the municipality.

CONDITIONAL USE: A use, other than those permitted, which must meet certain conditions to ensure compatibility with the land uses in a zoning district before such a use may be approved and permitted by the City Council.

CONDITIONAL USE PERMIT: A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City 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.

COVENANT: A contract entered into between an owner and the holder of a mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners.

DAY CARE: A residence or facility licensed by the Department of Human Services under Minnesota Administrative Rules, Chapter 9502 and Minnesota Statutes, Chapter 245A in which children/adults receive care, maintenance, and supervision for less than twenty-four (24) hours per day. Minnesota Rules, Chapter 9502 is inclusive of family day care (Subp. 11) and group family day care (Subp. 13), and Minnesota Statutes, Chapter 245A is inclusive of adult day care or family adult care services (Subd. 2A).

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

- A. **DWELLING, SINGLE-FAMILY:** A dwelling designed for or occupied by one (1) family only.
- B. **DWELLING, TWO-FAMILY:** A dwelling designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. This would include single-family homes with an apartment. A two-family dwelling with a rooming unit(s) shall be considered and classified as a multiple-family dwelling.
- C. **DWELLING, TWIN HOME:** A single-family dwelling unit constructed in a group of two (2) in which each unit extends from the foundation to the roof and having open space on three (3) sides of each unit. Each single-family dwelling unit shall be considered to be a separate building.

- D. DWELLING, TOWNHOME: A dwelling consisting of three (3) or more dwelling units of not more than two (2) stories each and contiguous to each other only by the sharing of one (1) common wall; such structures to be of the town or row houses type, as contrasted to multiple dwelling apartments. No single dwelling shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.
- E. DWELLING, MULTIPLE-FAMILY: A dwelling designed for or occupied by three (3) or more families living independently of each other, with separate housekeeping and cooking facilities for each dwelling unit.

DWELLING UNIT: A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking, and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes, or trailers.

EASEMENT: A grant by an owner of land for a specific use by persons other than the owner.

EROSION: The wearing away of land surface by the action of natural elements.

ESSENTIAL SERVICE: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead communication, gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the health, safety, and/or general welfare of the public.

ESSENTIAL SERVICE STRUCTURES: Structures and buildings necessary for the operation of essential services, including, but not limited to, telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, and lift stations.

EXTERIOR STORAGE: The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FAMILY: An individual or two (2) or more persons related by blood, marriage, adoption, or a group of not more than four (4) persons who need not be related by blood or marriage living together in a dwelling unit.

FARM: An unplatted tract of land having one (1) quarter-quarter section containing ten (10) acres or more, or two (2) or more abutting parcels under the same ownership having an area of approximately ten (10) acres, measured from the centerline of abutting roads, for purposes of residential density usually with a house and barn and other buildings, on which crops and often livestock are raised for a source of livelihood.

FARM; HOBBY: An unplatted tract of land generally consisting of ten (10) or less acres in size with a house and accessory structures, on which crops and often livestock are raised, but not as a principal source of income. A hobby farm shall not qualify for exemptions provided in this Ordinance for farms.

FARMING: Process of operating a farm for the growing and harvesting of crops which shall include those necessary buildings, related to operating the farm, and keeping of common domestic farm animals.

FENCE: A fence is defined for the purpose of this Ordinance as any partition, structure, wall, or gate erected as a dividing mark, barrier, or enclosure.

FLOOR AREA, GROSS: The sum of the gross horizontal area of all the floors of a building utilized for principal and accessory uses.

GARAGE, PRIVATE: An accessory structure situated on the same lot as the principal structure, and designed for the private storage of motor vehicles owned by the occupant of the principal structure. No facilities for mechanical service or repair of a commercial or public nature are provided in the private garage. Such garage may be attached to the principal structure or detached from the principal structure. When a private garage is attached to a principal structure, it shall be considered part of the principal structure for setback and yard purposes.

GRADE (ADJACENT GROUND ELEVATION): The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and the line five (5) feet from the building.

HOME OCCUPATION: Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

HOTEL: Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms, used, designated, or intended to be used, let, or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

IMPERVIOUS SURFACE: An artificial or natural surface through which water, air, or roots cannot penetrate.

INTERIM USE: A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit.

KENNEL: An establishment licensed to operate a facility housing dogs, cats, or other household pets, and where grooming, breeding, boarding, training, or selling of animals is conducted as a business or commercial use.

KENNEL, PRIVATE: Any accessory use arranged for the care and sheltering of household pets belonging to the owner of the property on which the kennel is located.

LOADING SPACE: A space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley, or other appropriate means of access.

LOT: A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

LOT AREA: The total horizontal area within the lot lines, exclusive of any portion of the right-of-way of any public roadway.

LOT COVERAGE: The area of the lot covered by impervious surface.

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

LOT LINE: The property line bounding a lot, except where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line.

- A. **FRONT LOT LINE:** That boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the Zoning Administrator.
- B. **LOT LINE, REAR:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line of ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- C. **LOT LINE, SIDE:** Any boundary of a lot which is not a front lot line or rear lot line.

LOT WIDTH: The distance between the side lot lines, measured along the setback line as established by this Ordinance, or if no setback line is established, the distance between the side lot lines along the measured street line.

MANUFACTURED HOME: Applies to either:

- A. A factory-built single-family structure built and transported in sections to a permanent site and not intended for additional transportation once it has been placed on a permanent site.
- B. A transportable, factory-built home, designed to be used as a year around residential dwelling. Such structure has wheels or axles permanently attached to its frame. Such structures built prior to June 15, 1976 (Federal Manufactured Home Construction and Safety Standards), are referred to as mobile homes.

MANUFACTURED HOME LOT: A section of ground in a manufactured home park designated as the location of one (1) housing unit, and all other necessary improvements required by this Ordinance.

MANUFACTURED HOME PARK: Any park, court, lot, parcel, or tract of land, designed, improved, maintained, or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It shall include all buildings used or intended for use as part

of the equipment thereof, whether a charge is made for the use of the manufactured home park or not. Also referred to as mobile home park or trailer park.

MOBILE HOME: A transportable, factory built home built prior to June 15, 1976 (Federal Manufactured Home Construction and Safety Standards), and designed to be used as a year around residential dwelling. Such structure has wheels or axles permanently attached to its frame.

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

NONCONFORMING STRUCTURE, USE, OR LOT; ILLEGAL: A building, structure, premise, lot, or use unlawfully established and in violation of regulations applicable at the time of development or initiation.

NONCONFORMING STRUCTURE, USE, OR LOT; LEGAL: A building, structure, premise, lot, or use lawfully established prior to the adoption of this Ordinance, or any amendment thereto, which does not now conform with the applicable conditions or provisions of this Ordinance for the zoning district in which the structure or use is located.

NURSERY, LANDSCAPE: A business growing and selling trees, flowering and decorative plants, and shrubs.

OCCUPANCY: The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

OFFICIAL ZONING MAP: The map incorporated into this Ordinance as part thereof, designating the zoning districts.

OPEN SPACE: Any open area not covered by structures, but not limited to, the following uses: required or established yard areas, parking areas, sidewalks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

OWNER: An individual, association, syndicate, partnership, corporation, trust, or any other legal ownership interest in land, buildings, structures, dwelling units, or other property.

PARCEL: An individual lot or tract of land.

PARKING SPACE, OFF-STREET: An off-street parking space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

PARTY WALL: A common wall which divides two (2) independent structures by a fire wall.

PERFORMANCE STANDARD: Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory structures, outside storage, and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or other nuisance elements generated by or inherent in uses of land or buildings.

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

PERSON: Any individual or legal entity.

PLANNING COMMISSION: The Frazee Planning Commission.

PRINCIPAL STRUCTURE: The structure in which the principal use of the lot on which the structure is located is conducted.

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

PUBLIC: Pertaining to a municipality, school district, county, state, or other governmental unit.

PUBLIC USE: A use owned or operated by a municipality, school district, county, state, or other governmental unit.

PUBLICATION: Notice placed in the City's official newspaper.

RECREATIONAL VEHICLE: Manufactured homes less than thirty (30) feet in overall length, including those with telescope or fold down, chassis, mounted campers, house cars, motor homes, tent trailers, slip-in-campers (those mounted in a pickup truck or similar vehicle), converted buses, and converted vans used primarily for recreational purposes. Cars used for racing shall not be included within this definition.

RESTAURANT: An establishment which serves food to be consumed primarily while seated at tables or booths within the building.

RETAIL: The sale of items directly to the consumer.

SCHOOL: A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.

SETBACK: The minimum horizontal distances between a structure and the property line nearest thereto. For purposes of earth shelter buildings only, above grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided herein after.

SHOPPING CENTER: An integrated grouping of commercial stores under single ownership or control.

SIGN: Any letter, word, symbol, device, poster, picture, statuary, reading matter of representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, pasted, printed, affixed, or constructed, which is displayed outdoors for informational purposes. It shall

include, but not be limited to, the following types and purposes of signs: advertising, area identification, business, directional, flashing, free-standing, illuminated, institutional, nameplate, pylon, rotating, swinging, temporary, portable, and traffic control.

SITE PLAN: A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, utilities, landscaping, and walkways, as related to a proposed development.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STREET: A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court, or otherwise designated, which has been dedicated to the public for public use and which affords principal means of access to abutting property.

STRUCTURAL ALTERATION: Any change, other than incidental repairs, which would prolong, or modify the life of the supporting members of a structure, such as bearing walls, columns, beams, girders, or foundations.

STRUCTURE: 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. Among other things, structures including buildings, manufactured homes, walls, fences, towers, antennas, swimming pools, billboards, and poster panels.

SUBDIVISION ORDINANCE: The Frazee Subdivision Ordinance.

SURVEYOR: A land surveyor registered under Minnesota State laws.

SWIMMING POOL: A structure designed to be used for swimming.

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

VARIANCE: The adjustment by the City Council of the literal provisions of this title in cases where the literal provisions would cause undue hardship because of physical circumstances unique to an individual property. Variances shall be limited to height, bulk, density, and yard requirements.

VEHICLE SALES AND RENTALS: An establishment engaged in the display, sale, leasing, or rental of new or used vehicles. Vehicles include, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles, personal watercraft, utility trailers, all-terrain vehicles, and mobile/manufactured homes.

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

WAREHOUSING: The storage of materials or equipment within an enclosed building.

WETLAND: "Wetland" has the meaning given under Minnesota Rules, part 8420.0111.

YARD: An open space on the same lot with a building or structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

- A. FRONT YARD: The space extending between side lot lines from the front property line and the building setback line.
- B. REAR YARD: A space extending between the rear line of the principal structure and the rear line of the lot and extending the full width of the lot.
- C. SIDE YARD: A space between the building and the side line of the lot and extending from the lot line to the rear yard. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one (1) side yard, adjacent to the interior lot. In the case of the corner lots with reversed frontage, the yards remaining after the full and half depth front yards have been established shall be considered to be side yards. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

ZONING ADMINISTRATOR: The duly appointed officer charged with the administration and enforcement of this Ordinance.

ZONING AMENDMENT: A change authorized by the City either in the allowed use within a zoning district or in the boundaries of the district.

ZONING DISTRICT: An area or areas of the City, as delineated on the Official Zoning Map, set aside for specific uses with specific regulations and provisions for use and development, as defined by this Ordinance.

CHAPTER 3: ADMINISTRATION:

10-3-1: ZONING ADMINISTRATOR:

- A. DESIGNATION: The City Council shall designate a Zoning Administrator to administer the Zoning Ordinance. The Zoning Administer may be assisted by other persons, as authorized by the City Council.
- B. RESPONSIBILITIES: The Zoning Administrator shall have the following responsibilities related to the administration of the Zoning Ordinance:
 - a. Maintain permanent and current records of all associated maps, amendments, conditional uses, interim uses, variances, and appeals;
 - b. Maintain a record of all conditional use, interim use, and variance applications, all nonconforming uses, and all notices of violation, discontinuance, or removal in order to ensure

compliance with the provisions of the Zoning Ordinance and, on request, provide such information for public inspection;

- c. Forward any application for appeal of any administrative order or final decision made in the administration of the Zoning Ordinance, to the Board of Adjustment;
- d. Receive and process any application for an amendment, conditional use, and interim use, and forward it to the Planning Commission for its recommendation to the City Council;
- e. Receive and process any application for a variance and forward it to the Board of Adjustment;
- f. Make a determination of compliance with the Zoning Ordinance on all applications for a Building Permit and a Certificate of Occupancy;
- g. Authorize minor adjustments to approved development site plans;
- h. Render interpretations of the provisions of the Zoning Ordinance; and
- i. Enforce the Zoning Ordinance.

10-3-2: PLANNING COMMISSION:

- A. MEMBERS AND TERMS: The Planning Commission shall consist of five (5) members appointed by the City Council. At least one (1) of the members shall be an appointed member of the City Council. Members of the Planning Commission shall serve in such capacity without compensation of any manner. Appointments to the Planning Commission shall be made annually by the City Council, with the term commencing on February 1st in the year of appointment. Members of the Planning Commission may be removed at any time by a majority vote of the City Council.
- B. QUORUM AND VOTING: A quorum of the Planning Commission shall consist of three-fifths (3/5) members of the regular membership. A quorum must exist before the Planning Commission can take any official action on behalf of the City. All actions of the Planning Commission require a majority vote by a quorum of the Planning Commission, unless otherwise set forth in this Ordinance. A member of the Planning Commission shall be excused from voting on a particular issue if it has been determined that the member would have a conflict of interest or would be violating any codes of ethics.
- C. RESPONSIBILITIES: The Planning Commission shall have the following responsibilities related to the administration of the Zoning Ordinance:
 - a. Hear and make recommendations to the City Council regarding all applications for a conditional use permit;
 - b. Hear and make recommendations to the City Council regarding all applications for an interim use permit;

- c. Hear and make recommendations to the City Council regarding all applications for an amendment to the Zoning Ordinance;
 - d. Review and prepare recommendations on any proposed change to the City's planning policies and plans, including the Zoning Ordinance and Comprehensive Plan;
 - e. Review the Zoning Ordinance from time to time and make recommendations to the City Council for such changes to the Zoning Ordinance as the Planning Commission may deem appropriate; and
 - f. Hear and make recommendations on any other matter referred to it by the City Council.
- D. RECORDS: The City shall keep files, records, and notices of all meetings; which shall be available for public inspection.
- E. CHAIRPERSON: The Planning Commission shall elect a chairperson from among its appointed members for the term of one (1) year, starting in February.
- F. MEETINGS: The Planning Commission shall hold at least one (1) regular meeting each month.

10-3-3: BOARD OF ADJUSTMENT:

- A. MEMBERS: The members of the Planning Commission shall serve as the Board of Adjustment.
- B. QUORUM AND VOTING: A quorum of the Board of Adjustment shall consist of three-fifths (3/5) members of the regular membership. A quorum must exist before the Board of Adjustment can take any official action on behalf of the City. All actions of the Board of Adjustment require a majority vote by a quorum of the Board of Adjustment, unless otherwise set forth in this Ordinance. A member of the Board of Adjustment shall be excused from voting on a particular issue if it has been determined that the member would have a conflict of interest or would be violating any codes of ethics.
- C. RESPONSIBILITIES: The Board of Adjustment shall have the following responsibilities related to the administration of the Zoning Ordinance:
- a. Hear and decide applications for appeal of any administrative order or final decision made in the administration of the Zoning Ordinance;
 - b. Approve, approve with conditions, or deny variance requests;
 - c. Maintain a record of its proceedings, including the minutes of the meetings, its findings, and the action taken on each matter heard by it. The record shall be maintained by the City; and
 - d. The Board of Adjustment shall have any such other powers given to it by State law.
- D. RECORDS: The City shall keep files, records, and notices of all meetings; which shall be available for public inspection.

- E. CHAIRPERSON: The chairperson of the Planning Commission shall serve as the chairperson of the Board of Adjustment.
- F. MEETINGS: The Board of Adjustment shall meet as needed, based on the availability of agenda items.

10-3-4: CITY COUNCIL:

- A. RESPONSIBILITIES: The City Council shall have the following responsibilities related to the administration of the Zoning Ordinance:
 - a. Designate a Zoning Administrator;
 - b. Hold public hearings;
 - c. Approve, approve with conditions, or deny applications for a conditional use permit;
 - d. Approve, approve with conditions, or deny applications for an interim use permit;
 - e. Approve or deny applications for an amendment to the Zoning Ordinance; and
 - f. Take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of the Zoning Ordinance.
- B. RECORDS: The City shall keep files, records, and notices of all meetings; which shall be available for public inspection.

10-3-5: BUILDING PERMITS:

- A. BUILDING PERMIT REQUIRED: An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the Minnesota State Building Code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.
- B. ZONING ADMINISTRATOR REVIEW: The Zoning Administrator shall have the authority to review all building permit applications and related plans in order to determine compliance with the Zoning Ordinance. No building permit shall be issued without the Zoning Administrator's certification that the plans conform to the Zoning Ordinance.
- C. SITE PLAN: All applications for building permits shall be accompanied by a site plan containing the following information, unless determined to be not applicable by the Zoning Administrator:
 - a. General Information:
 - 1. The applicant's name, address, telephone number, and interest in the property;

2. The owner's name, address, and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 3. The street address and legal description of the property;
 4. The zoning classification, zoning district boundaries, and present use of the property; and
 5. The proposed title of the project, and the names, addresses, and telephone numbers of the architect, landscape architect, planner, or engineer on the project.
- b. Preliminary Development Drawing:
1. The location, dimensions, and total area of the site;
 2. The location, dimensions, floor area, type of construction, and use of each proposed building or structure;
 3. Floor plan showing specific uses within the building;
 4. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;
 5. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
 6. The number, location, and dimensions of parking spaces and loading docks, with means of ingress and egress;
 7. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;
 8. The location and purpose of any existing or proposed dedication or easement;
 9. The general drainage plan for the development tract;
 10. The location and dimensions of adjacent properties, abutting public right-of-ways and easements, and utilities serving the site;
 11. Significant topographical or physical features of the site, including existing trees;
 12. Wetland delineations for all wetlands present on the site; and
 13. The location and proposed treatment of any historical structure or other historical design element or feature.

- D. CONSTRUCTION AND USE PURSUANT TO APPROVED PERMITS/PLANS: Building permits issued on the basis of applications and plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved applications and plans. Use, arrangement, or construction which is inconsistent with the approved building permit shall be a violation of this Ordinance.

10-3-6: CONDITIONAL USE PERMITS:

- A. PURPOSE: The purpose of a conditional use permit is to provide a discretionary approval process for proposed uses which have unique or widely varying operating characteristics. The procedure is intended to ensure that proposed conditional uses will not have a significant adverse impact on surrounding uses or on the health, safety, and general welfare of the community.
- B. INITIATING A REQUEST: Any person owning property, or having documented interest therein, may initiate a request for a conditional use permit for that property in conformance with the provisions of this Ordinance. The property owner or designated representative shall complete the required application for a conditional use permit, which may be obtained from the Zoning Administrator.

The Planning Commission may, upon their own motion, initiate a conditional use permit request in accordance with the provisions of this Ordinance.

- C. FILING AN APPLICATION: The application shall be filed with the Zoning Administrator who shall refer the application, together with comments, thereon to the Planning Commission. Such application shall be accompanied by a fee, as established by a City Council resolution. The City, after receipt and review of the application, may request additional information from the applicant which it deems necessary for a proper review by the Planning Commission. The request for a conditional use permit shall be placed on the agenda of a regular or special meeting of the Planning Commission in a timely manner, and in accordance with state statute.
- D. PUBLIC HEARING: Upon receipt of an application for a conditional use permit, the Zoning Administrator shall set the time and date for a public hearing. Notice of said hearing shall consist of a legal property description and/or a summary description of the request, and be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of zoning amendments involving changes in zoning district boundaries affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty (350) feet of the property to which the amendment relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice, or failure to provide mailed notice to individual property owners, or defects in the notice, shall not invalidate any such proceedings as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.
- E. CONSIDERATION OF REQUEST: Providing the applicant has furnished all information, as requested by the Zoning Administrator, and provided the prescribed notification requirements can be met, the Planning Commission shall consider the application at its next meeting.

Unless an extension is granted, the City Council must take action on the application within sixty (60) days from the date an application is received and deemed complete by the City. An application for a conditional use permit may be granted by a majority vote of the City Council.

- F. **STANDARDS.** The Planning Commission shall only recommend the granting of the conditional use permit, granting the conditional use permit subject to conditions, or denying the conditional use permit based on written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for specific uses set forth in the provisions of a specific zoning district.
- a. It is a conditional use listed for the particular zoning district;
 - b. It is in keeping with the planning policies of the City and this title, as amended from time to time;
 - c. It does not interfere with or diminish the use of property in the immediate vicinity;
 - d. It can be adequately served by public facilities and services;
 - e. It does not cause undue traffic congestion;
 - f. It preserves significant historical and architectural resources;
 - g. It preserves significant natural and environmental features;
 - h. It will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood, and the effect of the proposed type of conditional use upon the City as a whole;
 - i. It complies with all other applicable regulations of the zoning district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the granting of a variance; and
 - j. It will not jeopardize the health, safety, and/or general welfare of the public.
- G. **CONDITIONS OF CONDITIONAL USES.** The City Council, upon recommendation of the Planning Commission, may impose such conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking, and other matters relating to the purpose and objectives of this section upon the premises benefited by a conditional use. In addition, the City Council may require a performance guarantee to be submitted to the City in order to ensure compliance with the terms of approval.

The conditions and limitations of approval may be more restrictive than standards outlined in this section, but shall not be less restrictive. Such conditions and limitations may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the proposed property or on public facilities. Such conditions shall be expressly set forth in the resolution granting the conditional use permit. Violation of any such condition or limitation

shall be a violation of this section and shall constitute grounds for revocation of the conditional use permit.

- H. NO PRESUMPTION OF APPROVAL. The listing of a conditional use within each zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis in order to determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.
- I. EFFECT OF APPROVAL. The approval of a proposed conditional use by the City Council shall not authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to, a Building Permit and a Certificate of Occupancy.
- J. CANCELLATION, TERMINATION, OR EXPIRATION: Where applicable, unless otherwise specified by the City Council at the time it is authorized, a conditional use permit shall expire if the applicant fails to utilize such conditional use permit within one hundred eighty (180) days from the date of its issuance.
- K. APPEAL: Any person, taxpayer, department, board, or bureau of the City aggrieved by the decision of the City Council shall have the right to seek review within forty-five (45) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statute may be from time to time amended, supplemented, or replaced.

10-3-7: INTERIM USE PERMITS:

- A. PURPOSE: The purpose of an interim use permit is to allow a temporary use that is not designated as a permitted or conditional use, but is acceptable for a limited period of time, subject to certain conditions. The City Council may approve an interim use of property, as defined and authorized by Minnesota Statutes, section 462.3597.
- B. INITIATING A REQUEST: Any person owning property, or having documented interest therein, may initiate a request for an interim use permit for that property in conformance with the provisions of this Ordinance. The property owner or designated representative shall complete the required application for an interim use permit, which may be obtained from the Zoning Administrator.

The Planning Commission may, upon their own motion, initiate an interim use permit request in accordance with the provisions of this Ordinance.

- C. FILING AN APPLICATION: The application shall be filed with the Zoning Administrator who shall refer the application, together with comments, thereon to the Planning Commission. Such application shall be accompanied by a fee, as established by a City Council resolution. The City, after receipt and review of the application, may request additional information from the applicant which it deems necessary for a proper review by the Planning Commission. The request for an interim use permit shall be placed on the agenda of a regular or special meeting of the Planning Commission in a timely manner, and in accordance with state statute.

- D. PUBLIC HEARING: Upon receipt of an application for an interim use permit, the Zoning Administrator shall set the time and date for a public hearing. Notice of said hearing shall consist of a legal property description and/or a summary description of the request, and be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of zoning amendments involving changes in zoning district boundaries affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty (350) feet of the property to which the amendment relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice, or failure to provide mailed notice to individual property owners, or defects in the notice, shall not invalidate any such proceedings as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.

- E. CONSIDERATION OF REQUEST: Providing the applicant has furnished all information, as requested by the Zoning Administrator, and provided the prescribed notification requirements can be met, the Planning Commission shall consider the application at its next meeting.

Unless an extension is granted, the City Council must take action on the application within sixty (60) days from the date an application is received and deemed complete by the City. An application for an interim use permit may be granted by a majority vote of the City Council.

- F. STANDARDS. The Planning Commission shall only recommend the granting of the interim use permit, granting the interim use permit subject to conditions, or denying the interim use permit based on written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for specific uses set forth in the provisions of a specific zoning district.
 - a. The proposed use meets all applicable zoning regulations;
 - b. The proposed use will terminate upon a date or event that can be identified with certainty;
 - c. The use will not adversely impact nearby properties through nuisance noise, traffic, dust, or unsightliness, and will not otherwise impact the health, safety, and general welfare of the community;
 - d. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - e. The proposed use will be subjected to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use.

- G. CONDITIONS OF APPROVAL. In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- a. Increasing the required lot size or yard dimension;
- b. Limiting the height, size, or location of buildings;
- c. Controlling the location and number of vehicle access points;
- d. Increasing the number of required off-street parking spaces;
- e. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property;
- f. Designation of open space;
- g. An approved performance bond or letter of credit to ensure the restoration of the site and surrounding area after termination of the use; and
- h. Annual review and inspection, if deemed appropriate by the City Council.

Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all interim use permits, including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

- H. **NO PRESUMPTION OF APPROVAL.** The listing of an interim use within each zoning district does not constitute an assurance or presumption that such interim use will be approved. Rather, each proposed interim use shall be evaluated on an individual basis in order to determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.
- I. **EFFECT OF APPROVAL.** The approval of a proposed interim use by the City Council shall not authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to, a Building Permit and a Certificate of Occupancy.
- J. **TERMINATION:** An approved interim use permit shall terminate upon the occurrence of any of the following events:
 - a. The termination date or termination event specified in the interim use permit;
 - b. Any violation of the conditions under which the interim use was approved;
 - c. A change in this Ordinance which would render the interim use non-conforming;
 - d. The interim use has been discontinued for at least one (1) year; or

e. Where applicable, unless otherwise specified by the City Council at the time it is authorized, an interim use permit shall expire if the applicant fails to utilize such interim use permit within one hundred eighty (180) days from the date of its issuance.

K. APPEAL: Any person, taxpayer, department, board, or bureau of the City aggrieved by the decision of the City Council shall have the right to seek review within forty-five (45) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may be from time to time amended, supplemented, or replaced.

10-3-8: AMENDMENTS:

A. PURPOSE: The regulations, restrictions, and zoning districts in this Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed; provided that no action be taken until after a public hearing in relation thereto, at which parties with interest and citizens shall have an opportunity to be heard. These changes may be to the text, Official Zoning Map, or any other component of this Ordinance.

B. INITIATING A REQUEST: The Planning Commission may, upon their own motion, initiate a zoning amendment request in accordance with the provisions of this Ordinance. Any person owning property, or having documented interest therein, may initiate a request for a zoning amendment for that property in conformance with the provisions of this Ordinance. The property owner or designated representative shall complete the required application for a zoning amendment, which may be obtained from the Zoning Administrator.

C. FILING AN APPLICATION: The application shall be filed with the Zoning Administrator who shall refer the application, together with comments, thereon to the Planning Commission. Such application shall be accompanied by a fee, as established by a City Council resolution. The Zoning Administrator, after receipt and review of the application, may request additional information from the applicant which is deemed necessary for a proper review by the Planning Commission. The request for a zoning amendment shall be placed on the agenda of a regular or special meeting of the Planning Commission in a timely manner, and in accordance with state statute.

D. PUBLIC HEARING: Upon receipt of an application for a zoning amendment, the Zoning Administrator shall set the time and date for a public hearing. Notice of said hearing shall consist of a legal property description and/or a summary description of the request, and be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of zoning amendments involving changes in zoning district boundaries affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty (350) feet of the property to which the amendment relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice, or failure to provide mailed notice to individual property owners, or defects in the notice, shall not invalidate any such proceedings as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.

- E. **CONSIDERATION OF REQUEST:** Providing the applicant has furnished all information, as requested by the Zoning Administrator, and provided the prescribed notification requirements can be met, the Planning Commission shall consider the application at its next meeting.

Unless an extension is granted, the City Council must take action on the zoning amendment request within sixty (60) days from the date an application is received and deemed complete by the City. Approval of a proposed amendment shall require a majority vote of the City Council, with the exception of any Official Zoning Map amendment from a residential zoning district to either a commercial or industrial zoning district, which shall require a four fifths (4/5) vote of the City Council.

- F. **EFFECTIVE DATE:** The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment and after said ordinance is published in a newspaper of general circulation.
- G. **APPEALS:** Any person, taxpayer, department, board, or bureau of the City aggrieved by the decision of the City Council shall have the right to seek review within forty-five (45) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may be from time to time amended, supplemented, or replaced.

10-3-9: VARIANCES:

- A. **PURPOSE:** The variance process is intended to provide limited relief from the requirements of this Ordinance in those circumstances where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted for the establishment or expansion of a use within a zoning district where it is not permitted.
- B. **INITIATING A REQUEST:** Any person owning property, or having documented interest therein, may initiate a request for a variance for that property in conformance with the provisions of this Ordinance. The property owner or designated representative shall complete the required application for a variance, which may be obtained from the Zoning Administrator.
- C. **FILING AN APPLICATION:** The property owner or designated representative shall complete the required application for a variance, which may be obtained from the Zoning Administrator. Such application shall be accompanied by a fee, as established by a City Council resolution. The application for a variance shall be filed with the Zoning Administrator. The Zoning Administrator, after review of the application, shall have the authority to request additional information from the applicant which is deemed necessary for a proper review by the Board of Adjustment. The request for a variance shall be placed on the agenda of the Board of Adjustment to occur no later than sixty (60) days from the date of submission.

Variance requests for the same property, of similar intent, shall not be heard within one hundred eighty (180) days of a previous request, unless it can be demonstrated to the Zoning Administrator that the conditions for the variance have changed.

- D. **PUBLIC HEARING:** Upon receipt of an application for a variance, the Zoning Administrator shall set the time and date for the public hearing. Notice of said hearing shall consist of a legal property description and a summary description of the request, published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of variances affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty (350) feet of the property to which the variance relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice, or failure to provide mailed notice to individual property owners, or defects in the notice, shall not invalidate any such proceedings as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.
- E. **CONSIDERATION OF REQUEST BY BOARD OF ADJUSTMENT:** Unless an extension is granted, the Board of Adjustment shall make findings of fact and shall decide whether to approve, conditionally approve, or deny the request for variance within sixty (60) days from the date an application is received and deemed complete by the City.

A variance to this Ordinance shall not be granted unless approved by a majority of the members of the Board of Adjustment. A variance from any provision within this Ordinance shall not be granted unless the Board of Adjustment makes findings, based upon competent material and substantial evidence, that the request complies with the following factors that must be satisfied in constituting an undue hardship:

- a. The property cannot be put to a reasonable use if used under conditions allowed by this Ordinance;
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner; and
 - c. The variance, if granted, will not alter the essential character of locality.
- F. **CONDITIONS OF APPROVAL:** In authorizing a variance, the Board of Adjustment may, in addition to the specific conditions of approval called for in this Ordinance, attach such other conditions regarding the location, character, landscaping, or treatment reasonably necessary to further the intent and spirit of this Ordinance and the protection of the public interest.
- G. **CANCELLATION, TERMINATION, OR EXPIRATION:** Unless otherwise specified by the Board of Adjustment at the time it is authorized, a variance shall expire if the applicant fails to utilize such variance within one hundred eighty (180) days from the date of its issuance.
- H. **APPEALS:** To appeal a decision of the Board of Adjustment, a written notice of appeal must be filed with the City within forty-five (45) days of the decision of the Board of Adjustment. Appeals to the City Council and appeals from the City Council's decision shall be in accordance with the procedures for appeals from the Board of Adjustment set forth in this Ordinance.

Any person, taxpayer, department, board, or bureau of the City aggrieved by the decision of the City Council shall have the right to seek review within forty-five (45) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may be from time to time amended, supplemented, or replaced.

10-3-10: NONCONFORMING LOTS, STRUCTURES, AND USES:

- A. PURPOSE: It shall be deemed nonconforming when, within the zoning districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. This Ordinance permits these nonconformities to continue until they are removed, modified/alterd (other than repair, replacement, restoration, maintenance, or improvement activities), or otherwise discontinued. Such uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses not permitted in the zoning district in which it is located; consistent with Minnesota Statute. Furthermore, this Ordinance does not recognize and/or allow expansion of a nonconforming use by ordinance, pursuant to discretion authorized to municipalities within Minnesota Statute, section 462.357, subdivision 1e.

Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued to prior to the effective date of this Ordinance, provided, however, that the entire building shall be completed according to such plans as filed within one hundred eighty (180) days from the date of issuance of said permit.

- B. NONCONFORMING LOTS: Subdivided lots of record in existence prior to the date of this Ordinance, which do not meet the minimum width, area, and/or frontage requirements of this Ordinance, shall be considered legally nonconforming and developable lots, provided all other regulations of this Ordinance are satisfied and an approved public access is provided to the lot. If two or more nonconforming lots are contiguous and under single ownership at the time of the enactment of this Ordinance, then such lots shall be combined for the purposes of development in order to satisfy the requirements of this Ordinance.
- C. NONCONFORMING STRUCTURES: Where a lawful structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, elevation, or other characteristics of the structure, or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. General Provisions:
 - 1. No such structure may be enlarged, expanded, or otherwise altered in a way that increases its nonconformity, noninclusive of repair, replacement, restoration, maintenance, or improvement activities, as allowed under Minnesota Statutes, section 462.357, subdivision 1e.

2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its estimated market value at time of destruction, and no building permit has been applied for within one hundred eighty (180) days of when the property was damaged, the municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on the adjacent property or water body.
 3. Should such structure be moved for any reason, for any distance, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
 4. When a nonconforming use is discontinued or abandoned for twelve (12) months, the nonconforming use shall not be resumed, unless otherwise authorized under this Ordinance.
 5. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoration of a structure to a safe condition. Any structure or component thereof declared unsafe by any official charged with protecting the public's safety, shall be addressed by the owner in a timely manner.
- D. **NONCONFORMING USES OF LAND:** Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- a. **General Provisions:**
 1. No such nonconforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel.
 3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located.

10-3-11: APPEALS:

- A. **APPLICABILITY:** An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. Opinions and evaluations, as it pertains to the impact or result of a request, are not subject to the appeal procedure.
- B. **PROCEEDINGS:** The Board of Adjustment may adopt rules necessary to the conduct and processing of appeals, while maintaining consistency with the provisions of this Ordinance. Meetings shall be scheduled as determined necessary by the Zoning Administrator or Chairperson and shall be duly coordinated with the Board of Adjustment's agendas, as applicable.

- C. **FILING AN APPEAL:** Appeals forwarded to the Board of Adjustment concerning interpretation or administration of this Ordinance must be filed with the City by the property owner or their agent within forty-five (45) days of the rendered decision.

Any appeal filed shall be comprehensive and include all matters subject to question. Such appeals must be filed with the Zoning Administrator and shall specifically identify the framework of the appeal, including Ordinance citations, as applicable. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Subsequent appeals filed by the same person which are intended to cause unjustifiable delay shall not be accepted by the City.

- D. **SPECIFIC RESPONSIBILITIES:** It is the intent of this Ordinance that all questions or interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be forwarded to the City Council and, if necessary, to the courts, as provided by law and particularly by Minnesota Statutes, Chapter 462.

10-3-12: ESTABLISHMENT OF FEES, CHARGES, AND EXPENSES:

The City Council shall establish, by resolution, a schedule of fees, charges, and expenses, and a collection procedure for applications for building permits, conditional use permits, interim use permits, amendments, variances, appeals, and other matters pertaining to the Zoning Ordinance. The schedule of fees shall be available at the office of the Zoning Administrator. In addition, the applicant shall be responsible for any fees associated with the recording of any permits with the County. It shall be the responsibility of the Zoning Administrator to record any permit with the County.

10-3-13: PENALTIES, VIOLATIONS, AND ENFORCEMENT:

Any person who violates this Ordinance or fails to comply with any of its requirements after written notice by the Zoning Administrator, allowing reasonable time to comply, shall be subject in accordance with the provisions of Minnesota Statutes, sections 412.231 and 609.034 to a fine not to exceed one thousand dollars (\$1,000.00) or ninety (90) days in jail, or both. Each act of violation and every day upon which a violation continues or occurs constitutes a separate offense and may be prosecuted as such. Said penalty provisions shall be automatically amended, supplemented, or replaced by any amendment, supplement, or replacement to the penalty provisions of Minnesota Statutes, sections 412.231 and 609.034.

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided of the provisions of this Ordinance.

Nothing herein contained shall prevent the City from taking such other lawful action, as is necessary, to prevent or remedy any violation or penalize the violator.

CHAPTER 4: ZONING DISTRICTS:

10-4-1: ZONING DISTRICTS:

For the purpose of this Ordinance, the City of Frazee is hereby divided into eight (8) zoning districts as shown on the Official Zoning Map and as provided hereinafter. This section and subsequent sections set forth information pertaining to the zoning districts, including statements of purpose, permitted uses, accessory uses, conditional uses, interim uses, and dimensional standards. Land use regulations, building regulations, and development standards set forth within this Ordinance shall be enforced uniformly within each district.

10-4-2: USES NOT PROVIDED WITHIN ZONING DISTRICTS:

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate. The City Council, Planning Commission, or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this title to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

10-4-3: OFFICIAL ZONING MAP:

The Official Zoning Map, which together with all related and supporting information, is hereby adopted by reference and declared to be part of this Zoning Ordinance. The Official Zoning Map shall be posted and made available for examination at City Hall. The Official Zoning Map shall be the final authority as to the current zoning status of land, buildings, and other structures located in the City.

It shall be the responsibility of the Zoning Administrator to maintain and update the Official Zoning Map and to record each amendment thereto within thirty (30) days after the official publication of an ordinance approving an amendment. No unauthorized changes shall be made to the Official Zoning Map or information shown thereon, except in conformity with the procedures set forth in this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk/Administrator, and bearing the following words: "This is the Official Zoning Map of the City of Frazee, Minnesota", together with the date of adoption.

10-4-4: TRANSITION ZONE (TZ) DISTRICT:

- A. **PURPOSE:** The Transition Zone (TZ) District is established primarily for those annexed, unplatted areas within the City that have not been zoned for development, or are undergoing a transition from, in most cases, agricultural to urban uses. The transition is contingent upon development plans, proper timing, availability of public utilities and services, and compatibility with the City's Comprehensive Plan and Future Land Use Map. As these conditions for development are met, a more conventional urban zoning district will replace the Transition Zone (TZ) District.

- B. PERMITTED USES: The following are permitted uses in the Transition Zone (TZ) District:
 - a. Residential Uses:
 - 1. Single-family detached dwellings.
 - b. Non-Residential Uses:
 - 1. Farming (e.g., crop, tree, and hobby farms) and agricultural-related uses, but not including livestock operations;
 - 2. Essential services and related structures; and
 - 3. Nurseries, greenhouses, and landscape material operations, including retail and wholesale operations.
 - c. Public, Institutional, and Civic Uses:
 - 1. Open spaces, athletic fields, parks, playgrounds, and public gardens.
- C. ACCESSORY USES: The following are permitted accessory structures and uses in the Transition Zone (TZ) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:
 - a. Accessory Uses:
 - 1. Private garages, parking spaces, and carports;
 - 2. Home occupations;
 - 3. Non-commercial gardens, greenhouses, and conservatories;
 - 4. Private kennels;
 - 5. Private recreational facilities, such as swimming pools;
 - 6. Storage of recreational vehicles and related equipment, as further regulated by the City Code; and
 - 7. Tool sheds, structures, and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- D. CONDITIONAL USES: The following are conditional uses in the Transition Zone (TZ) District:
 - a. Conditional Uses:
 - 1. Bed and breakfast establishments;

2. Cemeteries;
 3. Kennels, animal hospitals (with overnight care), and similar uses/facilities;
 4. Non-farm related open or outdoor sales, services, and rental as a principal or accessory use;
 5. Public recreational areas/facilities, including golf courses, country clubs, swimming pools, ice arenas/rinks, driving ranges, and other similar areas/facilities; and
 6. Other uses, as specified in Chapter 5 of this Ordinance.
- E. INTERIM USES: The following are interim uses in the Transition Zone (TZ) District:
- a. Interim Uses:
 1. Use of transportable shipping and storage containers; and
 2. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.
- F. LOT AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in the Transition Zone (TZ) District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.
- a. Lot Requirements:
 1. Lot Area: Two (2) acres.
 2. Lot Width: One hundred fifty (150) feet.
 3. Lot Depth: Three hundred (300) feet.
 - b. Setback Requirements:
 1. Front Yard:
 - i. Principal Structures: Twenty (20) feet.
 2. Side Yard:
 - i. Principal Structures: Eight (8) feet, except on corner lots, which shall not be less than twelve (12) feet on the side abutting the street.

- ii. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.
 - 3. Rear Yard:
 - i. Principal Structures: Twenty-five (25) feet.
 - ii. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.
- G. MAXIMUM BUILDING HEIGHT:
- a. Building Height:
 - 1. Principal Structures: Thirty-five (35) feet.
 - 2. Accessory Structures: One (1) story, not exceeding twelve (12) feet in sidewall height, as measured from the bottom of the sill plate to the top of the sill plate, and a maximum total height of twenty (20) feet.
 - 3. Farm Buildings: None.
- H. MAXIMUM LOT COVERAGE: The total sum of all impervious surfaces shall not exceed ten (10) percent of the lot area.
- I. MINIMUM STRUCTURAL REQUIREMENTS: The following shall be the minimum structural requirements for all dwellings in the Transition Zone (TZ) District:
- a. Minimum Width, Length, and Area: The minimum width shall be twenty-four (24) feet over at least seventy-five (75) percent of the length. The minimum length shall be thirty (30) feet. The minimum total square footage shall be seven hundred (700) square feet. The foregoing dimensions shall not take into account overhangs or other projections.
 - b. Foundations: All dwellings shall be placed on a permanent perimeter foundation of concrete, masonry, or treated wood construction, and shall include frost footings in compliance with the Minnesota State Building Code.
 - c. Manufactured Homes: Manufactured homes, as defined in this Ordinance, may be located in the Transition Zone (TZ) District provided that they comply with all other provisions of this section, as amended, and provided further, that they are constructed in accordance with Minnesota Statutes, section 327.31 to 327.35, as they may be amended from time to time. All manufactured homes located within the City must be secured by an approved anchoring system, as defined by the manufactured home building code. Mobile homes, as defined in this Ordinance, shall be prohibited within the City. Existing mobile homes may remain as a nonconforming use.

- J. **MINIMUM EXTERIOR REQUIREMENTS:** The exterior wall surfaces of all structures in the Transition Zone (TZ) District, excluding accessory structures of two hundred (200) square feet or less, shall be of the following materials or combination of materials: wood, log, brick, stone, stucco, glass, maintenance free vinyl or steel, concrete panels, decorative block, or other material, as approved by the Planning Commission. The use of the following exterior wall materials are prohibited for all structures in the Transition Zone (TZ) District: plain concrete block (whether painted or unpainted), canvas, and plastic or vinyl sheeting.
- K. **ZONING UPON ANNEXATION:** All territory which may hereafter be annexed to the City shall be considered to be zoned Transition Zone (TZ) until such time as the zoning designation is changed by action of the City Council.

10-4-5: SINGLE AND TWO-FAMILY RESIDENTIAL (R-1) DISTRICT:

- A. **PURPOSE:** The Single and Two-Family Residential (R-1) District is established to encourage the preservation of residential neighborhoods characterized primarily by single and two-family dwellings of lower density and to preserve undeveloped lands for similar types of residential development.
- B. **PERMITTED USES:** The following are permitted uses in the Single and Two-Family Residential (R-1) District:
 - a. **Residential Uses:**
 - 1. Single-family detached dwellings;
 - 2. Two-family dwellings; and
 - 3. Twin homes.
 - b. **Non-Residential Uses:**
 - 1. Essential services and related structures.
 - c. **Public, Institutional, and Civic Uses:**
 - 1. Libraries;
 - 2. Open spaces, athletic fields, parks, playgrounds, and public gardens; and
 - 3. Public swimming pools.
- C. **ACCESSORY USES:** The following are permitted accessory structures and uses in the Single and Two-Family Residential (R-1) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:

a. Accessory Uses:

1. Private garages, parking spaces, and carports;
2. Home occupations;
3. Non-commercial gardens, greenhouses, and conservatories;
4. Private kennels;
5. Private recreational facilities, such as swimming pools;
6. Storage of recreational vehicles and related equipment, as further regulated by the City Code; and
7. Tool sheds, structures, and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

D. CONDITIONAL USES: The following are conditional uses in the Single and Two-Family Residential (R-1) District:

a. Conditional Uses:

1. Bed and breakfast establishments;
2. Cemeteries;
3. Churches and places of worship;
4. Day care facilities (principal use), when not operated as a home occupation;
5. Government buildings;
6. Manufactured home parks, as regulated by this Ordinance;
7. Planned Unit Developments, as regulated by this Ordinance;
8. Primary and secondary schools;
9. Public assembly structures and facilities; and
10. Other uses, as specified in Chapter 5 of this Ordinance.

E. INTERIM USES: The following are interim uses in the Single and Two-Family Residential (R-1) District:

a. Interim Uses:

1. Use of transportable shipping and storage containers;
2. Subordinate classroom structures; and
3. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.

F. LOT AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in the Single and Two-Family Residential (R-1) District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.

a. Lot Requirements:

1. Lot Area:

- i. Single-Family Detached Dwellings: Five thousand (5,000) square feet.
- ii. Two-Family Dwellings: Seven thousand (7,000) square feet.
- iii. Twin Homes: Three thousand five hundred (3,500) square feet per dwelling unit.
- iv. Other Principal Structures: Five thousand (5,000) square feet.

2. Lot Width:

- i. Single-Family Detached Dwellings: Fifty (50) feet.
- ii. Two-Family Dwellings: Seventy (70) feet.
- iii. Twin Homes: Thirty-five (35) feet per dwelling unit.
- iv. Other Principal Structures: Fifty (50) feet.

3. Lot Depth: One hundred (100) feet.

b. Setback Requirements:

1. Front Yard:

- i. Principal Structures: Twenty (20) feet.

2. Side Yard:

- i. Principal Structures: Eight (8) feet, except on corner lots, which shall not be less than twelve (12) feet on the side abutting the street.
- ii. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.

3. Rear Yard:

- i. Principal Structures: Twenty-five (25) feet.
- ii. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.

G. MAXIMUM BUILDING HEIGHT:

a. Building Height:

- 1. Principal Structures: Thirty-five (35) feet.
- 2. Accessory Structures: One (1) story, not exceeding twelve (12) feet in sidewall height, as measured from the bottom of the sill plate to the top of the sill plate, and a maximum total height of twenty (20) feet.

H. MAXIMUM LOT COVERAGE: The total sum of all impervious surfaces shall not exceed thirty (30) percent of the lot area.

I. MINIMUM STRUCTURAL REQUIREMENTS: The following shall be the minimum structural requirements for all dwellings in the Single and Two-Family Residential (R-1) District:

- a. Minimum Width, Length, and Area: The minimum width shall be twenty-four (24) feet over at least seventy-five (75) percent of the length. The minimum length shall be thirty (30) feet. The minimum total square footage shall be seven hundred (700) square feet. The foregoing dimensions shall not take into account overhangs or other projections.
- b. Foundations: All dwellings shall be placed on a permanent perimeter foundation of concrete, masonry, or treated wood construction, and shall include frost footings in compliance with the Minnesota State Building Code.
- c. Manufactured Homes: Manufactured homes, as defined in this Ordinance, may be located in the Single and Two-Family Residential (R-1) District provided that they comply with all other provisions of this section, as amended, and provided further, that they are constructed in accordance with Minnesota Statutes, section 327.31 to 327.35, as they may be amended from time to time. All manufactured homes located within the City must be secured by an approved

anchoring system, as defined by the manufactured home building code. Mobile homes, as defined in this Ordinance, shall be prohibited within the City. Existing mobile homes may remain as a nonconforming use.

- J. **MINIMUM EXTERIOR REQUIREMENTS:** The exterior wall surfaces of all structures in the Single and Two-Family Residential (R-1) District, excluding accessory structures of two hundred (200) square feet or less, shall be of the following materials or combination of materials: wood, log, brick, stone, stucco, glass, maintenance free vinyl or steel, concrete panels, decorative block, or other material, as approved by the Planning Commission. The use of the following exterior wall materials are prohibited for all structures in the Single and Two-Family Residential (R-1) District: plain concrete block (whether painted or unpainted), canvas, and plastic or vinyl sheeting.

10-4-6: LIMITED MULTIPLE-FAMILY RESIDENTIAL (R-2) DISTRICT:

- A. **PURPOSE:** The Limited Multiple-Family Residential (R-2) District is established to provide for an area where there will be a compatible variety of residential densities/dwelling units by allowing single and two-family dwellings, twin homes, townhomes, and small multiple-family dwellings in the same zoning district.
- B. **PERMITTED USES:** The following are permitted uses in the Limited Multiple-Family Residential (R-2) District:
 - a. **Residential Uses:**
 - 1. Single-family detached dwellings;
 - 2. Two-family dwellings;
 - 3. Twin homes; and
 - 4. Townhomes and multiple-family dwellings with up to four (4) dwelling units per lot.
 - b. **Non-Residential Uses:**
 - 1. Essential services and related structures.
 - c. **Public, Institutional, and Civic Uses:**
 - 1. Libraries;
 - 2. Open spaces, athletic fields, parks, playgrounds, and public gardens; and
 - 3. Public swimming pools.
- C. **ACCESSORY USES:** The following are permitted accessory structures and uses in the Limited Multiple-Family Residential (R-2) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:

a. Accessory Uses:

1. Private garages, parking spaces, and carports;
2. Home occupations;
3. Non-commercial gardens, greenhouses, and conservatories;
4. Private kennels;
5. Private recreational facilities, such as swimming pools;
6. Storage of recreational vehicles and related equipment, as further regulated by the City Code; and
7. Tool sheds, structures, and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

D. CONDITIONAL USES: The following are conditional uses in the Limited Multiple-Family Residential (R-2) District:

a. Conditional Uses:

1. Bed and breakfast establishments;
2. Churches and places of worship;
3. Day care facilities (principal use), when not operated as a home occupation;
4. Government buildings;
5. Manufactured home parks, as regulated by this Ordinance;
6. Planned Unit Developments, as regulated by this Ordinance;
7. Primary and secondary schools;
8. Public assembly structures and facilities;
9. Townhomes and multiple-family dwellings with between five (5) and eight (8) dwelling units per lot; and
10. Other uses, as specified in Chapter 5 of this Ordinance.

E. INTERIM USES: The following are interim uses in the Limited Multiple-Family Residential (R-2) District:

a. Interim Uses:

1. Use of transportable shipping and storage containers;
2. Subordinate classroom structures; and
3. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.

F. LOT AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in the Limited Multiple-Family Residential (R-2) District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.

a. Lot Requirements:

1. Lot Area:

- i. Single-Family Detached Dwellings: Five thousand (5,000) square feet.
- ii. Two-Family Dwellings: Six thousand (6,000) square feet.
- iii. Twin Homes and Townhomes: Three thousand (3,000) square feet per dwelling unit.
- iv. Multiple-Family Dwellings: Five thousand (5,000) square feet for the first dwelling unit; two thousand (2,000) square feet for each additional dwelling unit.
- v. Other Principal Structures: Five thousand (5,000) square feet.

2. Lot Width:

- i. Single-Family Detached Dwellings: Fifty (50) feet.
- ii. Two-Family Dwellings and Multiple-Family Dwellings: Sixty (60) feet.
- iii. Twin Homes and Townhomes: Thirty (30) feet per dwelling unit.
- iv. Other Principal Structures: Fifty (50) feet.

3. Lot Depth: One hundred (100) feet.

b. Setback Requirements:

1. Front Yard:

- i. Principal Structures: Twenty (20) feet.

2. Side Yard:

- i. Single-Family Detached Dwellings, Two-Family Dwellings, Twin Homes, and Townhomes: Eight (8) feet, except on corner lots, which shall not be less than twelve (12) feet on the side abutting the street. No setback is required for internal party walls.
- ii. Multiple-Family Dwellings: Twelve (12) percent of the lot, with a minimum of twelve (12) feet.
- iii. Other Principal Structures: Eight (8) feet, except on corner lots, which shall not be less than twelve (12) feet on the side abutting the street.
- iv. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.

3. Rear Yard:

- i. Principal Structures: Twenty-five (25) feet;
- ii. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.

G. MAXIMUM BUILDING HEIGHT:

a. Building Height:

- 1. Principal Structures: Thirty-five (35) feet.
- 2. Accessory Structures: One (1) story, not exceeding twelve (12) feet in sidewall height, as measured from the bottom of the sill plate to the top of the sill plate, and a maximum total height of twenty (20) feet.

H. MAXIMUM LOT COVERAGE: The total sum of all impervious surfaces shall not exceed thirty five (35) percent of the lot area.

I. MINIMUM STRUCTURAL REQUIREMENTS: The following shall be the minimum structural requirements for all dwellings in the Limited Multiple-Family Residential (R-2) District:

- a. Minimum Width, Length, and Area: The minimum width shall be twenty-four (24) feet over at least seventy-five (75) percent of the length. The minimum length shall be thirty (30) feet. The minimum total square footage shall be seven hundred (700) square feet. The foregoing dimensions shall not take into account overhangs or other projections.
 - b. Foundations: All dwellings shall be placed on a permanent perimeter foundation of concrete, masonry, or treated wood construction, and shall include frost footings in compliance with the Minnesota State Building Code.
 - c. Manufactured Homes: Manufactured homes, as defined in this Ordinance, may be located in the Limited Multiple-Family Residential (R-2) District provided that they comply with all other provisions of this section, as amended, and provided further, that they are constructed in accordance with Minnesota Statutes, section 327.31 to 327.35, as they may be amended from time to time. All manufactured homes located within the City must be secured by an approved anchoring system, as defined by the manufactured home building code. Mobile homes, as defined in this Ordinance, shall be prohibited within the City. Existing mobile homes may remain as a nonconforming use.
- J. MINIMUM EXTERIOR REQUIREMENTS: The exterior wall surfaces of all structures in the Limited Multiple-Family Residential (R-2) District, excluding accessory structures of two hundred (200) square feet or less, shall be of the following materials or combination of materials: wood, log, brick, stone, stucco, glass, maintenance free vinyl or steel, concrete panels, decorative block, or other material, as approved by the Planning Commission. The use of the following exterior wall materials are prohibited for all structures in the Limited Multiple-Family Residential (R-2) District: plain concrete block (whether painted or unpainted), canvas, and plastic or vinyl sheeting.

10-4-7: MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT:

- A. PURPOSE: The Multiple-Family Residential (R-3) District is established to encourage the development and maintenance of high density residential neighborhoods characterized by appropriate levels of services and choice of tenancy. Non-residential uses permitted in this zoning district shall be limited to those uses and buildings that will provide for the stability and dignity of the area as a residential neighborhood.
- B. PERMITTED USES: The following are permitted uses in the Multiple-Family Residential (R-3) District:
 - a. Residential Uses:
 - 1. Single-family detached dwellings;
 - 2. Two-family dwellings;
 - 3. Twin homes;
 - 4. Townhomes and multiple-family dwellings with up to twelve (12) dwelling units per lot; and
 - 5. Retirement, nursing, and assisted living facilities, or similar uses.

- b. Non-Residential Uses:
 - 1. Essential services and related structures.
- c. Public, Institutional, and Civic Uses:
 - 1. Libraries;
 - 2. Open spaces, athletic fields, parks, playgrounds, and public gardens; and
 - 3. Public swimming pools.
- C. ACCESSORY USES: The following are permitted accessory structures and uses in the Multiple-Family Residential (R-3) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:
 - a. Accessory Uses:
 - 1. Private garages, parking spaces, and carports;
 - 2. Home occupations;
 - 3. Non-commercial gardens, greenhouses, and conservatories;
 - 4. Private kennels;
 - 5. Private recreational facilities, such as swimming pools;
 - 6. Storage of recreational vehicles and related equipment, as further regulated by the City Code; and
 - 7. Tool sheds, structures, and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- D. CONDITIONAL USES: The following are conditional uses in the Multiple-Family Residential (R-3) District:
 - a. Conditional Uses:
 - 1. Bed and breakfast establishments;
 - 2. Churches and places of worship;
 - 3. Day care facilities (principal use), when not operated as a home occupation;
 - 4. Government buildings;

5. Manufactured home parks, as regulated by this Ordinance;
 6. Townhomes and multiple-family dwellings with more than twelve (12) dwelling units per lot;
 7. Planned Unit Developments, as regulated by this Ordinance;
 8. Primary and secondary schools;
 9. Public assembly structures and facilities; and
 10. Other uses, as specified in Chapter 5 of this Ordinance.
- E. INTERIM USES: The following are interim uses in the Multiple-Family Residential (R-3) District:
- a. Interim Uses:
 1. Use of transportable shipping and storage containers;
 2. Subordinate classroom structures; and
 3. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.
- F. LOT AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in the Multiple-Family Residential (R-3) District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.
- a. Lot Requirements:
 1. Lot Area:
 - i. Single-Family Detached Dwellings: Five thousand (5,000) square feet.
 - ii. Two-Family Dwellings: Six thousand (6,000) square feet.
 - iii. Twin Homes and Townhomes: Three thousand (3,000) square feet per dwelling unit.
 - iv. Multiple-Family Dwellings: Five thousand (5,000) square feet for the first dwelling unit; two thousand (2,000) square feet for each additional dwelling unit.
 - v. Other Principal Structures: Five thousand (5,000) square feet.

2. Lot Width:

- i. Single-Family Detached Dwellings: Fifty (50) feet.
- ii. Two-Family Dwellings and Multiple-Family Dwellings: Sixty (60) feet.
- iii. Twin Homes and Townhomes: Thirty (30) feet per dwelling unit.
- iv. Other Principal Structures: Fifty (50) feet.

3. Lot Depth: One hundred (100) feet.

b. Setback Requirements:

1. Front Yard:

- i. Principal Structures: Twenty (20) feet.

2. Side Yard:

- i. Single-Family Detached Dwellings, Two-Family Dwellings, Twin Homes, and Townhomes: Five (5) feet, except on corner lots, which shall not be less than twelve (12) feet on the side abutting the street. No setback is required for internal party walls.
- ii. Multiple-Family Dwellings: Twelve (12) percent of the lot, with a minimum of twelve (12) feet.
- iii. Other Principal Structures: Five (5) feet, except on corner lots, which shall not be less than twelve (12) feet on the side abutting the street.
- iv. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.

3. Rear Yard:

- i. Principal Structures: Twenty-five (25) feet.
- ii. Accessory Structures: Five (5) feet minimum, unless a garage entrance faces into a street, in which case the setback will be eighteen (18) feet to accommodate a vehicle from encroaching into public right-of-way.

G. MAXIMUM BUILDING HEIGHT:

a. Building Height:

- 1. Principal Structures: Thirty-five (35) feet;

2. Accessory Structures: One (1) story, not exceeding twelve (12) feet in sidewall height, as measured from the bottom of the sill plate to the top of the sill plate, and a maximum total height of twenty (20) feet.
- H. **MAXIMUM LOT COVERAGE:** The total sum of all impervious surfaces shall not exceed forty (40) percent of the lot area.
- I. **MINIMUM STRUCTURAL REQUIREMENTS:** The following shall be the minimum structural requirements for all dwellings in the Multiple-Family Residential (R-3) District:
- a. **Minimum Width, Length, and Area:** The minimum width shall be twenty-four (24) feet over at least seventy-five (75) percent of the length. The minimum length shall be thirty (30) feet. The minimum total square footage shall be seven hundred (700) square feet. The foregoing dimensions shall not take into account overhangs or other projections.
 - b. **Foundations:** All dwellings shall be placed on a permanent perimeter foundation of concrete, masonry, or treated wood construction, and shall include frost footings in compliance with the Minnesota State Building Code.
 - c. **Manufactured Homes:** Manufactured homes, as defined in this Ordinance, may be located in the Multiple-Family Residential (R-3) District provided that they comply with all other provisions of this section, as amended, and provided further, that they are constructed in accordance with Minnesota Statutes, section 327.31 to 327.35, as they may be amended from time to time. All manufactured homes located within the City must be secured by an approved anchoring system, as defined by the manufactured home building code. Mobile homes, as defined in this Ordinance, shall be prohibited within the City. Existing mobile homes may remain as a nonconforming use.
- J. **MINIMUM EXTERIOR REQUIREMENTS:** The exterior wall surfaces of all structures in the Multiple-Family Residential (R-3) District, excluding accessory structures of two hundred (200) square feet or less, shall be of the following materials or combination of materials: wood, log, brick, stone, stucco, glass, maintenance free vinyl or steel, concrete panels, decorative block, or other material, as approved by the Planning Commission. The use of the following exterior wall materials are prohibited for all structures in the Multiple-Family Residential (R-3) District: plain concrete block (whether painted or unpainted), canvas, and plastic or vinyl sheeting.

10-4-8: DOWNTOWN COMMERCIAL (C-1) DISTRICT:

- A. **PURPOSE:** The Downtown Commercial (C-1) District is established to provide a core area of civic and high-quality commercial uses. The intent of this zoning district is to support commercial uses that provide economic activity within the incorporated limits of the City and to provide adequate and safe access to transportation infrastructure.
- B. **PERMITTED USES:** The following are permitted uses in the Downtown Commercial (C-1) District:
- a. Residential Uses:
 1. Apartments, only when located above the ground floor.

b. Non-Residential Uses:

1. Agricultural-related Uses:

- i. Farm supply stores.

2. Animal-related Services:

- i. Pet stores (no overnight care, no outside pens); and
- ii. Veterinary clinics, hospitals, and shelters (no overnight care, no outside pens).

3. Auto-related Uses:

- i. Auto and truck body repair shops;
- ii. Auto detailing shops;
- iii. Automotive service stations (gasoline/repair/service facilities);
- iv. Car washes; and
- v. Parking surfaces (principal use).

4. Entertainment and Recreational Activities:

- i. Bars, taverns, and nightclubs;
- ii. Billiard (pool) halls;
- iii. Bowling alleys;
- iv. Clubs/lodges;
- v. Community centers/recreation centers;
- vi. Galleries;
- vii. Performing art/dance studios;
- viii. Physical fitness centers/spas; and
- ix. Theaters.

5. Personal Services:

- i. Banks;

- ii. Barbers/beauty shops/salons;
 - iii. Chiropractic clinics;
 - iv. Drug/pharmaceuticals services;
 - v. Dry cleaning services;
 - vi. Health clubs;
 - vii. Mortuaries/funeral homes;
 - viii. Laundromats;
 - ix. Massage parlors;
 - x. Sewing/tailor services;
 - xi. Shoe repair/sales; and
 - xii. Tanning salons.
6. Professional Services and Commercial Offices:
- i. Accounting services;
 - ii. Architecture/design services;
 - iii. Contracting services;
 - iv. Dental/hygienic services;
 - v. Electrical/heating/air conditioning/masonry/refrigeration/roofing services;
 - vi. Engineering services;
 - vii. Gunsmiths;
 - viii. Locksmiths;
 - ix. Medical clinics/laboratories;
 - x. Plumbing/heating/electrical shops/sales
 - xi. Real estate services
 - xii. Travel agencies; and

- xiii. Upholstery shops.
7. General Retail:
- i. Antique/boutique stores;
 - ii. Appliance sales;
 - iii. Apparel/clothing stores;
 - iv. Art and photography galleries, studios, and sales;
 - v. Bicycle sales and repair;
 - vi. Bookstores;
 - vii. Business machine and office supply stores;
 - viii. Café/coffeehouses;
 - ix. Candy, ice cream, and confectionary stores;
 - x. Caterer and retail bakeries;
 - xi. Department/discount stores;
 - xii. Florists;
 - xiii. Furniture, carpeting, and home furnishing stores;
 - xiv. Gift store/novelty stores;
 - xv. Hardware stores;
 - xvi. Health food/products stores;
 - xvii. Hobby stores;
 - xviii. Hunting goods/firearms (with other merchandise sales) stores;
 - xix. Medical appliance sales and fittings;
 - xx. Music/record stores (including instruments);
 - xxi. Nursery/landscape/garden centers;
 - xxii. Painting and decorating stores;

- xxiii. Pawn shops;
 - xxiv. Photo studio and camera equipment sales;
 - xxv. Sporting goods stores;
 - xxvi. Tattoo shops;
 - xxvii. Toy/game stores;
 - xxviii. Variety stores; and
 - xxix. Video/game rentals and sales.
8. Food and Beverage Services:
- i. Bars/liquor sales;
 - ii. Bakeries (goods/retail);
 - iii. Dairy product retail stores;
 - iv. Delicatessen/prepared food sales;
 - v. Grocery/supermarket/fruit and vegetable stores; and
 - vi. Restaurants.
9. Lodging Facilities:
- i. Hotels and motels.
10. Production and Light Assembly:
- i. Assembly/processing of non-offensive materials (appliances, electrical equipment; dental, scientific, or other similar uses);
 - ii. Building material sales;
 - iii. Carpentry/cabinets;
 - iv. Furniture sales/assembly/refinishing; and
 - v. Lumber yards.
11. Other
- i. Essential services and related structures.

- c. Public, Institutional, and Civic Uses:
 - 1. Government buildings;
 - 2. Libraries;
 - 3. Parks and other public open green spaces;
 - 4. Public assembly structures and facilities; and
 - 5. Public recreational facilities, such as swimming pools and tennis courts.

- C. ACCESSORY USES: The following are permitted accessory structures and uses in the Downtown Commercial (C-1) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:
 - a. Accessory Uses:
 - 1. Commercial uses within a building/structure that are accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space utilized by the principal use;
 - 2. Off-street parking;
 - 3. Off-street loading facilities;
 - 4. Outdoor storage, sales, rental, and services; and
 - 5. Stockpiling of black dirt, landscaping rock, and other similar materials accessory to nurseries, landscape centers, and garden centers.

- D. CONDITIONAL USES: The following are conditional uses in the Downtown Commercial (C-1) District:
 - a. Conditional Uses:
 - 1. Churches and places of worship;
 - 2. Agricultural implement dealers/services;
 - 3. Boat, motorcycle, and other recreational vehicle sales and service, not including wrecking or dismantling;
 - 4. Vehicle sales and rentals; and
 - 5. Other uses, as specified in Chapter 5 of this Ordinance.

- E. INTERIM USES: The following are interim uses in the Downtown Commercial (C-1) District:
 - a. Interim Uses:
 - 1. Use of transportable shipping and storage containers; and
 - 2. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.

- F. LOT AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in the Downtown Commercial (C-1) District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.
 - a. Lot Requirements:
 - 1. Lot Area: Three thousand (3,000) square feet.
 - 2. Lot Frontage: Twenty-five (25) feet.
 - b. Setback Requirements:
 - 1. Front Yard: None or as required per building codes.
 - 2. Side Yard: None or as required per building codes.
 - 3. Rear Yard: None or as required per building codes.
 - 4. Transitional Yard. A transitional yard shall be provided anywhere a lot zoned Downtown Commercial (C-1) District abuts a residential zoning district. The yard shall conform to the following requirements:
 - i. The dimensions of the required transitional yard on the property located in the Downtown Commercial (C-1) District shall be equal to the dimensions of the required yard on the residentially zoned property which is located in closest proximity;
 - ii. The transitional yard shall extend the entire length of the abutting residential zoning district boundary; and
 - iii. The transitional yard shall be a minimum of ten (10) feet in depth.

- G. MAXIMUM BUILDING HEIGHT:
 - a. Building Height:
 - 1. Principal Structures: Fifty (50) feet or three (3) stories.

2. Accessory Structures: One (1) story, not exceeding twelve (12) feet in sidewall height, as measured from the bottom of the sill plate to the top of the sill plate, and a maximum total height of twenty (20) feet.

H. MAXIMUM LOT COVERAGE: No restriction.

I. BUILDING DESIGN AND CONSTRUCTION: All buildings within the Downtown Commercial (C-1) District shall meet the following design and construction standards.

a. Exterior Wall Finish:

1. All exterior wall finishes that are exposed to front or side streets on any building shall be of the following materials or combination of materials:
 - i. Face brick;
 - ii. Natural or cultured stone, stucco, and glass panels;
 - iii. Precast concrete panels or units, if the surfaces have been integrally treated with an applied decorative material or texture;
 - iv. Wood, if the surfaces are finished for exterior use or the wood is of proven exterior durability, such as cedar or redwood;
 - v. Metal panels with interlocking, concealed, or tongue-and-groove seams and approved fasteners, if the exterior surface finish is warranted by the manufacturer for at least twenty (20) years against blistering, peeling, cracking, flaking, checking, or chipping; and
 - vi. Other materials, as approved by the Planning Commission.

b. Additions and Accessory Structures:

1. All subsequent additions to a principal structure and all accessory structures shall be constructed of the same material as the principal structure and shall be of the same architectural design and general appearance as the principal structure.

10-4-9: SERVICE COMMERCIAL (C-2) DISTRICT:

A. PURPOSE: The Service Commercial (C-2) District is established to provide suitable areas for a broad range of retail and service businesses which are adjacent to residential areas and maintain traditional aesthetic characteristics.

B. PERMITTED USES: The following are permitted uses in the Service Commercial (C-2) District:

a. Non-Residential Uses:

1. Animal-related Services:

- i. Pet stores (no overnight care, no outside pens); and
 - ii. Veterinary clinics and hospitals (no overnight care, no outside pens).
2. Entertainment and Recreational Activities:
- i. Galleries;
 - ii. Physical fitness centers/spas;
 - iii. Performing art/dance studios; and
 - iv. Theaters.
3. Personal Services:
- i. Barber/beauty shops/salons;
 - ii. Chiropractic clinics;
 - iii. Drug/pharmaceuticals services;
 - iv. Dry cleaning services;
 - v. Health clubs;
 - vi. Mortuaries/funeral homes;
 - vii. Laundromats;
 - viii. Sewing/tailor services; and
 - ix. Shoe repair/sales.
4. Professional Services and Commercial Offices:
- i. Accounting services;
 - ii. Architecture/design services;
 - iii. Contracting services;
 - iv. Dental/hygienic services;
 - v. Electrical/heating/air conditioning/masonry/refrigeration/roofing services;
 - vi. Engineering services;

- vii. Gunsmiths;
 - viii. Locksmiths;
 - ix. Medical clinics/laboratories;
 - x. Plumbing/heating/electrical shops/sales;
 - xi. Real estate services;
 - xii. Travel agencies; and
 - xiii. Upholstery shops.
5. General Retail:
- i. Antique/boutique stores;
 - ii. Apparel/clothing stores;
 - iii. Art, photography, and similar fine art schools, studios, and galleries;
 - iv. Art supply stores;
 - v. Bicycle sales and repair;
 - vi. Bookstores;
 - vii. Business machine and office supply stores;
 - viii. Café/coffeehouses;
 - ix. Candy, ice cream, and confectionary stores;
 - x. Caterer and retail bakeries;
 - xi. Department/discount stores;
 - xii. Florists;
 - xiii. Furniture, carpeting, and home furnishing stores;
 - xiv. Gift store/novelty stores;
 - xv. Hardware stores;
 - xvi. Health food/products stores;

- xvii. Hobby stores;
 - xviii. Hunting goods/firearms (with other merchandise sales) stores;
 - xix. Medical appliance sales and fittings;
 - xx. Music/record stores (including instruments);
 - xxi. Nursery/landscape/garden centers;
 - xxii. Painting and decorating stores;
 - xxiii. Photo studio and camera equipment sales;
 - xxiv. Sporting goods stores;
 - xxv. Toy/game stores;
 - xxvi. Variety stores; and
 - xxvii. Video/game rentals and sales.
6. Food and Beverage Services:
- i. Delicatessen/prepared food sales; and
 - ii. Fruit and vegetable stores.
7. Other
- i. Essential services and related structures.
- b. Public, Institutional, and Civic Uses:
- 1. Libraries;
 - 2. Parks and other public open green spaces; and
 - 3. Public recreational facilities, such as swimming pools and tennis courts.
- C. ACCESSORY USES: The following are permitted accessory structures and uses in the Service Commercial (C-2) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:

a. Accessory Uses:

1. Commercial uses within a building/structure that are accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space utilized by the principal use;
2. Off-street parking;
3. Off-street loading facilities;
4. Outdoor storage, sales, rental, and services; and
5. Stockpiling of black dirt, landscaping rock, and other similar materials accessory to nurseries, landscape centers, and garden centers.

D. CONDITIONAL USES: The following are conditional uses in the Service Commercial (C-2) District:

a. Conditional Uses:

1. Bed and breakfast establishments;
2. Day care facilities, when not operated as a home occupation;
3. Churches and places of worship;
4. Dwellings, including single-family detached, two-family, and twin homes, and related home occupations, as regulated by this Ordinance;
5. Government buildings;
6. Hotels and motels;
7. Parking surfaces (principal use);
8. Primary and secondary schools;
9. Public assembly structures and facilities;
10. Restaurants; and
11. Other uses, as specified in Chapter 5 of this Ordinance.

E. INTERIM USES: The following are interim uses in the Service Commercial (C-2) District:

a. Interim Uses:

1. Use of transportable shipping and storage containers;

2. Subordinate classroom structures; and
 3. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.
- F. LOT AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in the Service Commercial (C-2) District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.
- a. Lot Requirements:
 1. Lot Area: Ten thousand (10,000) square feet.
 2. Lot Frontage: Fifty (50) feet.
 - b. Setback Requirements:
 1. Front Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a twenty (20) foot setback to any portion of a building, as measured from the property line.
 2. Side Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a ten (10) foot setback to any portion of a building, except that on a corner lot, the setback shall be fifteen (15) feet, as measured from the property line.
 3. Rear Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a twenty (20) foot setback to any portion of a building.
 4. Transitional Yard. A transitional yard shall be provided anywhere a lot zoned Service Commercial (C-2) District abuts a residential zoning district. The yard shall conform to the following requirements:
 - i. The dimensions of the required transitional yard on the property located in the Service Commercial (C-2) District shall be equal to the dimensions of the required yard on the residentially zoned property which is located in closest proximity;
 - ii. The transitional yard shall extend the entire length of the abutting residential zoning district boundary;
 - iii. The transitional yard shall not be less than a setback required in the Service Commercial (C-2) District; and
 - iv. The transitional yard shall be a minimum of ten (10) feet in depth.

G. MAXIMUM BUILDING HEIGHT:

a. Building Height:

1. Principal Structures: Thirty-five (35) feet.
2. Accessory Structures: One (1) story, not exceeding twelve (12) feet in sidewall height, as measured from the bottom of the sill plate to the top of the sill plate, and a maximum total height of twenty (20) feet.

H. MAXIMUM LOT COVERAGE: The total sum of all impervious surfaces shall not exceed sixty (60) percent of the lot area.

I. BUILDING DESIGN AND CONSTRUCTION: All buildings within the Service Commercial (C-2) District shall meet the following design and construction standards.

a. Exterior Wall Finish:

1. All exterior wall finishes that are exposed to front or side streets on any building shall be of the following materials or combination of materials:
 - i. Face brick;
 - ii. Natural or cultured stone, stucco, and glass panels;
 - iii. Precast concrete panels or units, if the surfaces have been integrally treated with an applied decorative material or texture;
 - iv. Wood, if the surfaces are finished for exterior use or the wood is of proven exterior durability, such as cedar or redwood;
 - v. Metal panels with interlocking, concealed, or tongue-and-groove seams and approved fasteners, if the exterior surface finish is warranted by the manufacturer for at least twenty (20) years against blistering, peeling, cracking, flaking, checking, or chipping; and
 - vi. Other materials, as approved by the Planning Commission.

b. Additions and Accessory Structures:

1. All subsequent additions to a principal structure and all accessory structures shall be constructed of the same material as the principal structure and shall be of the same architectural design and general appearance as the principal structure.

10-4-10: GENERAL COMMERCIAL (C-3) DISTRICT:

A. PURPOSE: The purpose of the General Commercial (C-3) District is to provide suitable areas for a wide variety of business, retail, and service uses that have large site requirements and do not adversely impact adjoining land uses.

B. PERMITTED USES: The following are permitted uses in the General Commercial (C-3) District:

a. Non-Residential Uses:

1. All permitted uses in the Downtown Commercial (C-1) and/or Service Commercial (C-2) Districts.
2. Other Uses:
 - i. Amusement parks and facilities, including miniature golf courses;
 - ii. Boat, motorcycle, and other recreational vehicle sales and service, not including wrecking or dismantling;
 - iii. Bus depots, including ticket offices and taxi terminals; and
 - vi. Storage/warehouse/rental facilities.

b. Public, Institutional, and Civic Uses:

1. Government buildings.

C. ACCESSORY USES: The following are permitted accessory structures and uses in the General Commercial (C-3) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:

a. Accessory Uses:

1. Commercial uses within a building/structure that are accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space utilized by the principal use;
2. Off-street parking;
3. Off-street loading facilities;
4. Outdoor storage, sales, rental, and services; and
5. Stockpiling of black dirt, landscaping rock, and other similar materials accessory to nurseries, landscape centers, and garden centers.

D. CONDITIONAL USES: The following are conditional uses in the General Commercial (C-3) District:

a. Conditional Uses:

1. Churches and places of worship;
2. Community convention and civic centers;

3. Drive-in facilities, accessory to a principal use, unless specifically permitted above;
4. Kennels and veterinary clinics, animal hospitals, animal shelters, and pet stores with outside pens or exercise yards which provide overnight stays;
5. Meat processing and slaughtering facilities;
6. Public or semipublic recreational arenas, auditoriums, fields, gymnasiums, or similar facilities;
7. Shipping and outside storage, when accessory to a permitted or conditional use;
8. Shopping centers;
9. Truck stops/drive-thru restaurants; and
10. Other uses, as specified in Chapter 5 of this Ordinance.

E. INTERIM USES: The following are interim uses in the General Commercial (C-3) District:

a. Interim Uses:

1. Use of transportable shipping and storage containers;
2. Subordinate classroom structures; and
3. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.

F. LOT REQUIREMENTS AND SETBACKS. The following minimum requirements shall be observed in the General Commercial (C-3) District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.

a. Lot Requirements:

1. Lot Area: Fifteen thousand (15,000) square feet.
2. Lot Frontage: One hundred (100) feet.

b. Setback Requirements:

1. Front Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a twenty (20) foot setback to any portion of a building, as measured from the property line.

2. Side Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a twenty (20) foot setback to any portion of a building. The corner side yard setback to an impervious parking or storage surface and/or any portion of a building along the secondary street frontage of a corner lot shall be equal to that of the front yard setback required in this zoning district.
3. Rear Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a twenty (20) foot setback to any portion of a building.
4. Transitional Yard: A transitional yard shall be provided anywhere a lot zoned General Commercial (C-3) District abuts a residential zoning district. The yard shall conform to the following requirements:
 - i. The dimensions of the required transitional yard on the property located in the General Commercial (C-3) District shall be equal to the dimensions of the required yard on the residentially zoned property which is located in closest proximity;
 - ii. The transitional yard shall extend the entire length of the abutting residential zoning district boundary;
 - iii. The transitional yard shall not be less than a setback required in the General Commercial (C-3) District; and
 - iv. The transitional yard shall be a minimum of ten (10) feet in depth.

G. MAXIMUM BUILDING HEIGHT:

- a. Building Height:
 1. Principal Structures: Fifty (50) feet or three (3) stories.
 2. Accessory Structures: Thirty-five (35) feet.

H. MAXIMUM LOT COVERAGE: The total sum of all impervious surfaces shall not exceed seventy-five (75) percent of the lot area.

I. BUILDING DESIGN AND CONSTRUCTION: All buildings within the General Commercial (C-3) District shall meet the following design and construction standards.

- a. Exterior Wall Finish:
 1. All exterior wall finishes that are exposed to front or side streets on any building shall be of the following materials or combination of materials:
 - i. Face brick;
 - ii. Natural or cultured stone, stucco, and glass panels;

- iii. Precast concrete panels or units, if the surfaces have been integrally treated with an applied decorative material or texture;
 - iv. Wood, if the surfaces are finished for exterior use or the wood is of proven exterior durability, such as cedar or redwood;
 - v. Metal panels with interlocking, concealed, or tongue-and-groove seams and approved fasteners, if the exterior surface finish is warranted by the manufacturer for at least twenty (20) years against blistering, peeling, cracking, flaking, checking, or chipping; and
 - vi. Other materials, as approved by the Planning Commission.
- b. Additions and Accessory Structures:
- 1. All subsequent additions to a principal structure and all accessory structures shall be constructed of the same material as the principal structure and shall be of the same architectural design and general appearance as the principal structure.

10-4-11: INDUSTRIAL (I) DISTRICT:

- A. PURPOSE: The Industrial (I) District is established to permit warehousing, storage, and light industrial uses that are free from objectionable influence upon adjacent commercial and residential development.
- B. PERMITTED USES: The following are permitted uses in the Industrial (I) District:
- a. Non-Residential Uses:
 - 1. Manufacturing, Production (light assembly), Warehousing, Storage, and Waste:
 - i. Assembly/processing of non-offensive materials (appliances, electrical equipment; dental, scientific, or other similar uses);
 - ii. Batch plants;
 - iii. Building material sales;
 - iv. Bulk fuel sales;
 - v. Carpentry/cabinets;
 - vi. Concrete plants;
 - vii. Fabrication, machining, processing, packing/packaging, freight, or general light industrial uses;
 - viii. Furniture sales/assembly/refinishing;

- ix. Grain elevators;
 - x. Lumber yards;
 - xi. Modular (factory-built) home sales; and
 - xii. Storage/warehouse/rental facilities.
2. Other
- i. Essential services and related structures.
- C. ACCESSORY USES: The following are permitted accessory structures and uses in the Industrial (I) District; accessory structures and uses are further regulated in Chapter 5 of this Ordinance:
- a. Accessory Uses:
- 1. Commercial uses within a building/structure that are accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space utilized by the principal use;
 - 2. Off-street parking;
 - 3. Off-street loading facilities; and
 - 4. Outdoor storage, sales, rental, and services.
- D. CONDITIONAL USES: The following are conditional uses in the Industrial (I) District:
- a. Conditional Uses:
- 1. Kennels and veterinary clinics, animal hospitals, animal shelters, and pet stores with outside pens or exercise yards which provide overnight stays; and
 - 2. Other uses, as specified in Chapter 5 of this Ordinance.
- E. INTERIM USES: The following are interim uses in the Industrial (I) District:
- a. Interim Uses:
- 1. Use of transportable shipping and storage containers; and
 - 2. Other temporary uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the health, safety, and general welfare of the public.
- F. LOT AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in the Industrial (I) District, subject to the additional requirements, exceptions, and modifications set forth

in this Ordinance. All lot and setback requirements shall be measured as defined in this Ordinance. The property owner shall be solely responsible for locating the property lines of the lot.

a. Lot Requirements:

1. Lot Area: Fifteen thousand (15,000) square feet.
2. Lot Frontage: Two hundred (200) feet.

b. Setback Requirements:

1. Front Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a twenty (20) foot setback to any portion of a building, as measured from the property line.
2. Side Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a ten (10) foot setback to any portion of a building, except that on a corner lot, the setback shall be fifteen (15) feet, as measured from the property line.
3. Rear Yard: There shall be provided a five (5) foot setback to an impervious parking or storage surface and a twenty (20) foot setback to any portion of a building.
4. Transitional Yard: A transitional yard of thirty (30) feet shall be provided whenever a lot zoned Industrial (I) District abuts a residential zoning district. The transitional yard shall extend the entire length of the abutting residential zoning district boundary.

G. MAXIMUM BUILDING HEIGHT:

a. Building Height:

1. Principal Structures: None.
2. Accessory Structures: Thirty-five (35) feet.

H. MAXIMUM LOT COVERAGE: The total sum of all impervious surfaces shall not exceed seventy-five (75) percent of the lot area.

CHAPTER 5: SUPPLEMENTARY REGULATIONS:

10-5-1: ACCESSORY STRUCTURES AND USES:

- A. PURPOSE: The purpose of this section is to safeguard the health, safety, and general welfare of the public by providing minimum standards for accessory structures and uses within the City.
- B. ACCESSORY STRUCTURES AND USES: Except as otherwise expressly provided or limited in this section, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district.

- a. Compliance: No accessory structure or use shall be established or constructed unless in compliance with this section.
- b. General Provisions: In addition to any other condition or limitation required by this section, accessory structures and uses shall be subject to the following provisions:
 1. No accessory structure or use shall be established or constructed before the principal use is in operation or the principal structure is under construction in accordance with these regulations;
 2. In residential zoning districts, no sign shall be erected in connection with an accessory structure or use, with the exception of home occupations; and
 3. In addition to a garage (attached or detached), not more than two (2) accessory structures may be permitted on any single lot (including manufactured home parks), except by conditional use permit. Accessory structures shall be subject to the lot coverage requirements for the zoning district in which located.
- c. General Yard, Bulk, and Height Limitations: All accessory uses permitted by this section shall be subject to the following general requirements:
 1. Location of Accessory Structure in Required Yards:
 - i. Accessory structures are prohibited in any front yard;
 - ii. No accessory structure on a corner lot shall be located in the corner side yard.
 2. Maximum Coverage:
 - i. In residential zoning districts, accessory structures shall not occupy more than thirty (30) percent of the total area, not to exceed one thousand (1000) square feet; and
 - ii. When an accessory structure contains a loft or attic, only the footprint of the main floor of the structure shall be used to determine its size.
 3. Maximum Height of Accessory Structures:
 - i. The height of accessory structures shall not exceed the limits set for uses permitted in the zoning district. However, accessory utility structures shall comply with applicable Federal Communications Commission or Federal Aviation Administration height regulations.
 4. Minimum Structural Requirements: Accessory structures in residential zoning districts shall conform to the following minimum structural requirements:
 - i. The roof style and siding of the accessory structure shall be similar to the roof style and siding of the main building;

- ii. The construction shall conform to the Minnesota State Building Code, as adopted by the City Council; and
 - iii. Accessory structures of more than two hundred (200) square feet shall be constructed on a concrete slab or footing.
- 5. Kennel, Private: Private dog kennels in residential zoning districts shall not be allowed in the front or side yards. Kennels may be located in the rear yard, provided all portions of the kennel are located at least five (5) feet from any property line.
- 6. Swimming Pools: Accessory swimming pools containing more than three thousand (3,000) gallons or with a depth of water over three and one-half (3.5) feet shall conform to the following standards. In addition, such pools shall be subject to site plan review.
 - i. No pool shall be located within at least ten (10) feet of any side or rear lot line or within six (6) feet of any principal structure or frost footing. No pool shall be located within any front yard;
 - ii. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type;
 - iii. No pool shall be located within any private or public utility, walkway, drainage, or other easement;
 - iv. All accessory mechanical apparatus shall be located at least thirty (30) feet from any adjacent residential structure and no closer than five (5) feet to any lot line;
 - v. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties; and
 - vi. A security fence of at least six (6) feet in height shall completely enclose the pool area. The security fence shall be screened in conformance with the requirements of this chapter.
- 7. Satellite Dishes and Antennas: Satellite dishes and antennas shall not be allowed in any required front or side yard. Satellite dishes or antennas shall be allowed in the rear yard, provided the satellite dish or antenna, including support structures, are set back five (5) feet from any property line.
- 8. Garage Sales, Estate Sales, Yard Sales, Rummage Sales, and Other Sales of Personal Property: Garage sales, estate sales, yard sales, rummage sales, any other sales of personal property that have similar traffic and parking patterns are permitted if:
 - i. The sales occur during no more than four (4) periods of a maximum of three (3) consecutive days each in any twelve (12) month period;

- ii. The items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends/family of the resident, or by participants in an organization that occupies the permitted use on the property; and
 - iii. None of the items offered for sale have been purchased for resale or received on consignment for purposes of resale.
- 9. Seasonal Unenclosed Uses: The unenclosed accessory sale and display of cut Christmas trees, wreaths, tree branches, pine cones, holly, and related plant items during the related season, and the unenclosed sale and display of plants and garden supplies during the related season, shall be permitted as an accessory use, provided that the sale and display is conducted in connection with the operation of an existing retail use in the C-1, C-2, or C-3 zoning districts, and the area used for the unenclosed sale and display does not exceed twenty (20) percent of the area of the parcel containing buildings or use more than twenty (20) percent of the required parking area.
 - i. Uses in excess of above shall require a conditional use permit.
- C. OBSTRUCTIONS: Projections of a principal or accessory structure may be located in a required yard only as indicated below. In no case shall any obstruction extend beyond the limits of the lot and adequate drainage shall be provided which is directed away from adjacent private property.
 - a. Air conditioners, central air outside condensing units, and window units, projecting not more than thirty-six (36) inches into the required yard.
 - b. Arbors and trellises in all required yards.
 - c. Architectural ornaments and projections not more than four (4) inches into a required yard.
 - d. Unenclosed awnings and canopies extending not more than two and one-half (2.5) feet into front or side yards and not more than five (5) feet into rear yards. Such canopy shall be cantilevered from the principal or accessory structure and shall not contain separate ground supports, with the exception of Downtown Commercial (C-1) District.
 - e. Fences or walls.
 - f. Fire escapes may extend into the required side yard a distance not exceeding thirty-six (36) inches.
 - g. Flagpoles.
 - h. Unenclosed porches, landings, or steps; provided the area of the porch, landing, or step does not project more than six (6) feet into the required front yard or three (3) feet into the required side yard, if the landing, porch, or step has its floor no higher than three (3) feet above grade. An open railing no higher than three (3) feet may be placed around such place.

- i. Projecting eaves, gutters, bay windows, and cantilevered building extensions, provided the projection is more than thirty-six (36) inches above the ground grade and projects not more than two and one-half (2.5) feet into the required side yard and/or four (4) feet into the required front or rear yards.
 - j. Fireplaces, not more than two and one-half (2.5) feet into the required side yard and/or four (4) feet into there required front or rear yards.
 - k. Awnings in the Downtown Commercial (C-1) District shall be allowed to project no more than six (6) feet into the right-of-way, with a minimum clearance height of seven (7) feet.
- D. BASEMENT DWELLINGS: Basement dwelling, as defined in the Minnesota State Building Code, shall hereafter be prohibited in all zoning districts. Existing basement dwellings may remain as a nonconforming use.

10-5-2: OFF-STREET PARKING REQUIREMENTS AND STANDARDS:

- A. PURPOSE: The regulation of off-street parking spaces in this Ordinance is to alleviate and/or prevent congestion within the public right-of-way. The regulations are intended to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking (motorized vehicles) in accordance with the utilization of various parcels of land. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts.
- B. OFF-STREET PARKING SCHEDULE: The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement, and/or lease for the life of the respective uses herein set forth. Uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the Planning Commission. Factors to be considered in such determination shall include, without limitation, size of buildings, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. Off-Street parking is not required for existing structures in the Downtown Commercial (C-1) District. New or enlarged structures must be provided with off-street parking, as required by this Ordinance.
- C. SUMMARY OF OFF-STREET PARKING REQUIREMENTS:

RESIDENTIAL USES:

Single and two-family dwellings and twin homes	Two (2) spaces per dwelling unit
Townhomes and multiple-family dwellings (three (3) or more dwelling units)	One and one-half (1.5) spaces for dwelling units without a separate bedroom (i.e., efficiency unit)
	Two (2) spaces for dwelling units with one (1) or two (2) bedrooms

	Two and one-half (2.5) spaces for dwelling units with three (3) or more bedrooms
Congregate housing	One-half (0.5) space per dwelling unit
Nursing homes, assisted living facilities, and similar uses	One (1) space for every four (4) residents/patients, plus one (1) space for every two (2) employees on major shift
Day care facilities and operations	One (1) space for loading and unloading
<u>COMMERCIAL USES:</u>	
Automobile repair/service shops	Three (3) spaces per repair/service stall, plus one (1) space for every employee on major shift
Banks	One (1) space per four hundred (400) square feet of gross floor area, plus one (1) space for every employee on major shift
Beauty and barber shops	Two and one-half (2.5) spaces per operator station
Bowling alleys	Three (3) spaces per alley, plus one (1) space for every two (2) employees on major shift
Carwashes	One (1) space per wash stall, plus one (1) space for every employee on major shift
Convenience store (with gas pumps)	One (1) space per two hundred (200) square feet of retail sales area, plus two (2) spaces per pump (parking adjacent to each pump may be used to satisfy parking requirements)
Convenience store (without gas pumps)	One (1) space per two hundred (200) square feet of retail sales area
Drive-thru facilities	Two (2) spaces per drive-thru lane
Funeral homes	One (1) space for every four (4) seats in the largest congregation area (based on capacity)
General office uses	One (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space for every employee on major shift

General retail sales	One (1) space per four hundred (400) square feet of retail sales area, plus one (1) space for every employee on major shift
Hotels and motels	One (1) space per room/suite, plus one (1) space for every two (2) employees on major shift
Medical clinics, dental offices, and similar uses	One (1) space per three hundred (300) square feet of gross floor area, plus one (1) space for every employee on major shift
Restaurant and lounges	One (1) space for every four (4) seats (based on capacity), plus one (1) space for every two (2) employees on major shift, one (1) space for each delivery vehicle, and one (1) space for customer food pick-up
Storage facilities	One (1) space for every three (3) storage units
Theaters, civic centers, and similar uses	One (1) space for every four (4) seats, plus one (1) space for every two (2) employees on major shift
Vehicle sales and similar uses	One (1) space per two hundred fifty (250) square feet of gross floor area (office area), plus one (1) space for every employee on major shift
<u>INDUSTRIAL USES:</u>	
Industrial and manufacturing uses	One (1) space for every one and one-half (1.5) employees on major shift, plus one (1) dedicated truck/loading space per seven thousand five hundred (7,500) square feet of gross floor area (or as determined appropriate)
Storage/handling of bulk freight uses	One (1) space per employee on major shift, plus one (1) space per company truck (if stored externally)
Warehouse/wholesale uses	One (1) space per employee on major shift, plus one (1) dedicated truck/loading space per seven thousand five hundred (7,500) square feet of gross floor area (or as determined appropriate)

PUBLIC, INSTITUTIONAL, AND CIVIC USES:

Community and cultural facilities	One (1) space per two hundred fifty (250) square feet of gross floor area
Churches and place of worship	One (1) space for every four (4) seats in the largest congregation area (based on capacity)
Post offices	One (1) space per four hundred (400) square feet of gross floor area, plus one (1) space for every employee on major shift
Public assembly uses	One (1) space for every four (4) seats (based on capacity), plus one (1) space for every employee on major shift
Schools (elementary and junior high)	One (1) space per staff member, plus one (1) space for every two (2) classrooms
Schools (senior high)	One (1) space per staff member, plus one (1) space for every two (2) students

10-5-3: FENCES AND SCREENING:

- A. PURPOSE: The purpose of this section is to safeguard the health, safety, and general welfare of the public by providing minimum standards for fences and screening within the City.
- B. LOCATION: All fences shall be located entirely within the private property of the person, firm, or corporation responsible for the structure.
- C. CONSTRUCTION AND MAINTENANCE: Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suitable 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 or remain in a condition of disrepair or danger, or constitute a nuisance. Any fence which is deemed dangerous to the health, safety, and general welfare of the public, is a public nuisance, and the Building Official is hereby authorized to commence proper proceedings for the abatement thereof.
- D. RESIDENTIAL FENCES: The following provisions shall apply respective to fences constructed within residential zoning districts:
 - a. Requirements:
 - 1. Fences within two (2) feet of side property lines, from the rear lot line to the required front setback, shall not be more than six (6) feet in height;
 - 2. Fences within two (2) feet of rear property line shall not exceed six (6) feet in height. Fences in excess of six (6) feet in height will require a conditional use permit;

3. Fences located in front yards shall not exceed forty-eight (48) inches in height;
 4. The screening provisions for residential zoning districts shall supersede, where applicable, the provisions of this section;
 5. All posts or similar supporting instruments used in the construction of fences shall be faced inward towards the property being fenced, unless otherwise determined by the Planning Commission;
 6. All fences shall not obstruct natural drainage; and
 7. Swimming pool, spa, and hot tub fencing shall be in conformance with Appendix G, 2006 International Residential Code, as may be amended.
- E. COMMERCIAL AND INDUSTRIAL FENCES: The following provisions shall apply respective to fences constructed within commercial or industrial zoning districts:
- a. Requirements:
 1. Commercial and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit; and
 2. The screening provisions for commercial and industrial zoning districts shall supersede, where applicable, the provisions of this section.
- F. REQUIRED FENCING AND SCREENING:
- a. Commercial/Industrial Uses, Multiple-Family Dwellings:
 1. Where any commercial or industrial use, or multiple-family dwelling of four (4) or more units, abuts property zoned for residential use, the property owner of that business, industry, or multiple-family building shall provide screening along the shared boundary line. Screening shall also be provided where a business, industry, or multiple-family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry, or multiple-family building considered to be the front elevation/yard. Provided, however, that the provisions of this section will not apply where a multiple-family building abuts property also zoned for multiple-family use. All fencing and screening specifically required by this Ordinance shall consist of either a fence or a green belt planting strip as provided for below:
 - i. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants. The strip shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used, but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require approval of the City.

- ii. Required screening fences shall be constructed of masonry, brick, wood, or metal. Such fence shall provide a solid screening effect six (6) feet in height for multiple-family uses and at least six (6) feet for commercial and industrial uses. The design and materials used in constructing a required screening fence shall be subject to the approval of the City. Fences in excess of eight (8) feet in height shall require a conditional use permit.
- iii. This Ordinance encourages the use and combination of various screening methods and is not intended to imply or recommend a continual buffer strip of one type/use/technique.

G. TRAFFIC VISIBILITY: The following provisions shall apply:

a. Requirements:

- 1. Visibility at Intersections in Residential Zoning Districts: On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height two (2) feet and eight (8) feet, and within thirty (30) feet from the intersecting curb lines, or within twenty (20) feet from the intersecting property lines if there is no curb.
- 2. Fences, Walls, and Hedges: No fence, wall, or hedge shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two (2) feet and eight (8) feet where it will interfere with traffic or pedestrian visibility from a driveway or alley to a public way. In required front yards, fences, walls, hedges, or structures shall be at least seventy-five (75) percent open space for passage of air and light. No fence exceeding twenty-four (24) inches in height may be erected within ten (10) feet of a driveway in a required side yard abutting a street corner lot, unless such fence is at least seventy-five (75) percent open.

10-5-4: MANUFACTURED HOME PARKS:

- A. PURPOSE: The purpose of this section is to safeguard the health, safety, and general welfare of the public by providing minimum standards for manufactured home parks within the City.
- B. PERMIT REQUIRED: It is unlawful for any person to construct, alter, or expand any manufactured home park within the incorporated limits of the City without it first being approved and licensed by the State of Minnesota and granted a conditional use permit issued by the City Council under the terms of this Ordinance.
- C. APPLICATION: Each application for a conditional use permit shall contain the following information:
 - a. Name and address of applicant;
 - b. Location and legal description of the property proposed for a manufactured home park; and
 - c. Complete engineering plans and specifications of the proposed manufactured home park showing, but not limited to, the following:
 - 1. The area and dimensions of the tract of land; topography sketch of land;

2. The number, location, and size of all mobile home lots;
 3. The location and width of roadways and walkways;
 4. The location of water and sewer lines and riser pipes;
 5. Plans and specifications of the water supply and refuse and sewage disposal facilities;
 6. Plans and specifications of all buildings constructed or to be constructed within the park;
 7. The location and details of lighting and electrical systems;
 8. A landscaping plan approved by the City Council;
 9. A plan of the park ground area and recreation facilities;
 10. A survey by registered surveyor of the boundaries of the proposed park; and
 11. A plan showing existing and proposed streets designed to accommodate the traffic generated by the proposed park.
- D. **COMPLIANCE REQUIRED:** Any conditional use permit for a manufactured home park issued hereunder shall be conditioned upon compliance with the terms hereof and any conditions attached to the conditional use permit and those requirements as imposed by the State of Minnesota.
- E. **OCCUPANCY:** After issuance of a conditional use permit, the manufactured home park may be constructed, but may not be occupied until it has been inspected by the Zoning Administrator and a Certificate of Occupancy issued. A Certificate of Occupancy may be issued when it is found that construction is complete and that all terms of the permit have been complied with. A temporary Certificate of Occupancy may be issued for and upon completion of a portion of the park, allowing occupancy of the completed portion, if the developer or applicant furnished the City with a public contractor's performance bond, with corporate surety in an amount equal to the total cost of the uncompleted portion of the project. The bond shall be subject to approval by the City Council and filed with the Zoning Administrator.
- F. **TRANSFER OF PERMIT:** Every person holding a conditional use permit shall give notice in writing to the Zoning Administrator within seventy-two (72) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured home park. The notice shall be made to the Zoning Administrator to include the name and address of the person succeeding to the ownership or control of the manufactured home park. Upon application in writing for transfer of the conditional use permit, the conditional use permit shall be transferred.
- G. **NONCOMPLIANCE:** Whenever, upon inspection of any manufactured home park, the Zoning Administrator finds that conditions or practices exist which are in violation of this section, the Zoning Administrator shall give notice in writing to the permit holder stating the nature of the conditions or practices which constitute a violation hereunder and stating that the conditions or

practices shall be corrected within a period of thirty (30) days following the delivery of such notice by the Zoning Administrator. The date of mailing the notice by certified mail shall constitute delivery. Upon expiration of the thirty (30) day period, the Zoning Administrator shall re-inspect the manufactured home park in violation and, if such conditions or practices have not been corrected, shall notify the City Council.

- H. TIME WITHIN WHICH TO COMPLY: If the work necessary to correct the conditions or practices which are the subject of a notice cannot be completed in the thirty (30) day period, written extensions maybe granted by the City Council, if reasons for hardship prevail and can be verified.
- I. HEARING: Any person affected by any notice which has been issued in connection with the enforcement of any provisions of these regulations may request and shall be granted a hearing of the same before the City Council.
- J. SUSPENSION AND REVOCATION: If after the thirty (30) day period of notice has expired, the conditions and practices which constitute a violation of these regulations have not been corrected and the permit holder has not within the prescribed thirty (30) day period requested a hearing, the City Council may suspend or revoke the conditional use permit previously issued for the manufactured home park by sending, by certified mail or by delivering personally, a notice of the suspension or revocation to the permit holder. Upon receipt of the notice of suspension or revocation, the permit holder shall cease operation of the manufactured home park.
- K. EMERGENCY: Whenever the Zoning Administrator finds that an emergency exists which requires immediate action to protect the health, safety, and general welfare of the public, the Zoning Administrator may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the Zoning Administrator may deem necessary to meet the emergency, including the suspension of the conditional use permit. Notwithstanding any other provision of these regulations, the order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but upon petition to the Zoning Administrator, shall be afforded a hearing before the City Council as soon as possible. Pending the hearing, emergency orders shall be in full force and effect until and unless later removed, modified, or changed by the Zoning Administrator or the City Council.
- L. INSPECTIONS:
 - a. Compliance with this Section: The Zoning Administrator is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with these regulations, including the power to enter at reasonable times upon any private or public property for this purpose.
 - b. Registration Record: The Zoning Administrator, Chief of Police, or duly authorized representatives, shall have the power to inspect the register containing a record of all residents of the manufactured home park.
 - c. Access: It shall be the duty of the manufactured home park management to give the Zoning Administrator free access to all lots at reasonable times for the purpose of inspection.

- d. Repairs: It shall be the duty of every occupant of a manufactured home park to give the owner thereof, or the owner's agent or employee, access to any part of such manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this section.

M. GENERAL REQUIREMENTS:

- a. Area Requirements: New manufactured home parks shall be a minimum of five (5) acres in size. Each individual manufactured home lot shall be a minimum of five thousand (5,000) square feet.
- b. Environmental Requirements: The conditions of all soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding.
- c. Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone, screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- d. Site Drainage Requirements: The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- e. Use Requirements: No part of any manufactured home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park or such other uses as are permitted in single-family dwellings and approved by the park management.
- f. Required Separation between Manufactured Homes: Unless separated by fireproof structures approved by the Zoning Administrator, manufactured homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet or the sum of the heights of both trailer units, whichever is greater. Unless separated by fireproof structures approved by the Zoning Administrator, manufactured homes placed end-to-end must have minimum clearance of fifteen (15) feet; an accessory structure, such as an awning, cabana, storage cabinet, carport, windbreak, or porch which has a floor area exceeding twenty-five (25) feet and has an opaque top or roof, shall, for purposes of all separation requirements, be considered to be a part of the manufactured home.
- g. Open Space: A minimum of five hundred (500) square feet per manufactured home shall be provided for definable play areas and open space within the manufactured home park. Such areas of open space and play area shall not be areas included within any setback, nor shall they include any areas of less than twenty (20) feet in length or width.
- h. Required Setbacks, Buffer Strips and Screening: All manufactured homes shall be located at least thirty (30) feet from any property line abutting upon a public street or highway and at least twenty (20) feet from other property boundary lines; there shall be a minimum distance of fifteen (15) feet between the manufactured home stand and abutting park street. All

manufactured home parks located adjacent to residential, recreational, commercial, or industrial land uses shall provide screening, such as fences, shrubs, and trees, along the property boundary line separating the park and such uses and shall be maintained in a neat and orderly fashion.

- i. Average Density: Notwithstanding the type of development concept used, the maximum density shall be seven (7) manufacture homes per acre.
- j. Accessory Structures: One (1) accessory structure for storage of equipment and refuse is required and the accessory structure shall be a minimum of forty-eight (48) square feet and designed of water resistant material that will enhance the general appearance of the lot.
- k. Park Street System and Car Parking:
 1. General Requirements: All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways, or other means.
 2. Park Entrance: Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of thirty (30) feet from its point of beginning.
 3. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic and, in any case, shall meet the following minimum requirements:
 - i. All streets, except minor streets, shall be a minimum of thirty (30) feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.
 - ii. Dead-end streets shall be limited in length to five hundred (500) feet and shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least one thousand (1,000) feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.
 4. Street Construction and Design Standards:
 - i. Pavements: All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained reasonably free of cracks, holes, and other hazards.
 - ii. Grades: Longitudinal grades of all streets shall range between 0.4 and 8.0%. Transverse grades (crown) of all streets shall be sufficient to ensure adequate transverse drainage.
 - iii. Storm Sewers: If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system shall be connected to existing City storm sewer systems upon City approval.

- iv. Intersections: Within fifty (50) feet of an intersection, streets shall be at right angles. Intersections of more than two (2) streets at one point shall be avoided.
 - v. Car Parking: For all new manufactured home parks or additions to present parks, off-street parking areas for the use of park occupants and guests are required. Such areas shall be furnished at a rate of at least two (2) car spaces for each manufactured home lot, of which at least one-half of the spaces may be in compounds. All off-street parking areas shall be paved with a concrete or bituminous surface.
- l. Walks:
- 1. General Requirements: All manufactured home parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use between individual manufactured homes, park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
 - 2. Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Common walks shall have a minimum width of four and one-half (4.5) feet.
 - 3. Individual Walks: All manufactured homes shall be connected to common walks, to paved streets or to paved driveways or parking spaces connecting to a paved street. Individual walks shall have a minimum width of two (2) feet.
- m. Patio: Each manufactured home lot shall have a patio of four (4) inch concrete, with minimum dimensions of nine (9) feet by twenty (20) feet.
- n. Trees: A minimum of one (1) tree per lot is required. In open areas and park areas, a minimum of 20 trees per acre is required.

N. SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES:

- a. General Provisions: The requirements of this subsection shall apply to service buildings, recreation buildings, and other community service facilities, such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.
- b. Structural Requirements for Buildings: All portions of buildings shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- c. Barbecue Pits, Fireplaces, Stoves, and Incinerators: Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisances both on the property on which used and on

neighboring property and shall comply with all appropriate ordinances, laws, or other regulations.

O. SOLID WASTE:

- a. Solid Waste: The storage, collection, and disposal of refuse in manufactured home parks shall not create health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

P. INSECT AND RODENT CONTROL:

- a. Grounds, Buildings, and Structures: Grounds, buildings, and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the State and County health code.
- b. Parks: Manufactured home parks shall be maintained free of accumulation and of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- c. Storage Areas: Storage areas shall be so maintained as to prevent rodent harborage.
- d. Screens: Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- e. Brush, Weeds, and Grass: The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Manufactured home parks shall be maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Q. FIRE PROTECTION:

- a. Litter, Rubbish, and the Like: Manufactured home parks shall be kept free of litter, rubbish, and other flammable material.
- b. Fire Extinguishers: Portable fire extinguishers rated for classes A, B, and C fires shall be kept visible and in service buildings and other locations conveniently located and maintained in good operating condition. Their capacity shall be not less than ten (10) pounds.
- c. Fires: Fires shall be made only in stoves, indoor incinerators, and other equipment intended for such purposes.
- d. Fire Hydrants: Fire hydrants shall be installed if the manufactured home park water supply system is capable to serve them in accordance with the following requirements: the water supply system shall permit the operation of standard City fire hydrants; and fire hydrants, if

provided, shall be located within 300 feet of any manufactured home, service building, or other structure in the park.

R. STORM SHELTERS:

- a. Storm Shelters: Manufactured home parks shall provide a storm shelter which meets the minimum standards specified by the State of Minnesota.

S. PARK MANAGEMENT RESPONSIBILITIES:

- a. General Requirements: The holder of the conditional use permit shall operate the manufactured home park in compliance with this section and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. Inspection of Register: The Park Manager shall keep the required register available for inspection at all times by law enforcement officers, public health officers, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for such occupant registration shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the manufactured home park.

10-5-5: SIGNS:

- A. PURPOSE: The purpose of this section is to provide for necessary visual communications and to preserve and promote a pleasant physical environment within the City by regulating the type, number, size, height, lighting, maintenance, and erection of sign structures.
- B. RESIDENTIAL SIGNS: The following signs shall be permitted in residential zoning districts provided that they are illuminated by reflector methods only and do not exceed four (4) square feet in area:
 - a. One sign bearing only property numbers, post box numbers, and names of occupants of the premises;
 - b. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
 - c. Temporary signs connected with and prior to political elections;
 - d. Signs advertising the sale, rental, or lease of a building or premises;
 - e. Signs which display a noncommercial message for a local festival or an activity sponsored by a non-profit group (such signs may be displayed no more than a total of fourteen (14) days per calendar year); and
 - f. Signs permitted for home occupations.

All commercial advertising signs in residential zoning districts are prohibited.

- C. **COMMERCIAL AND INDUSTRIAL SIGNS:** On-site signs directing attention to a business, profession, product, service, activity, or entertainment, and where the activity is conducted, sold, or offered on the same premises upon which the sign is located, are permitted in commercial and industrial zoning districts, provided:
- a. A plan be submitted and a building permit issued prior to installation of any commercial signs, with the exception of signs mounted flat against a building. The plan must show the location of the sign on the site and include sign dimensions, height above the ground, and show footing and foundation base criteria. The foundation base and posts of all signs must be on private property or the premises.
 - b. The foundation base and posts of all signs may not be located upon City property or rights-of-way, unless approved by the City Council.
 - c. No part of any sign or projection may protrude over the public right-of-way within six (6) feet of the actual or proposed curb line. Signs may project over the right-of-way a maximum of six (6) feet provided no part is within six (6) feet of the curb line and that it is over eight (8) feet above the sidewalk or the average grade at the property line when no sidewalk is in place. If in the future the street is widened, the sign shall be removed at the owner's expense to maintain the six (6) foot distance of the curb regulation.
 - d. All sources of artificial light, other than street lights, shall be fixed, directed, or designed so as not to measurably increase the amount of light toward abutting residential lots.
 - e. All sign installations shall also conform to Minnesota Department of Transportation and Federal Aviation Administration regulations, wherever applicable.
 - f. It is the obligation of the installer to check for any or all underground utilities or services before excavating for sign foundations.
- D. **OFF-PREMISE SIGNS:** Off-premises signs shall be permitted upon verification of compliance with the following provisions:
- a. A sign permit must be obtained prior to installation of any off-premises signs.
 - b. The foundation base and posts of all signs may not be located upon City property or rights-of-way, unless approved by the City Council.
 - c. Off premises signs must be set back from residential zoning district boundaries a distance of one hundred (100) feet. Setback dimensions will be a straight line measurement from the residential zoning district boundary to the center line of the sign standard.
 - d. The off-premises sign measures no more than seven hundred fifty (750) square feet in area, inclusive of the border and trim, but exclusive of the base or apron, supports, or other structural members.

- e. The height of any off-premise sign, including support structures, measured from the highest centerline grade of any adjacent street, may not exceed thirty-five (35) feet.
 - f. No off-premises signs may be located closer than two hundred fifty (250) feet apart, unless separated by an interstate highway or principal arterial. Separation will be a straight line measurement from the center line of the sign standards.
 - g. It is the obligation of the installer to check for any or all underground utilities or services before excavating for sign foundations.
 - h. All sign installations shall also conform to Minnesota Department of Transportation and Federal Aviation Administration regulations, wherever applicable.
 - i. All sources of artificial light, other than street lights, shall have a fixed direction and shall be designed so that the source of light is directed away from adjoining residences, streets, or sidewalks.
- E. PORTABLE SIGNS: Any sign which is constructed so as to be movable, either by skids, wheels, truck, or other conveyance; any sign which does not have a permanent foundation or is not otherwise permanently fastened to the ground, and cloth signs or banners (of any material), shall be considered portable signs. When on a trailer, the removal of wheels or undercarriage does not place the sign in another category, nor does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors.

Portable signs are permitted provided:

- a. That the portable sign is located in a commercial or industrial zoning district.
- b. Portable signs located in a commercial zoning district can only be used for directing attention to a business, profession, product, service, activity, or entertainment conducted, sold, or offered on the same premises upon which the sign is located. Provided, however, portable signs advertising special events or fundraisers for non-profit organizations are permitted for a period not to exceed thirty (30) days at a time for each special event.
- c. That no portable sign may exceed sixty-four (64) square feet in area or eight (8) feet in height.
- d. That no portable sign may be placed upon public right-of-way without consent of the City Council.
- e. No portable sign placed within one hundred (100) feet of an area zoned for residential use may have blinking, flashing, or fluttering lights or other illuminating devices which have a changing intensity, brightness, or color.
- f. That only one (1) portable sign may be placed upon a parcel at any given time, except in the case of multiple business structures, where two (2) portable signs will be allowed on the parcel at any given time.

- F. **SIGN MAINTENANCE:** All signs and sign structures must be kept in good repair and in a proper state of maintenance, including, but not limited to, replacing lamps, replacing ballast in freestanding signs, replacing transformers in building identification signs, painting the pole of freestanding signs and the cabinet of freestanding or wall-mounted signs, replacing or repairing the sign face, replacing trim, and the replacement of sign fasteners. If the Zoning Administrator finds that a sign is not in a proper state of repair, the City may after thirty (30) days written notification, repair, modify, or remove the sign and special assess the charges for said work against the property owner.

10-5-6: HOME OCCUPATIONS:

- A. **PURPOSE:** The purpose of this section is to provide a means, through the establishment of specific standards and procedures, by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding neighborhood.
- B. **APPLICABILITY:** Subject to the nonconforming use provisions of this Ordinance, all occupations conducted in the home shall comply with the provisions of this section. This section shall not be construed, however, to apply to home occupations accessory to farming.
- C. **PROHIBITED OCCUPATIONS:** The following uses, by the nature of the investment or operation, have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations. The following uses, therefore, are not permitted as home occupations:
- a. Automobile, boat, and trailer painting and detailing;
 - b. Automobile, boat, small engine, recreational vehicles, and trailer repair or servicing;
 - c. Automobile, boat, and trailer sales or rental;
 - d. Junkyard, scrapping, or salvage operations;
 - e. Body art, including tattooing, permanent make-up, and piercing;
 - f. Medical or dental offices;
 - g. Mortuaries or funeral homes;
 - h. Painting, electrical, plumbing, or general contractor, unless operated only as an office for said uses, and provided further that no employees report to work at the premises;
 - i. Restaurants or other eating and drinking establishments; and
 - j. Any other use as determined by the Planning Commission.

D. GENERAL PROVISIONS: All home occupations shall comply with the following general provisions:

a. General Provisions:

1. No home occupation shall produce light, glare, noise, fumes, odor, or vibration that will in any way have an objectionable effect upon adjacent or neighboring properties.
2. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties. No equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises.
3. Any home occupation shall be clearly incidental and secondary to the residential use of the premises. Not more than twenty-five (25) percent of the main floor of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation. It should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
4. No home occupation shall require internal or external alterations, or involve construction features not customarily found in dwellings, except where required to comply with local and State fire and police recommendations.
5. There shall be no exterior storage of equipment or material used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
6. The home occupation shall meet all applicable ordinances, fire codes, and building codes.
7. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling unit, with the exception of an identification/business sign not exceeding four (4) square feet in area.
8. No home occupation shall be conducted between the hours of 10:00 P.M. and 7:00 A.M., unless said occupation is contained entirely within the principal structure and will not require any on street parking facilities.
9. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, where no vehicle is parked closer than fifteen (15) feet from the curb line or edge of paved surface.
10. Not more than one (1) person, other than those who customarily reside on the premises, shall be employed.
11. All permitted home occupations must be conducted entirely within a building and must comply with the requirements of this Ordinance.

10-5-7: PLANNED UNIT DEVELOPMENTS:

- A. **PURPOSE:** A Planned Unit Development (PUD) may be established in any residential zoning district under the conditional use process. A PUD is a designated parcel of land that encourages a creative approach to the use of land by allowing considerable flexibility in the design of the site and buildings. Specific aspects of flexibility (including permitted uses, dimensional requirements, densities, dedication requirements, etc.) shall be contingent upon review and approval by the Planning Commission and the City Council, pursuant to the conditional use permit process, and upon such approval, shall prevail over conflicting requirements listed elsewhere within this Ordinance or within the Subdivision Ordinance.

The intent of the PUD regulations is to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land, while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

B. **COORDINATING REGULATORY DOCUMENTS:**

a. **Coordination with Subdivision Ordinance Regulations:**

1. It is the intent of this Ordinance that subdivision review, under the current Subdivision Ordinance, be carried out simultaneously with the review of a PUD under this section.
2. The development plans submitted under this section must be submitted in a form which will satisfy the requirements of the Subdivision Ordinance for preliminary and final plats.
3. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Ordinance shall apply to all PUDs, and all actions of the City Council pertaining to PUDs shall be based upon a recommendation by the Planning Commission.

- C. **ADMINISTRATION:** An application for a conditional use permit shall be filed with the Zoning Administrator in the name or names of the recorded owner or owners of property included in the development and/or the application may be filed by holder(s) of an equitable interest in such property.

- a. **Review Process:** The review process shall follow the conditional use application procedure, as described in this Ordinance and the subdivision review process, as outlined in the Subdivision Ordinance. Applications shall be processed concurrently.

D. **LOT REQUIREMENTS:**

a. **General Requirements.**

1. **Harmony:** The PUD shall be planned, designed, and landscaped in such a manner as to blend and harmonize with the surrounding adjacent areas.

2. Yard Requirements: Minimal specifications for yard requirements are imposed to allow design flexibility. However, rear and side yard requirements shall conform along the developments outermost lot line to the rear and side yard requirements of the adjacent zoning district.
3. Front Yard: Minimum front yard setback requirements are intended to provide privacy and usable yard area for residents. Front yard setbacks may be reduced at the discretion of the City through the PUD process if the applicant can implement/accommodate appropriate screening, plantings, traffic reduction, building orientation, or other acceptable mitigation methods.
4. Lot Width: Minimum lot widths are intended to prevent the construction of long, narrow buildings with inadequate privacy, light, and air. Within the constraints of the PUD process, lot width standards may be reduced if the project design implements/accommodates provisions that allow light, air, and privacy for all living spaces in an appropriate manner.
5. Building Spacing: Requirements for side yard setbacks are based on several related factors:
 - i. Privacy: Minimum building space requirements are intended to provide privacy for dwelling units. Where applicants seek reduced side yard setbacks it shall be necessary that site plans and building elevations locate windows and any necessary screening to ensure adequate privacy between units.
 - ii. Light and Air: Building spacing shall provide adequate access to light and air to all dwelling units.
 - iii. Building Configuration: Where building configuration is irregular so that the needs expressed in the above items are met by the building configuration, reduced building space is permissible, as appropriate.
 - iv. Open Space: Common open space shall comprise at least twenty-five (25) percent of the gross area of the PUD to be used for recreational, park, or environmental amenities for the collective enjoyment by occupants of the development. Open space dedications are non-inclusive of public or private streets, driveways, or utility easements, provided, however, that up to seventy-five (75) percent of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.
 - v. Recreation facilities, recreational structures, and any accessory uses located in common recreation areas shall be considered open space under the provision that total impervious surfaces (paving, roofs, etc.) constitute no more than five (5) percent of the total open space.
6. All land shown on the final development plan as common open space must be conveyed under one of the following options:

- i. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
 - ii. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which shall restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continued use for its intended purpose;
 - 7. Existing trees shall be preserved, where possible. The location of trees must be considered when planning the common open space, location of buildings, underground services, walks, paved area, playgrounds, parking areas, and finished grade levels.
- E. **FINDINGS REQUIRED:** The Planning Commission and City Council shall come to the following facts/conclusions prior to the issuance of any approval for a PUD; to ensure the interests of the public:
- a. Findings:
 - 1. The plan conforms to the City’s Comprehensive Plan and Future Land Use Map;
 - 2. The plan is designed to form a desirable and unified development within its boundaries;
 - 3. The proposed uses will not be detrimental to present or future land uses in the surrounding area;
 - 4. Any exceptions to the standard requirements of the Zoning Ordinance and Subdivision Ordinance are justified by the design of the development;
 - 5. The plan will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the PUD; and
 - 6. The PUD will not have a unique or adverse impact on the reasonable enjoyment of the neighboring property.

10-5-8: MOVING AND RELOCATING OF BUILDINGS AND STRUCTURES:

- A. **PURPOSE:** The purpose of this section is to safeguard the health, safety, and general welfare of the public by providing minimum standards for the moving and relocating of buildings and structures within the City.
- B. **STATE LICENSURE REQUIREMENTS:** No person, except a State licensed house mover, shall remove, raise, or support a building or structure free of its foundation within the incorporated limits of the City. The above shall not be construed as a measure to prevent the owners of a building or structure from personally raising, moving, or supporting such building or structure upon their own premises.

C. PERMIT REQUIREMENTS AND APPLICATION PROCESS:

a. Process:

1. Permit Required: Every licensed house mover or building owner shall, before raising, moving, or supporting free of its foundation any building or structure, obtain a permit therefore from the City.
2. A person seeking a permit shall contact the Building Official to receive an application for inspecting the property and must file the completed application form with the Zoning Administrator. The applicant shall present plans to the Building Official, which at a minimum, shall indicate lot size, orientation of the structure on the property respective to setback requirements and lot coverage requirements. The Building Official shall physically inspect all buildings to be moved within/into the City (unless the building/structure is new construction and an inspection report from a building official is provided declaring the building/structure consistent with applicable codes).
3. Upon receipt of a completed moving permit application, which shall include an inspection report from the Building Official (including filing fee), the Zoning Administrator shall set the time and date for a public hearing. Notice of said hearing shall consist of a legal property description and/or a summary description of the request, and be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of zoning amendments involving changes in zoning district boundaries affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty (350) feet of the property to which the amendment relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice, or failure to provide mailed notice to individual property owners, or defects in the notice, shall not invalidate any such proceedings as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.
4. Any application for a permit shall be accompanied by a permit fee, which shall be in an amount equal to the fee charged for a conditional use permit. Such fee shall not be refundable if the permit is denied.
5. The Planning Commission, in determining whether or not to recommend approval of the moving permit, shall consider the same criteria that apply to the issuance of conditional use permits. In addition, they shall consider the following factors:
 - i. Whether the building/structure is potentially structurally unsafe and could endanger persons or property within the City if moved;
 - ii. Whether the structure is structurally sound and capable of meeting Minnesota State Building Code requirements subsequent to the move; and

- iii. To note, the Building Official may require code compliance work to be completed before the structure is allowed to be relocated.
 - 6. The Planning Commission, in recommending approval of a permit, may institute conditions upon the permit which may include, but not limited to, the following:
 - i. The route to be followed in moving the structure;
 - ii. The date and time limits in which the building may be moved;
 - iii. The amount of time in which an association or corporation owning, operating, or controlling wires or cable that must be moved or displaced to accommodate the move has to remove or displace wires or cables after receipt of notice of the time of the move;
 - iv. The amount of cash deposit, performance bond, or completion bond that should be required by the City Council, if any;
 - v. The amount of a cash deposit or letter of credit for estimated costs that may be incurred on behalf of the City, as required by the City Council; and
 - vi. Alterations or repairs that must be made to the structure to comply with Minnesota State Building Code requirements and/or to upgrade the building to maintain neighborhood integrity and appearance.
 - 7. After recommendation by the Planning Commission, the matter shall be placed on the agenda of the next City Council meeting. A favorable vote of a majority of the Council members present shall be required to approve the permit.
 - 8. If a permit is approved, a cash deposit, performance bond, or completion bond in an amount set in the permit (if any) shall be filed with the Zoning Administrator prior to the issuance of the permit, and be signed by a good and sufficient surety, setting forth the completion date therein. Such bond, if required, is for the purpose of ensuring that alterations and repairs to the structure as required within the Minnesota State Building Code or as required as a condition of the permit, are accomplished. The date of completion shall be set by the City Council and the Building Official.
 - 9. In cases where a building is being moved outside the incorporated limits of the City, or in the case where an accessory structure or single story garage are to be moved, the application and application fee shall be filed with the Zoning Administrator, but no hearing or approval of the Planning Commission or City Council is required, unless otherwise deemed necessary by the Zoning Administrator.
- D. CONDITIONS OF PERMIT: The following conditions shall apply to each moving permit as issued by the City:
- a. Moving Buildings Across Railway Tracks: No house, building, or structure shall be moved across any railway track, except at such time as permitted by the persons, associations, or corporations owning or controlling such tracks.

- b. Lighting Required on Buildings/Structures: When any building or structure is being moved across or through any street or alley, a red light must be illuminated at each corner of such building or structure from sunset to sunrise. All ropes, blocks, winches, windlasses, or other equipment used in the moving of said building or structure must, when obstructing the free use of a street or alley, be protected by suitable lights from sunset to sunrise.

EFFECTIVE DATE AND ATTESTATION:

This Ordinance becomes effective upon publication of the approved summary publication in the City's official newspaper.

Passed by the City Council of Frazee, Becker County, Minnesota in 2020.

Ken Miosek, Mayor

Attested:

Denise Anderson, City Clerk/Administrator