

# CHAPTER 6

## PLANNING AND ZONING REGULATIONS

<b>Section 6.010</b>	<b>Purpose and Intent.....</b>	<b>Pg 3</b>
<b>Section 6.020</b>	<b>Title.....</b>	<b>Pg 3</b>
<b>Section 6.030</b>	<b>Scope and Interpretation.....</b>	<b>Pg 3</b>
<b>Section 6.040</b>	<b>Rules and Definitions.....</b>	<b>Pg 4</b>
<b>Section 6.050</b>	<b>Administration.....</b>	<b>Pg 19</b>
<b>Section 6.060</b>	<b>Zoning Amendments.....</b>	<b>Pg 21</b>
<b>Section 6.070</b>	<b>Conditional Use Permits.....</b>	<b>Pg 24</b>
<b>Section 6.080</b>	<b>Variances.....</b>	<b>Pg 28</b>
<b>Section 6.090</b>	<b>Building Permits.....</b>	<b>Pg 31</b>
<b>Section 6.100</b>	<b>Classification of Districts.....</b>	<b>Pg 32</b>
<b>Section 6.110</b>	<b>A-1 Agricultural District.....</b>	<b>Pg 33</b>
<b>Section 6.120</b>	<b>R-1 One-Family Residential District.....</b>	<b>Pg 36</b>
<b>Section 6.130</b>	<b>R-2 One And Two-Family Residential District.....</b>	<b>Pg 43</b>
<b>Section 6.140</b>	<b>R-3 Limited Multiple-Family Residential District.....</b>	<b>Pg 49</b>
<b>Section 6.150</b>	<b>R-4 Multiple-Family Residential District.....</b>	<b>Pg 57</b>
<b>Section 6.160</b>	<b>R-T Residential Transition District.....</b>	<b>Pg 61</b>
<b>Section 6.170</b>	<b>B-1 Community Business District.....</b>	<b>Pg 63</b>
<b>Section 6.173</b>	<b>Parkway Avenue District.....</b>	<b>Pg 69</b>
<b>Section 6.175</b>	<b>B-2 General Business District.....</b>	<b>Pg 75</b>

<b>Section 6.180</b>	<b>L-I Light Industrial District.....Pg 80</b>
<b>Section 6.190</b>	<b>H-I Heavy Industrial District.....Pg 82</b>
<b>Section 6.200</b>	<b>Manufactured Home Parks.....Pg 84</b>
<b>Section 6.210</b>	<b>Standard of General Applicability.....Pg 90</b>
<b>Section 6.220</b>	<b>Special Provisions Applicable to Specific Permitted and Conditional Uses.....Pg 108</b>
<b>Section 6.230</b>	<b>Non-Conformities.....Pg 115</b>
<b>Section 6.240</b>	<b>Landscaping and Screening.....Pg 118</b>
<b>Section 6.250</b>	<b>Adult Uses.....Pg 122</b>
<b>Section 6.260</b>	<b>Violations, Penalties, and Enforcement.....Pg 128</b>
<b>Section 6.270</b>	<b>Administrative Interpretations.....Pg 130</b>
<b>Section 6.280</b>	<b>Minnesota State Building Code.....Pg 131</b>
<b>Section 6.290</b>	<b>Wetlands.....Pg 132</b>
<b>Section 6.300</b>	<b>Solar Collection Systems.....Pg 131</b>
<b>Section 6.400</b>	<b>Wireless Telecommunications Services.....Pg 136</b>
<b>Section 6.500</b>	<b>Restrictive Floodplain Management.....Pg 142</b>

## SECTION 6.010 PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare of the inhabitants of the City of Eagle Lake by lessening congestion in the public right-of-ways, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties, and encouraging the most appropriate use of land.

## SECTION 6.020 TITLE

This Ordinance shall be known and may be cited and referred to as the “City of Eagle Lake Zoning Ordinance”; when referred to herein, it shall be known as “this Ordinance” or “this Chapter”.

## SECTION 6.030 SCOPE AND INTERPRETATION

**Subd. 1. Scope.** From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered and with respect to height and area, added to, or relocated, altered and every use within a building or use accessory thereto, in the City of Eagle Lake shall be in conformity with the provisions of this Ordinance. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as a nonconforming use, but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming properties or uses.

**Subd. 2. Interpretation.** In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promoting of the public health, safety, comfort, convenience, and general welfare. When the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. When the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

**Subd. 3. Provisions Are Cumulative.** The provisions of this Chapter shall be interpreted to be cumulative of, and to impose limitations in addition to all other codes, laws, ordinances, and regulations in existence or which may be passed governing any subject matter of this Chapter. Several provisions of this Chapter also shall be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this Chapter shall be construed to be consistent with, and no conflict with, the provisions of such other codes, laws, ordinances, and regulations, and with each other, to

the end that all such provisions may be given their fullest application.

**Subd. 4. Provisions Are Not a Consent, License, or Permit.** The provisions of this Chapter shall not be interpreted to be or to grant unlawful use or structure existing upon the effective date of the Chapter. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with provisions of this Chapter.

**Subd. 5. Unlawful Uses and Structures Are Not Validated.** This Chapter shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of the Chapter. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with provisions of this Chapter.

## SECTION 6.040 RULES AND DEFINITIONS

### Subd. 1. Rules.

- A. For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural and the plural the singular.
- B. The word “person” shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- C. The word “shall” is mandatory and not discretionary.
- D. The word “may” is permissive.
- E. The word “lot” shall include the word “plot”, “piece”, and “parcel”
- F. The words “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for.”
- G. The word “building” shall include the word “structure”.

**Subd. 2. Definitions.** For purpose of this Ordinance, certain terms and words are defined as follows:

- A. Accessory Building. A structure detached from, but located on the same lot as the principal structure or principal use, the use of which is incidental and accessory to that of the principal structure or principal use.
- B. Accessory Use. A use incidental to and on the same lot as a principal use.
- C. Adjacent or Contiguous. Means adjoining, bordering, touching or contiguous. If two (2) lots are separated by a public alley or public walk, they shall be deemed adjacent.

- D.** Administrator. The duly appointed person charged with enforcement of this Ordinance.
- E.** Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm.
- F.** Alley. Any public right-of-way or private way whose primary function is to furnish vehicular access to the side or rear of properties having their main frontage on the street. For the purpose of this Chapter, alleys shall not be considered streets.
- G.** Apartment. A dwelling unit within a house or building containing two (2) or more similar units. Each apartment is intended to be occupied by a single housekeeping unit. (See definition of Family)
- H.** Apartment Building. A building containing three (3) or more apartments (see definition of dwelling, Multi-Family).
- I.** Automobile Repair Garage. Any building or premises primarily used for the repair or mechanical maintenance of motor vehicles or trailers.
- J.** Automobile Service Station. Any building or premises primarily used for dispensing of gasoline or diesel fuel.
- K.** Automobile Wrecking and Junk Yard. Land or buildings where discarded or salvaged materials from wrecked motor vehicles or other vehicles or machinery are bought, sold, stored, exchanged, packed, assembled, disassembled, or handled; including, but not limited to, scrap metal, rags, paper, tires, and rubber products.
- L.** Bed and Breakfast Residence. An owner-occupied, single-family residence situated either in a unique locale or in a historically or architecturally significant structure and provides lodging and meals to registered guests.
- M.** Bed and Breakfast, Accessory Use. An activity which is permitted in the same underlying residential district and which is incidental and secondary to the bed and breakfast residence.
- N.** Bedroom. Any room used principally for sleeping purposes and does not contain separate kitchen and sanitary facilities.
- O.** Basement. A portion of a building located partly underground, but having less

than half of its floor-to-ceiling height below the average grade of the adjoining grounds.

- P.** Boarding House. Any dwelling other than a hotel or motel where meals or lodgings and meals for compensation are provided for five or more persons, pursuant to previous arrangements and not to anyone who may apply.
- Q.** Board of Adjustment and Appeals. The Eagle Lake City Council sitting as a governing board exercising the authority to grant zoning amendments, conditional use permits and variances from the numeric requirements of the Eagle Lake Zoning Code, and to hear and decide appeals from an administrative decision or enforcement order of the Zoning Administrator.
- R.** Buffer Area. A landscaped area intended to separate and/or partially obstruct the view of adjacent land uses or properties from one another.
- S.** Building. Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such buildings so separated shall be deemed a separate building. A fence shall not be considered a building for setback purposes.
- T.** Building Height. The vertical measurement of a structure measured from the average elevation of the finished ground grade within ten (10) feet of the building to the highest point of the roof surface of a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.
- U.** Building Line. A line parallel to or concentric with the street right-of-way line or any other property line, at the foundation level of a building and representing the distance which the building is set back from the street right-of-way line or other property line.
- V.** Building Setback. The minimum horizontal distance between the building and the lot line and/or right-of-way line.
- W.** Bulk Materials. Uncontained solid matter such as powder, grain, stone, sand, etc.
- X.** Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- Y.** Campground. An area or tract of land used or occupied by campers using tents or other portable shelters or vehicles designed specifically as their temporary housekeeping accommodations.
- Z.** Canopy and Awning. Any projecting structure, moveable or stationary, that is attached to and supported by a building. Does not include canopies covering fuel

dispensing islands at automobile service stations.

- AA.** Carwash. A building that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Also referred to as automobile wash.
- AB.** Cellar. That portion of the building having more than half of the floor-to-ceiling height below the average grade of adjoining ground.
- AC.** Cemetery. Land used for the burial of the dead, including crematories and mausoleums when operated in conjunction within the boundaries of such cemetery.
- AD.** Child Daycare (Commercial). A building or portion of a building where care, protection and supervision are provided for a fee on a regular basis for children of any age.
- AE.** Child Daycare (Home). A private residence where care, protection and supervision are provided for a fee for children of any age and the persons providing care reside at the residence.
- AF.** Church or Place of Religious Worship. An institution, together with its accessory buildings and uses, where people regularly assemble to participate in or hold religious services, meetings, and other related activities, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- AG.** Clinic. A place used for the diagnosis and treatment of sick, ailing, infirm, injured persons, and those persons who are in need of medical attention. Overnight care facilities are not provided at the clinic.
- AH.** Club or Lodge. Land, buildings, or premises owned or operated by a corporation, association, or group of individuals for a social, educational, recreational, charitable, political, or patriotic purpose and such land, buildings, or premises are not available for unrestricted public access and use.
- AI.** Commercial Use. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
- AJ.** Commercial Vehicle. Any vehicle used in connection with a commercial use.
- AK.** Community Center. A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. May also be referred to as a convention center or civic center.

- AL.** Community Water and Sewer System. Utility systems serving a group of buildings, lots, or an area of the City, with the design and construction of such utilities systems as approved by the City's Engineer.
- AM.** Comprehensive Plan or Policies Plan. A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act, includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- AN.** Conditional Use. A use classified as conditional generally may be appropriate or desirable in a specified zone but requires special City Council approval and is subject to conditions approved by the Council.
- AO.** Congregate Housing. A residential facility for four (4) or more elderly persons (age 60 or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments, and counseling. May also be referred to as an assisted living facility.
- AP.** Convenience Store. A retail establishment, having a maximum gross floor area of seven thousand five hundred square feet, offering for sale prepackaged food products, household items and other goods commonly associated with this type of store. May also be combined with an automobile service station.
- AQ.** Corner Lot. A lot situated at the junction of and fronting on two or more streets.
- AR.** Cul-de-Sac. A local street, one end of which is closed and consists of a circular turn around.
- AS.** Curb Level. The curb level is the level of the established curb in front of the building measured at the center of such front where no curb level has been established, the City's Engineer shall establish such curb level or its equivalent for the purpose of this Ordinance.
- AT.** Deck, Attached. A structure within six (6) feet of the main building that may or may not have railings or access to the ground but does not contain walls or a roof. May also be referred to as a balcony.
- AU.** Deck, Unattached. A structure six (6) feet or more from the main building that may or may not have railings or access to the ground but does not contain walls or a roof.
- AV.** Density. The number of dwellings or principal buildings or uses permitted per



net acre of land. Net acre of land shall not include land required for public streets.

- AW.** Development. All structures and other human modifications of the natural landscape.
- AX.** Drinking Establishment. Any premises where alcoholic or non-alcoholic beverages are sold at retail for consumption on the premises. Snack food may be available but not as a complete meal. Also referred to as a bar and/or saloon, coffee house or teen center
- AY.** District. A section of the City for which the regulations governing the height, area, use of buildings and premises are the same.
- AZ.** Drive-In Facility. Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in motor vehicle, also referred to as a drive-thru.
- BA.** Driveway. A private way used by vehicles to gain access to an individual lot or parcel of land. For one- and two-family dwellings, the driveway shall be defined as the length and width of a driving surface that is used to gain access to a private garage.
- BB.** Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family dwelling units and apartment buildings but not including units used for occupancy in hotels or motels. May also be referred to as a residence or residential building.
- BC.** Dwelling, Multi-Family. A residential building used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, but not including group, row, or townhouses.
- BD.** Dwelling, One-Family, Attached (Group, Row, or Townhouse). One or more residential dwellings are joined to other dwellings by a common wall without openings and with individual entrances to each dwelling from the exterior. Each dwelling unit shall have principal access onto the ground floor and shall be occupied by not more than one family.
- BE.** Dwelling, One-Family Detached. A residential building containing not more than one (1) dwelling unit and entirely surrounded by open space and yards located on the same lot.
- BF.** Dwelling, Two-Family. A residential building containing not more than two (2) dwelling units, but not including group, row, or townhouses. May also be referred to as a duplex.

- BG.** Dwelling Unit. One (1) or more rooms physically arranged so as to create an independent housekeeping unit for occupancy by one (1) family. A dwelling unit contains separate toilet, cooking, and sleeping accommodations. Dwelling units may be rented or owner-occupied. May also be called a residence or rooming house dwelling unit.
- BH.** Dwelling Unit, Rooming House. A one- or two-family dwelling that is leased or rented, in whole or in part, to one or more unrelated individuals. For the purposes of this Chapter, state licensed residential facilities and dwelling units used for state licensed foster care shall not be considered a rooming house dwelling unit. See definitions of unrelated individuals, one-family dwelling unit, two-family dwelling unit and state licensed residential facility.
- BI.** Easement. The right of a person, government agency, or public utility to use public or private property for a specific purpose.
- BJ.** Emergency Shelter. A non-profit, charitable, or religious organization providing boarding and/or lodging and ancillary services on the premises to primarily indigent, needy, homeless, or transient persons.
- BK.** Essential Service Utility Structure and Facility. Includes, but is not limited to, a structure or facility used for the location, maintenance and/or service of communication lines, natural gas, petroleum pipelines, television cable, or electrical transmission lines.
- BL.** Exterior Storage (Includes Open Storage). The storage of goods, materials, equipment, manufactured products or similar items outside any enclosed building.
- BM.** Family. An individual or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) unrelated persons, living together as a single housekeeping unit, within a dwelling unit, as distinguished from individuals or a group occupying a hotel, motel, club, lodge, sorority, fraternity, or dormitory.
- BN.** Family-Traditional. A traditional family means one or more persons related by blood or marriage residing in a single dwelling unit.
- BO.** Family-Functional. A functional family means a collective group of unrelated persons residing in a single dwelling unit, limited to not more than two adult persons, together with their traditional family members of any age.
- BP.** Fence. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

- BQ.** Floor Area. The sum of the gross horizontal areas of all floors of a building as measured from the exterior faces of the exterior walls.
- BR.** Floor Area, Livable or Usable. The sum of the gross horizontal area of all floors of a building as measured from the interior faces of the interior walls, excluding the areas of unoccupied cellars, accessory garages, porches, attics, basements, stairways, bathrooms, and utility and heating rooms.
- BS.** Floor Area Ratio (FAR). The floor area of the building, or buildings on a lot divided by the area of that lot, or in the case of planned developments, the sum of the floor area of all buildings divided by the gross site area.
- BT.** Frontage. The length of any one (1) property line of a lot that abuts a public street. All sides of a lot adjacent to public streets shall be considered frontage and yards shall be provided as indicated in this Chapter.
- BU.** Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for:
1. Embalming and the performance of other services used in the preparation of the dead for burial.
  2. The performance of autopsies and other surgical procedures on the dead.
  3. The storage of caskets, funeral urns, and other related funeral supplies.
  4. The storage of funeral vehicles.
- BV.** A funeral home shall not include facilities for cremation, unless allowed by a conditional use permit. A funeral chapel shall be considered an accessory use to a funeral home.
- BW.** Garage, Private. An accessory use situated on the same lot of the principal use, and designed for the private storage of motor vehicles owned by the occupant of a principal use. 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 building or detached from the principal building. When a private garage is attached to a principal building, it shall be considered part of the principal building for setback and yard purposes.
- BX.** Garage, Public. A building designed and used for the storage of automobile vehicles and operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles. Parking ramps shall be included within this definition.
- BY.** Governing Body. Eagle Lake City Council

- BZ.** Grade, Ground. The average elevation of the finished levels measured at the center of all exterior walls of a building.
- CA.** Group Home. Means a state licensed residential facility as defined by Minnesota State Statute.
- CB.** Grouped Housing Project. Two (2) or more dwellings located on a single lot or parcel.
- CC.** Home Occupation. A home occupation is an accessory use of the property, carried on by one (1) or more persons.

The home occupation shall be clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential zoning district.

- CD.** Hospital. An institution providing health services for human in-patients and medical or surgical care for the sick or injured. Includes related facilities such as laboratories, outpatient departments, training facilities, central service facilities, staff offices, and overnight accommodations for patients.
- CE.** Hotel. A facility offering transient lodging accommodations on a daily or weekly rate to the general public and may provide additional services such as restaurants, meeting rooms, and recreational facilities. May also be referred to as a motel.
- CF.** Illustrations. The illustrations in this Chapter are not a part of this chapter, but are included herein for purposes of explanation and clarification.
- CG.** Impervious Surface. Impervious surface means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include, but are not limited to, rooftops, sidewalks, patios, storage areas, roads, streets, driveways, and parking lots constructed of concrete, asphalt, or compacted aggregate.
- CH.** Industrial Park. A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.
- CI.** Industrial, Heavy. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing process using flammable, or explosive

materials, or a storage or manufacturing process that potentially involves hazardous or commonly recognized offensive conditions.

- CJ.** Industrial, Light. A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, storage, sales, and distribution of such products.
- CK.** Junkyard. Land or buildings at which waste material, refuse material, inoperative motor vehicles, inoperative machinery, and inoperative appliances, are collected, stored, salvaged, or sold.
- CL.** 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.
- CM.** 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.
- CN.** Laundry, Self-Service. A business that provides home type washing and drying machines to be used by customers on the premises.
- CO.** Lot. A piece of land occupied or intended to be occupied by a principal use and its accessory uses together with such open space and yards as is required by this Chapter, and having at least the minimum area, frontage, and width as required by this Chapter. Also referred to as a parcel, tract, property, or piece.
- CP.** Lot Area. The total horizontal area within the lot lines of the lot
- CQ.** Lot, Conforming. A lot that conforms to the minimum width, area, and frontage requirements of this Chapter.
- CR.** Lot, Corner. A lot abutting, and at the intersection, of two (2) or more streets. A corner lot shall be considered as having primary frontage abutting the required front yard and secondary frontage abutting a corner side yard.
- CS.** Lot, Coverage. The area of the lot covered by buildings or roofed areas, excluding permitted projecting eaves.
- CT.** Lot, Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.
- CU.** Lot, Interior. An interior lot is a lot other than a corner lot or through lot.

- CV.** Lot of Record. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.
- CW.** Lot, Nonconforming. A lot or parcel of land that has less than the required minimum area, width, and frontage as required by this Chapter. Also referred to as a substandard lot.
- CX.** Lot, Through. A lot having front and rear lot lines abutting a public street.
- CY.** Lot, Width. The horizontal distance between the side lot lines measured at the required front yard setback line.
- CZ.** Manufactured Housing. Applies to either:
1. A factory-built one-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.
  2. A transportable, factory-built home, designed to be used as a year round residential dwelling. Such structure has wheels or axles permanently attached to its frame. Such structures built prior to June 15, 1976 are referred to as mobile homes.
- DA.** Mobile Home. A transportable, factory-built home built prior to June 15, 1976, and designed to be used as a year round residential dwelling. Such structure has wheels or axles permanently attached to its frame.
- DB.** Mobile Home Stand. The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
- DC.** Modular Home. A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site. A module home shall be synonymous to a one family dwelling.
- DD.** Nonconforming Building. Any building that does not meet zoning district regulations of this Chapter.
- DE.** Nonconforming Use. A use lawfully in existence on the effective date of this Ordinance and does not comply with the use regulations of this Chapter.
- DF.** Nursing Home. A place, residence, or home used for the boarding and care of the elderly or infirm who are dependent upon the services of others.
- DG.** Office. A building or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

- DH.** Official Map. A map established by the governing body, in accordance with state statues, showing streets, highways, parks, and drainage, both existing and proposed.
- DI.** Off-Street Loading Space. A space accessible from a street, alley, or driveway for use by trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.
- DJ.** Open Space, Common. Open space within or related to a development designed and intended for the common use or enjoyment of the occupants of the development. Parking or driveways shall not be considered permitted open space.
- DK.** Outside Storage. The keeping in an unroofed area of any goods, bulk material, other materials, merchandise, or products for more than twenty-four (24) hours. Also referred to as unenclosed storage.
- DL.** Park. Any public or private land available for recreational, educational, cultural, or aesthetic use.
- DM.** Parking, Joint. The development and use of a parking space or parking lot by two (2) or more separate developments.
- DN.** Parking Lot. An unenclosed or enclosed area used for the temporary parking of four (4) or more motor vehicles.
- DO.** Parking Space or Stall. An obstructed space or area, of such dimension and construction in conformance with this Chapter that is permanently reserved and maintained for the parking of one (1) motor vehicle.
- DP.** Patio. An attached or unattached structure at ground level that does not contain walls or a roof, and is not used for parking purposes.
- DQ.** Performance Guarantee. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan. May also be referred to as an Irrevocable Letter of Credit.
- DR.** Performance Standards. A set of minimum and maximum design and performance requirements applied to permitted and conditional uses.
- DS.** Planning Commission. The Planning Commission of Eagle Lake.
- DT.** Planned Unit Development (Planned Development). An Area for which a unitary development plan has been prepared indicating, but not limited to the following

land uses: open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing densities, building spacing, land coverage, landscaping, relationships, streets, building heights, accessory uses and architectural treatment.

- DU.** A Planned Unit Development also includes “Cluster Developments” which are a development design technique that concentrates buildings in a specific area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas.
- DV.** Premises. A lot or plot with the required front, side and rear yards.
- DW.** Principal or Main Building. A building in which the principal use of the lot is located or conducted.
- DX.** Principal Use. The permitted or conditional use of a property or structure. Also may be defined as the main and predominate use of land or structures as distinguished from a secondary or accessory use.
- DY.** Property Line. Same as lot line
- DZ.** Public Land. Land owned or operated by the City, School District, County, State, or other governmental unit.
- EA.** Ramp. A structure attached to a principal or accessory building which constructed at a slope that meets the Uniform Building Code requirements for the purposes of providing access to a building.
- EB.** Recreation, Public. Includes all uses such as tennis courts, ball fields, picnic areas, and such that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- EC.** Recreation, Commercial. Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
- ED.** Reclamation, Land. The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered a land reclamation project.
- EE.** Recycling Collection Point. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of items is permissible.
- EF.** Restaurant. A business establishment that sells unpackaged food to the customer



in a ready-to-consume state, in individual servings, and where the customer consumes these foods in a building, picks up food from the building to consume elsewhere, or the food is delivered to the customer by employees of the restaurant. This definition includes, but is not limited to; fast food restaurants, sit down restaurants, pick-up or carry-out restaurants, delivery restaurants, drive-in restaurants, drive-thru restaurants, cafes, tea rooms, delis, and any combination thereof. May also be referred to as an eating establishment.

- EG.** School. A public or private facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary, junior high schools, and high schools.
- EH.** Screen. The utilization of a fence, wall, vegetation, or other device or means, in order to conceal from view.
- EI.** Self-Service Storage Facility. A commercial building or group of buildings that contain varying sizes of individual compartmentalized and controlled stalls or lockers for the storage of customers' goods or wares.
- EJ.** Setback. The required minimum horizontal distance between a building line and the related front, side, or rear property lines.
- EK.** Shopping Mall. Two (2) or more commercial or business uses joined to each other by a common wall without opening and each with individual entrances. Each use shall have principal access to the outside (strip mall) or to a common enclosed area (enclosed mall).
- EL.** Sign. Any name, identification, description, display, illustration, structure, emblem, or device which is affixed to, painted, or represented directly or indirectly upon a building, bench, or other outdoor structure, vehicle, or piece of land, which is intended to direct attention to an object, product, place, activity, person, organization, or business. The structure supporting or intended to support a sign shall be considered part of the sign.
- EM.** Site Plan. A document or group of documents containing sketches, text, drawings, maps, photographs and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, parking lots, the provisions of improvements, and the interrelationship of these elements.
- EN.** State Licensed Residential Facility. A dwelling operated under state license to provide supervision, food, lodging, or other services to a dependent population living and cooking together in a single cooperative housekeeping unit. Includes state licensed day care facility and a group day care facility.
- EO.** Street. A public or private thoroughfare used, or intended to be used, for travel

by motor vehicles. Streets are further classified by the function they perform as local collectors and arterials. For the purpose of this Chapter, public alleys shall not be considered streets.

- EP.** Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.
- EQ.** Townhouse. One of a group of one-family attached dwellings all fronting on a public right-of-way or private driveway, and occupying either individual lots or a common lot when developed in Grouped Housing Projects or Planned Unit Developments.
- ER.** Trash Enclosure. An accessory use of a property where trash and/or recyclable material containers or any other type of waste or refuse container is stored.
- ES.** Use. The purpose, for which land or premises or a building is designated, arranged or intended, or for which it is or may be occupied or maintained.
- ET.** Use (Accessory). A use incidental or accessory to the principal use of a lot or a building and located on the same lot as the principle use.
- EU.** Used For. The term “used for” shall include the phrases “arranged for”, “designed for,” intended for”, and “occupied for”.
- EV.** Unrelated Individuals. Two (2) or more individuals who are not related by blood, marriage, or adoption. For the purposes of this Chapter, “related by blood” shall mean whole or half relation between a common ancestor or descendant, brother or sister, uncle or aunt, niece or nephew, or first cousin.
- EW.** Variance. The adjustment by the Board of Adjustments and Appeals of the literal provisions of this Chapter 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.
- EX.** Water Retention Device or Area. Any constructed control device, ponding area or storm water pond, or a natural depression or wetland installed or planned for under a state approved surface water management plan which provides for the temporary storage of storm water runoff, with the purpose of replicated pre-development hydrologic conditions and retaining sediment and/or nutrients.
- EY.** Yard. Any open space on the same zoning lot with a building that is occupied by that building or any other structure, and excluding loading and parking areas, except as otherwise permitted in this Chapter.
- EZ.** Yard, Front. A yard extending across the full width of a lot and having a depth

equal to the shortest distance between the front line and the building line of the main building, including any enclosed or covered porches, as measured from the existing or future right-of-way on which the lot has primary frontage. The front yard depth shall be measured at right angles to the front property line.

- FA.** Yard, Rear. A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear lot line and building line of the main building, or a depth equal to the shortest distance between the most distant point on any other lot line and the building line of the main building in instances where there is no rear lot line. The rear yard depth shall be measured at right angles to the main building.
- FB.** Yard, Side. A yard between the side lot line and the building line of the main building, which extends from the front yard to the rear yard and has a width equal to the shortest distance between the side lot line and the building line of the main building. The required side yard width shall be calculated at the front building line and the side yard width shall be measured at right angles to the side lot lines.
- FC.** Yard, Corner Side. A yard extending across the full depth of a corner lot and having a width equal to the shortest distance between the right-of-way line along the lot's secondary frontage and the building line of the main building.
- FD.** Zoning Amendment. A change authorized by the Board of Adjustments and Appeals of the allowed uses within a district, in the boundaries of a district, or the procedures or requirements of this Ordinance.
- FE.** Zoning Administrator. The City Administrator is assigned the administrative responsibilities under this Ordinance.
- FF.** Zoning Map, Official. The map or maps incorporated into this Ordinance.

## **SECTION 6.050 ADMINISTRATION**

**Subd. 1. Enforcing Officer.** The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

- A.** Administer this Ordinance and maintain permanent and current records of all associated maps, amendments, conditional uses, variances, and appeals.
- B.** Maintain a record of all conditional use and variance applications, all nonconforming uses, and all notices of violation, discontinuance, or removal in order to insure compliance with the provisions of this 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 this Ordinance, to the Board of Adjustments and Appeals.

- D.** Receive and process any application for an amendment, conditional use, variance, and planned development, and forward such application to the Planning Commission for review and its recommendation to the City Council.
- E.** Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for in this Ordinance.
- F.** Render interpretations of the provisions of this Ordinance.
- G.** Make a determination of compliance with this Ordinance on all applications for a Building Permit and/or Certificate of Occupancy.
- H.** Serve as an ex-officio non-voting member of the Planning Commission.

**Subd. 2. Planning Commission.** The Planning Commission shall have the following responsibilities:

- A.** Hear and make recommendations to the City Council regarding all applications for variances, conditional use permits and amendments to conditional use permits.
- B.** Hear and make recommendations to the City Council regarding all applications for a planned unit development.
- C.** Hear and make recommendations to the City Council regarding all applications for an amendment to this Ordinance.
- D.** Review, hold public hearings, and prepare recommendations on any proposed change to the City's comprehensive planning policies and plans, including this Ordinance.
- E.** Review this Ordinance from time to time and make recommendations to the City Council for such changes to this Ordinance as the Planning Commission may deem appropriate.
- F.** Hear and make recommendations on any other matter referred to it by the City Council.

**Subd. 3. Appeals and the Board of Adjustments and Appeals.** The Board of Adjustments and Appeals (City Council) shall have the following responsibilities:

- A.** Act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an

administrative official charged with enforcing this Ordinance. Such appeal may be taken by any person firm or corporation aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

- B.** Approve, approve with conditions, or deny variances, conditional use permits, or planned unit developments.
- 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 in the City Clerk's office.
- D.** Hear and decide applications for appeal of any administrative order or final decision made in the administration of this Ordinance.
- E.** Approve or deny any application for an amendment to this Ordinance or the Zoning Map.
- F.** Take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Ordinance.

**Subd. 4. Compliance with Regulations.** Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a building permit therefore. No permit shall be required for an alteration costing less than two hundred (200) dollars if no structural alteration of the building is involved.

## **SECTION 6.060 ZONING AMENDMENTS**

**Subd. 1. Criteria for Granting Zoning Amendments.** The text of this Ordinance and the Official Zoning Map may be amended from time to time by the passage of any ordinance duly adopted by the City Council in accordance with the procedures set forth herein.

**Subd. 2. Purpose.** The purpose of this Section is to provide standards and procedures for making amendments to the text of this Chapter and the Zoning Map that are of general significance or application. The amendment process is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

**Subd. 3. Parties Entitled to Initiate Amendments.** An amendment to the text of this Ordinance and the Zoning Map may be initiated by the City Council, the Planning Commission, or by petition of any affected property owner, provided the petition meets the requirements set forth in this Section. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Council until it has received the Planning Commission's recommendations.

**Subd. 4. Requirements for Amendment Petitions.** Petitions for amendments to this Ordinance shall be in such form and accompanied by such information as shall be prescribed, from time to time, by the Planning Commission and shall contain at least the following:

- A.** The petitioner's name, address, and interest in the petition and the name, address, and interest of every person, firm, corporation, or government agency represented by the petitioner in the petition.
- B.** The precise wording of the proposed amendment, together with concise explanation of its presumed effect.
- C.** A statement containing all the circumstances, factors, and arguments that the petitioner offers in support of the proposed amendment.
- D.** In the event that the proposed amendment would result in the rezoning of any property, the following shall be supplied:
  - 1. A statement identifying the names of the owners of the land and any parties to the petition of the land proposed to be rezoned.
  - 2. The street address and legal description of the land proposed to be rezoned.
  - 3. The present zoning classification and use of the land proposed to be rezoned and a statement of purpose explaining the reasons for rezoning.
  - 4. A preliminary plat if the property is not currently subdivided into lots and blocks in conformance with Chapter 5 of the Eagle Lake City Code.
  - 5. A concept development plan for the property if the property is vacant or is intended to be redeveloped.

**Subd. 5. Standards for Amendments.** In making their determination, the Planning Commission and City Council shall consider the following:

- A.** Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Land Use Plan, as adopted and amended from time to time by the City Council.
- B.** Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the affected property.
- C.** Whether the proposed amendment will have an adverse effect on the value of adjacent properties.
- D.** The adequacy of public facilities and services.

**Subd. 6. Procedure for Review and Decision of Proposed Amendments.** A petition to amend the text of this Ordinance and the Official Zoning Map shall be processed in accordance with the following procedures:

- A.** Public Hearing. After the filing of a petition for an amendment in the proper form, the Zoning Administrator shall set a date for a public hearing. Notice of said public hearing shall be given in the City's official newspaper a minimum of ten (10) days prior to the hearing date and a maximum of thirty (30) days to the hearing.

Notice shall be given by first class mail to all owners of property within three hundred fifty (350) feet of the area proposed to be rezoned, or as otherwise provided by State Law. County records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes. The City Council may waive the mailed notice requirement for a citywide amendment initiated by the Planning Commission or City Council.

- B.** To defray administrative costs for processing requests for an amendment to this Ordinance or the Zoning Map, a fee as set by the City Council from time to time, to include postage for each public hearing notice sent out, shall be paid by the petitioner(s).
- C.** A public hearing on the rezoning application shall be held by the Planning Commission within sixty (60) days after the request for the zoning amendment has been received. The Planning Commission shall make its report to the Eagle Lake City Council at its next regular meeting following the hearing recommendation approval, disapproval or modified approval of the proposed amendment.
- D.** The Eagle Lake City Council must take action on the application within sixty (60) days following referral by the Planning Commission. The City Council shall either adopt or reject the recommendation of the Planning Commission or adopt some modification of the recommendation. No amendment shall be adopted except by the affirmative vote of at least a 2/3's of all members of the City Council. The Zoning Administrator shall notify the petitioner(s) making the application of the action taken by the City Council. The Zoning Administrator shall also maintain a record of amendments to the text of this Ordinance and/or Zoning Map.
- E.** No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Planning Commission within a one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or change of circumstances warrant it.

**Subd. 7. Fees.** An applicant for a zoning amendment shall pay a non-refundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

## SECTION 6.070 CONDITIONAL USE PERMITS

**Subd. 1. Authority.** The City Council, in accordance with the procedures and standards set out in this Section, may grant conditional use permits authorizing the development of uses listed as conditional uses in the regulations applicable to the zoning district in which the specific property is located. The City Council also reserves the right to review, modify, or terminate the approval of any conditional use permit.

**Subd. 2. Purpose.** The principal objective of this Ordinance is to provide for an orderly arrangement of compatible building and land uses, and for the proper locations of all types of uses required by the City. To accomplish this objective, each type and kind of use is classified as permitted in one (1) or more of the various zoning districts established by this Ordinance. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which may be allowed because of their unusual characteristics or the service they provide to the public.

These conditional uses require particular considerations as to their proper location in relation to adjacent established or intended use and the planned development of the community; therefore, each application will be reviewed on a case-by-case basis and will be subject to a public hearing process.

**Subd. 3. Procedure.** The following procedures shall govern application for Conditional Uses Permits:

1. An application for a Conditional Use Permit shall be filed with the Zoning Administrator on a form provided by the City and shall contain at least the following information: The applicant's name, address, and proof of interest in the property.
2. The owner's name and address, 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 proposed for the Conditional Use Permit.
4. The zoning classification and present use of the subject property.
5. A general description of the proposed conditional use.
6. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.
7. Such other information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and disposition of the application.



To defray administrative costs of processing of requests for conditional use permits, a fee as set by the City Council on the City Fee Schedule to include postage for each public hearing notice sent out shall be paid by the petitioner.

**Subd. 4. Action of Zoning Administrator.** Upon receipt of a properly completed application for a conditional use, the Zoning Administrator shall forthwith transmit to the Planning Commission the application together with all other documents made part thereof.

**Subd. 5. Public Hearing.** Upon receipt of a properly completed application for a conditional use permit, the Planning Commission shall set a date for a public hearing.

**Subd. 6. Public Hearing Notice.** The Planning Commission shall hold a public hearing on the conditional use permit application within sixty (60) days after receiving the application by the Zoning Administrator. Notice of said public hearing shall be given in the City's official newspaper a minimum of ten (10) days prior to the hearing date and a maximum of thirty (30) days to the hearing. The Planning Commission may require notice be given to property owners of an area greater than three hundred fifty (350) feet.

Notice shall be given by first class mail to all owners of property within three hundred fifty (350) feet from the proposed location of the conditional use. The notice shall describe the particular conditional use and shall contain a brief description thereof. County records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes.

**Subd. 7. Action of the Planning Commission.** Upon conclusion of the public hearing, the Planning Commission shall transmit its recommendation to the City Council. The Planning Commission shall either recommend the granting of the Conditional Use Permit, granting the Conditional Use Permit subject to conditions, or denying the Conditional Use Permit.

The failure of the Planning Commission to act within sixty (60) days of receipt of the application shall be deemed a recommendation for the approval of the Conditional Use Permit, unless the Planning Commission tabled the request. When a request is tabled by the Planning Commission, said request shall not be forwarded to the City Council until a recommendation to approve, approve with conditions, or deny has been adopted.

**Subd. 8. 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 one of the conditional uses listed in the particular zoning district.

- B.** It is in keeping with the comprehensive planning policies of the City and this Ordinance 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.
- J.** It will not jeopardize the public's health, safety, or general welfare.

**Subd. 9. Action of City Council.** After receipt of the Planning Commission's recommendation or its failure to act within sixty (60) days, the City Council shall either deny the Conditional Use Permit, or grant the Conditional Use Permit with or without conditions.

- A.** The City Council must take action on the application within sixty (60) days after receiving the report of the Planning Commission. If it grants the conditional use permit, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions among other things, may include a time limit for the use to exist or operate.
- B.** An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit, requests for changes in conditions, and as otherwise described in this Ordinance.
- C.** If a time limit or periodic review is included as a condition by which a Conditional Use Permit is granted, the Conditional Use Permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of a

conditional use permit may be granted at the discretion of the City Council.

- D. In the event that the applicant violates any of the conditions set fourth in the Conditional Use Permit, the City Council shall have the authority to revoke the Conditional Use Permit.

**Subd. 10. Additional Conditions.** In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose additional conditions which the Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
- B. Limiting the height, size or location of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Increasing the street width.
- E. Increasing the number of required off-street parking spaces.
- F. Limiting the number, size, location or lighting of signs.
- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- H. Designating sites for open space.

**Subd. 11. 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 an application for a building permit.

**Subd. 12. Limitations of Conditional Uses.** Subject to an extension of time granted by the City Council, no conditional use permit shall be valid for a period longer than twelve (12) consecutive months, unless a Building Permit is issued and the conditional use commenced within that period of time.

- A. Except when otherwise provided in the resolution approving the conditional use, a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question, rather than the owner or operator of such lot.

**Subd. 13. Other Requirements.** Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued, shall require an amended Conditional Use Permit and all

procedures apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council. Also, time limits, review dates, and such other information as may be appropriate.

- A.** No application for a conditional use permit shall be resubmitted for consideration by the Planning Commission for a period of one-year following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or change of circumstances warrant it.

**Subd. 14. Fees.** An applicant for a conditional use permit shall pay a non-refundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

### **SECTION 6.080 VARIANCES**

**Subd. 1. Authority.** In accordance with the procedures and standards set forth in this Section, the City Council shall have the authority to grant variances from the provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property.

**Subd. 2. Purpose.** The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Ordinance that create practical difficulties or particular hardships.

**Subd. 3. Parties Entitled to Seek Variances.** Applications for variances may be filed by the owner of, or any person having contractual interest in, the property.

**Subd. 4. Procedure.** An application for a Variance shall be filed with the Zoning Administrator on a form provided by the City and shall contain at least the following information: To defray administrative costs of processing of requests for variances, a fee as set by the City Council from time to time, to include postage for each public hearing notice sent out, shall be paid by the petitioner.

- A.** The applicant's name, address, and proof of interest in the property.
- B.** The owner's name and address, if different than the applicant, and owners signed consent to the filing of the application.
- C.** The street address and legal description of the property.
- D.** The present use and zoning classification of the property.
- E.** A site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets and private right-of-ways bordering and adjacent to the

site, the use and location of all adjacent property.

- F.** The specific feature or features of the proposed use, construction, or development that requires a variance.
- G.** The specific provisions of this Ordinance from which a variance is sought and the precise variance there from being sought.
- H.** Statement of the characteristics of the property that prevent compliance with the provisions of this Ordinance.

**Subd. 5. Action of Zoning Administrator.** Upon receipt of a properly completed application for a variance, the Zoning Administrator shall forthwith transmit to the Planning Commission the application with all documents attached thereto.

**Subd. 6. Public Hearing.** Upon receipt of a properly completed application for a variance, the Planning Commission shall set a date for a public hearing.

**Subd. 7. Public Hearing Notice.** The Planning Commission shall hold a public hearing on the variance application within sixty (60) days after receiving the application by the Zoning Administrator. Notice of said public hearing shall be given in the City's official newspaper a minimum of ten (10) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing. Notice shall be given by first class mail to all owners of property within three hundred fifty (350) feet from the proposed location of the conditional use.

The Planning Commission may require notice be given to property owners of an area greater than three hundred fifty (350) feet. The notice shall describe the particular variance and shall contain a brief description thereof. County records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes

**Subd. 8. Action of City Council.** Upon considering the Planning Commission's recommendation, the City Council may grant the variance, grant the variance subject to conditions, or deny the variance.

**Subd. 9. Standards.** In considering an application for a variance, the City Council may approve such variance only upon the finding that the application complies with the following standards:

- A.** No variance shall be granted unless the applicant establishes that conforming to the strict letter of the provisions of this Ordinance would create a unique and particular hardship. Unique and particular hardship is defined as the property is exceptional as compared to other property subject to the same provisions by reason of a unique physical condition, including the presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional

topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot. The hardship shall amount to more than a mere inconvenience to the owner and the hardship shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot.

- B.** The unique physical condition and hardship shall not be the result of any action or inaction of the property owner or its predecessors in title. The unique physical condition shall have existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.
- C.** The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by the owners of other property subject to the same provisions.
- D.** The alleged hardship shall not include the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision. The alleged hardship shall not include the inability of the property owner to realize a greater profit than if the variance were not granted.
- E.** There are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot.
- F.** A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- G.** The variance would not result in a development on the lot that:
  - 1. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property or improvements permitted in the vicinity.
  - 2. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity.
  - 3. Would substantially increase congestion in the public streets due to traffic or parking.
  - 4. Would unduly increase the danger of flood or fire.
  - 5. Would unduly tax public utilities and facilities in the area.
  - 6. Would endanger the public health or safety.

7. Would not be in harmony with the general and specific purposes of this Ordinance and the comprehensive planning policies and objectives of the City.

**Subd. 10. Conditions on Variances.** The City Council may impose specific conditions and limitations upon the granting of a variance as are necessary to achieve the purpose and objectives of this Ordinance. Such conditions and limitations may include, but are not limited to, those concerning the use, construction, character, location, landscaping, screening, parking, and other matters relating to the purpose and objectives of this Ordinance and shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the variance pursuant to Section 6.200.

**Subd. 11. Effect of Grant of Variance.** The approval of a proposed variance 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.

**Subd. 12. Limitations on Variance.** Subject to an extension of time granted by the City Council, no variance shall be valid for a period longer than twelve (12) months unless a Building Permit is issued and a use commenced within that period of time.

**Subd. 13. Prohibited Variances.** Notwithstanding any other provision in this Section, no variance shall be granted to establish a use not permitted in the zoning district where the property subject to the application is located.

**Subd. 14. Fees.** An applicant for a variance shall pay a non-refundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

## **SECTION 6.090 BUILDING PERMITS**

**Subd. 1. Authority.** The Zoning Administrator shall have authority to review Building Permit applications in order to determine compliance with this Ordinance.

**Subd. 2. Purpose.** For purposes of this Ordinance, a Building Permit authorizes the development on a lot in conformance with applicable Sections of this Ordinance and other City codes, including special approval conditions.

**Subd. 3. Permit Required.** For the purposes of enforcing this Ordinance a building permit shall be required of all persons intending to erect, alter, wreck, or move any building.

- A. Persons requesting a building permit shall fill out a building permit application available from the Zoning Administrator.

- B.** Completed building permit applications and a fee as may be established by resolution of the City Council shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to the Zoning Ordinance a building permit shall be issued by the Zoning Administrator within a period of sixty (60) days.
- C.** If the proposed development involves a zoning amendment, variance, or conditional use permit, the application together with a building permit, shall be submitted to the Planning Commission for review and appropriate action according to the procedures set forth above.
- D.** Any building permit issued under Chapter 6 shall expire at the end of one year after its issuance and a new permit shall be required at the lapse of that time. For multiple-family projects, the exterior shall be completed within eighteen (18) months of the issuance of the permit. An extension of six (6) months may be granted if in the determination of the Zoning Administrator extraordinary circumstances exist to warrant such an extension.
- E.** If a completed structure is proposed to be moved onto a lot, the Planning Commission will review the building permit application and make a recommendation to the City Council for final approval or disapproval pursuant to this Chapter.

**Subd. 4. Voided Building Permits.** Any Building Permit issued in violation of the provisions of this Ordinance, whether intentionally, negligently, or innocently, shall be voided immediately and shall give rise to no rights whatsoever.

#### **SECTION 6.100 CLASSIFICATION OF DISTRICTS**

**Subd. 1. Districts.** For the purpose of this Ordinance, the City of Eagle Lake is hereby divided into classes of zoning districts, which shall be designated as follows:

- A-1        Agricultural District
- R-1        One-Family Residential District
- R-2        One- and Two-Family Residential District
- R-3        Multiple-Family Residential District
- R-T        Residential Transition District
- B-1        Community Commercial District
- L-I        Light Industrial District



H-I Heavy Industrial District

**Subd. 2. Zoning Map.** The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map and said Map is hereby made a part of this Ordinance; said Map shall be known as the “City of Eagle Lake Zoning Map.” Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain the Zoning Map and update within thirty (30) days after official publication of any and all amendments. The official Zoning Map shall be kept on file at the City Office.

**Subd. 3. District Boundaries.** The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

**Subd. 4. Future Annexations.**

- A. Any land annexed to the City of Eagle Lake in the future shall be placed in the A-1, Agricultural District, until placed in another district by action of the City Council after recommendation of the Planning Commission. Annexed land may be zoned other than A-1, Agricultural District if another use is applied for by the property owner. The Planning Commission will review the request with the annexation and make a recommendation to the City Council.
- B. When any land is classified pursuant to this Section, it shall remain so classified unless and until an application to amend is filed pursuant to this chapter. An application to amend may be filed prior to the annexation of the land in question; provided a preliminary plat of the land is submitted with the amendment application.

**SECTION 6.110 A-1 AGRICULTURAL DISTRICT**

**Subd. 1. Purpose.** The purpose of the A-1, Agricultural District is to preserve the present agricultural lands and maintain other lands in a natural state while permitting low-density residential development where municipal utilities are economically available.

**Subd. 2. Permitted Uses.** The following uses shall be permitted in the A-1, Agricultural District:

- A. Single family detached dwellings. Single family detached dwelling requirements:

1. All structures used for residential occupancy shall have a minimum width of 22 feet.
  2. Manufactured homes must display a Federal Government approval sticker.
  3. All residences shall be affixed to a continuous permanent perimeter foundation constructed of wood, concrete block or poured concrete.
  4. All single family detached dwellings shall have siding, which is acceptable or comparable to previously constructed housing in the immediate area. Vertical ribbed aluminum siding is not acceptable.
- B.** Parks and recreational areas owned or operated by governmental agencies.
- C.** Public schools, elementary or high, or private schools having a curriculum equivalent to a public elementary school or public high school.
- D.** Golf courses, except club houses, miniature golf courses and driving tees operated for commercial purposes.
- E.** Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any of the Classes of Residence Districts.
- F.** Agriculture, farming, and truck gardening except kennels, animal or poultry farms operated for commercial purposes.

**Subd. 3. Conditional Uses.** The following uses may be allowed in the A-1, Agricultural District by Conditional Use Permit as provided in Section 6.7.

- A.** Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office, airport and other municipal service buildings except those customarily considered industrial in use and provided that no buildings shall be located within thirty (30) feet of any lot line of an abutting lot in any of the Classes of Residence Districts.
- B.** Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures.
- C.** Golf club house, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot line of abutting lot in any of the Classes of Residential Districts.
- D.** Offices of professional persons and home occupations when such uses does not exceed one-third (1/3) of the main floor space of a dwelling, is conducted only in the principal dwelling, and does not employ any persons not residing on the premises.

- E. Railroad right-of-ways, but not including railroad yards or shops.
- F. Nurseries and greenhouses for growing plants only not retail sales.
- G. Cemetery, memorial garden.

**Subd. 4. Permitted Accessory Uses.** The following uses shall be Permitted Accessory Uses in the A-1, Agricultural District:

- A. Private Garage, as regulated in Section 6.210.
- B. Private swimming pool, as regulated in Section 6.210.
- C. Keeping of not more than two boarders and/or roomers by a resident family.
- D. Living quarters of persons employed on the premises
- E. Fallout shelters.
- F. Accessory uses customarily incidental to the uses permitted in Subd. 2 of this Section.

**Subd. 5. Height, Yard, Area Regulations.**

- A. No restrictions on agricultural buildings.
- B. Height Regulation: No main building hereafter erected or altered shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
- C. Front Yard Regulation: Each lot in the district shall have a front yard having a depth of not less than thirty (30) feet from the street right-of-way.
- D. Side Yard Regulations: Each lot in the district shall have two side yards, one on each side of the building. For every dwelling hereafter erected or structurally altered which does not exceed one and a half stories (1 ½), each side yard shall have a width of not less than ten (10) feet. For every such dwelling, which has two (2) stories, each side yard shall have a width of not less than twelve (12) feet. For every dwelling of two and a half (2 ½) stories, each side yard shall have a width of at least fifteen (15) feet.
- E. Corner Lots: All corner lots shall have a thirty (30) foot front yard setback and a minimum of thirty (30) foot setback on the corner side yard.
- F. Rear Yard Regulations: Each lot in the district shall have a rear yard of a depth equal to twenty (20) percent of the depth of the lot provided the depth is a minimum

thirty (30) feet to a maximum of seventy-five (75) feet for such yard.

**G. Lot Area Regulations:** Each lot in the district shall contain an area of not less than five (5) acres.

**Subd. 6. General Regulations.** Additional regulations in the A-1, Agricultural District are set forth in Section 6.210.

**Subd. 7. Parking Surface.** Not more than thirty-five percent (35%) of the required front, corner side yard, or rear yard shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Motor vehicle parking shall not be allowed in the required side yard setback. The paved driveway surface shall not exceed a width of twenty four (24) feet measured at the curb line. An approved zoning permit is required before any hard surface can be constructed.

**Subd. 8. Sump Pumps.** All new home constructions must have a sump pump hooked up and in running condition. All sump pumps must have a permanent line running to the outside of the building to pump the water to the outside. All sump pumps must be connected to a storm sewer if one is available. At no time shall the sump pump discharge clear water into the sanitary sewer.

## **SECTION 6.120 R-1 ONE-FAMILY RESIDENTIAL DISTRICT**

**Subd. 1. Purpose.** The purpose of the R-1, One-Family Residential District, is to provide for low density residential development.

**Subd. 2. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the R-1, One-Family Residential District as provided in Section 6.7:

- A.** Dwellings, One-Family.
- B.** Gardens, provided no retail sales.
- C.** Public parks, playgrounds, tennis courts, and swimming pools, ball fields, and other recreational facilities.
- D.** Schools, public and private elementary, middle, and secondary.
- E.** Level 1 Home Occupations (8-5-13)

**Subd. 3. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the R-1, One-Family Residential District:

- A.** Bed and breakfast residences, as regulated in Section 6.200.
- B.** Cemeteries, crematories, and mausoleums.

- C. Child day care facilities when not operated as a home occupation, and as regulated in Section 6.210.
- D. Churches or places of religious worship, parish houses, rectories, and convents.
- E. Congregate Housing.
- F. Golf and country clubs, private swimming pool serving more than one family, provided the principal structure is not located within fifty (50) feet of any lot line.
- G. Government institutions, municipal buildings, museums, and libraries.
- H. Railroad right-of-ways, but not including railroad yards or shops.
- I. Water supply buildings, reservoirs, wells, elevated tanks, and similar public utility and service structures.
- J. Other residential, institutional, or governmental service uses determined by the City Council 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 general public health, safety, and welfare.
- K. Level II Home Occupations, as regulated by Section 6.210.
- L. Townhomes which meet the following requirements:
  1. Each lot meets the minimum lot size of 9,000 feet,
  2. Each lot provided has a minimum lot width of 70 feet,
  3. There may be a maximum of two (2) units connected together,
  4. Each unit shall supply an attached garage unit, and;
  5. A copy of covenants or Deed Restrictions should be submitted and be on file with the City.

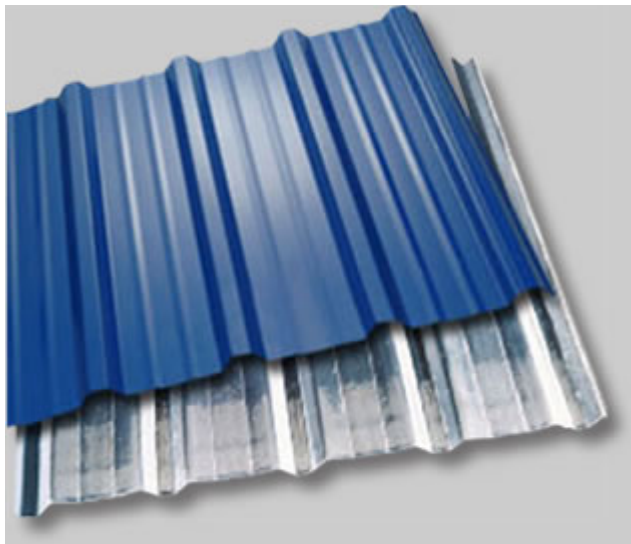
**Subd. 4. All Buildings. Height, Yard, and Area Regulations.**

- A. Height Regulations: No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed a height of twenty (20) feet and shall not have sidewalls that are greater than nine (9) feet in height. Refer to Section 6.210 for exceptions.
- B. Front Yard Regulations: Each lot in the district shall have a front yard having a depth of not less than thirty (30) feet from the street right-of-way. Lots that were approved by the City Council before June 6, 2005 shall be allowed to have a twenty-five (25) foot setback.

- C. Side Yard Regulations:** Each lot in the district shall have two (2) side yards, on each side of the main building. Each side yard shall have a width of not less than eight (8) feet.
- D. Rear Yard Regulations:** Each lot in the district shall have a rear yard of a depth of not less than twenty-five (25) feet for such yard.
- E. Rear Yard with Adjoining Alley:** When computing the depth of a rear yard in a Residential District where the rear lot line adjoins an alley, one half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area. Unattached garages must be a minimum of twenty-five (25) feet from an alley.
- F. Lot Area Regulations:** Each lot in the district shall contain an area of not less than nine thousand (9,000) square feet. The minimum lot areas of subdivisions approved by the City Council prior to August 2004 may be seven thousand (7,000) square feet.
- G. Corner Lots:** All corner lots shall have a thirty (30) foot front yard setback and a minimum of thirty (30) foot setback on the side yard. Lots of subdivisions that were approved by the City Council previous to July 11, 2005 may have a fifteen (15) foot setback on the corner side yard.
- H. All Other Principal Buildings and Uses:** Ten percent (10%) of the lot width provided the side yard width is a minimum of ten (10) feet or a maximum of thirty (30) feet. Two (2) side yards shall be required for each zoning lot.
- I. Adjacent to an Alley:** In determining the setback for any building where the rear yard opens into an alley, one-half (1/2) the width of the alley, but not exceeding ten (10) feet may be considered as a portion of the rear yard.
- J. Minimum Lot Width.** The minimum lot width shall be seventy (70) feet and measured at the street right-of-way. Lots recorded prior to the passage of this ordinance (August 2004) may have a minimum lot width of fifty (50) feet. The lot width requirement may be reduced to fifty (50) feet for a lot abutting a cul-de-sac radius when the lot is not rectangular in shape.
- K. Roof Materials.** Metal roofs on structures are allowed, however corrugated metal (as shown below) is not an allowable roofing material.(8-5-13)
- L. Accessory Building Heights.**
  - 1. Accessory sheds with a ground level floor area of less than or equal to 120 square feet shall have a maximum sidewall height of 8 feet, as measured from the lowest point of contact between the building and the ground and the highest point of the structures sidewall, defined as the vertical wall of the structure build perpendicularly to the floor of the structure.
  - 2. Accessory sheds with a ground level floor area greater than 120 square feet, up

to 500 square feet, shall have a maximum sidewall height of 10 feet, as measured from the lowest point of contact between the building and the ground and the highest point of the structures sidewall, defined as the vertical wall of the structure build perpendicularly to the floor of the structure.

3. Accessory sheds with a ground level floor area of greater than or equal to 500 square feet shall have a maximum sidewall height of 12 feet, as measured from the lowest point of contact between the building and the ground and the highest point of the structures sidewall, defined as the vertical wall of the structure built perpendicularly to the floor of the structure.



**Subd. 5. Side Yard Exceptions for attached Private Garages.** In an R-1, One-Family Dwelling Zoning District with an attached private garage in existence on the effective date of this Ordinance, the required side yard setback may be reduced to three (3) feet for the purpose of constructing an addition to the attached private garage; provided the attached private garage is less than (24) feet in width on the effective date of this Ordinance. The addition to the attached garage shall only be allowed in conformance with the following:

- A. The cumulative width of the existing garage and garage addition shall not be more than twenty-four (24) feet.
- B. The building height of the garage addition shall not be greater than the building height of the existing attached garage.
- C. The garage addition shall not encroach into a recorded easement.
- D. The garage addition shall comply with all the other requirements of this Ordinance and the Minnesota Uniform Building Code.
- E. The existing garage and garage addition shall only be used as a private garage.



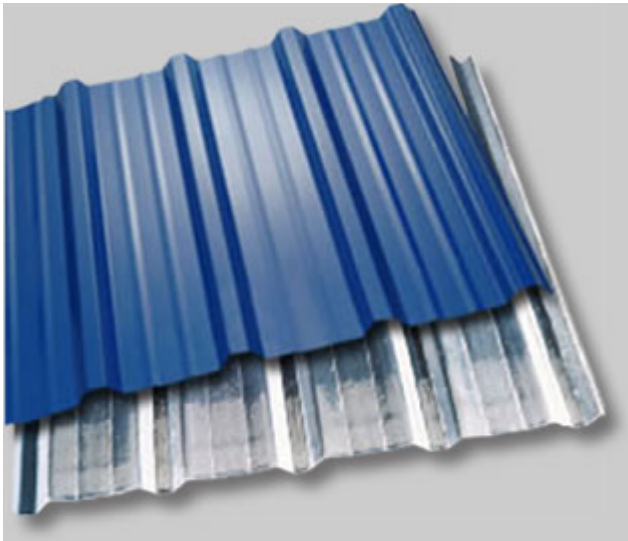
F. Adequate drainage shall be provided and drainage shall be directed away from adjacent private property. This exception shall not apply to the corner side yard.

**Subd. 6. Accessory Buildings.**

A. Accessory buildings shall not be allowed in the required front or side yards. Accessory buildings may be located in the rear yard, provided the building is located at least five (5) feet from any property line.

All accessory garage buildings that have an overhead door facing the alley (8-5-13) must be a minimum of twenty-five feet from any alley.

M. Roof Materials. Metal roofs on structures are allowed, however corrugated metal (as shown below) is not an allowable roofing material.(8-5-13)



**Subd. 7. Decks, Patios, Balconies, and Ramps in the R-1, R-2, and R-3 Zoning Districts.** The following regulations shall apply to accessory decks, patios, balconies, and ramps in R-1, R-2, and R-3 Zoning Districts.

A. The following shall not be considered as encroachments in required front yards:

1. Uncovered ramps constructed for the purpose of providing handicap access, provided that the ramp has a railing no higher than thirty-six (36) inches and does not extend nearer than five (5) feet to the front lot line.
2. Unenclosed porches provided the area of the porch does not exceed sixty-four (64) square feet, and does not project more than eight (8) feet into the required front yard (8-5-13)
3. Attached decks and landings may extend eight feet into the required front yard setback provided that the deck and landing is at least ten (10) feet from the front property line. The height of the deck floor shall not exceed the height of the



front entrance of the principal building (8-5-13).

**B.** The following shall not be considered as encroachments in required side yards:

1. Uncovered ramps constructed for the purpose of providing handicap access which do not extend nearer than five (5) feet to the side lot line.
2. Unenclosed porches, landings, or steps; provided the area of the porch, landing, or step does not exceed sixty-four (64) square feet, and does not project more than three (3) feet into the required side yard (8-5-13)

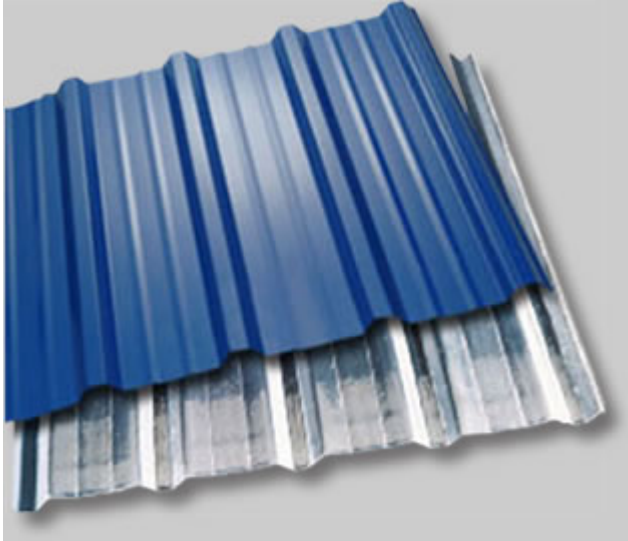
**C.** The following shall not be considered as encroachments in required rear yards:

1. Attached decks not more than two (2) feet above grade (exclusive of any railing), or uncovered ramps constructed for the purpose of providing handicap access, provided that the deck or the ramp shall be set back at least ten (10) feet from the rear lot line.
2. Attached uncovered balconies or decks higher than two (2) feet above grade that are set back at least fifteen (15) feet from the rear lot line.
3. Decks, 8-5-13 no patios, ramps and hard surfaces shall be included in the calculations for lot coverage, excluding driveways.

**D.** All of the preceding permitted setback encroachments shall not be construed to allow encroachment into an easement of record.

**Subd. 8. Minimum Structural Requirements.** Accessory buildings in residential zoning districts shall conform to the following minimum structural requirements:

**A.** The roof and siding style of the accessory building shall be similar to the roof and siding style of the main building. Corrugated metal finishes (as shown) are a prohibited roofing and siding materials (8-5-13)



- B.** The construction shall conform to the Minnesota Uniform Building Code as adopted by the City Council.
- C.** The building shall be constructed on a concrete slab or footing and be secured down.

**Subd. 9. Parking.**

- A.** Except for the property's driveway, all parking surfaces shall be set back a minimum of three (3) feet from any property line and parking surfaces shall not be allowed in the required side yard setback. (8-5-13) The paved driveway surface shall not exceed a width of thirty-two (32) feet measured at the curb line. (8-6-18)
- B.** Not more than thirty-five percent (35%) of the required front yard or a maximum 40-foot-wide driveway from the front property line to the garage shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Not more than thirty-five percent (35%) of the corner side yard or rear yard setback shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Motor vehicle parking shall not be allowed in the required side yard setback. An approved zoning permit is required before any hard surface can be constructed.

**Subd. 10. Maximum Ground Coverage.** The sum total of lot area that may be covered by all buildings located on a zoning lot in the R-1, One-Family Residential District, shall not exceed thirty-five percent (35%) of the total lot area (8-5-13)

- A.** Accessory buildings shall occupy not more than forty percent (40%) of the total area of a required rear yard.

**Subd. 11. Maximum Building Height.** The maximum building height in the R-1, One-Family Dwelling District, is thirty-five (35) feet. Accessory buildings shall not exceed a height of twenty (20) feet.

**Subd. 12. Sump Pumps.** All new home constructions must have a sump pump hooked-

up and in running condition. All sump pumps must have a permanent line running to the outside of the building to pump the water outside. All sump pumps must be connected to City storm sewer if it is available. At no time shall the sump pump discharge into the sanitary sewer system.

**Subd. 13. Minimum Structural Requirements.** The following shall be minimum structural requirements in the R-1, One-Family Residential District:

All structures used for residential occupancy shall have a minimum width of twenty (20) feet for a minimum of 50% of the structures width and length and the structure shall be affixed to a continuous permanent perimeter foundation constructed of wood, concrete block or poured concrete. All structures, either principal or accessory, shall be constructed in conformance with the Minnesota State Building Code, as amended from time to time.

### **SECTION 6.130 R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT**

**Subd. 1. Purpose.** The R-2, One- and Two-Family Residential District, is intended to provide for low and medium-density residential development.

**Subd. 2. Permitted Uses.** Except as specifically, limited herein, the following uses are permitted in the R-2, One- and Two-Family Residential District:

- A. Dwellings, one- and two-family and attached one-family.
- B. Gardens, provided no retail sale.
- C. Home occupations, as regulated in Section 6.210.
- D. Parks, playgrounds, tennis courts, and swimming pools, ball fields and other recreation facilities.
- E. Schools, public and private elementary, middle, and secondary.

**Subd. 3. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the R-2, One- and Two-Family Dwelling District as provided in Section 6.070:

- A. Bed and breakfast residences, as regulated in Section 6.210.
- B. Cemeteries, crematories, and mausoleums.
- C. Child day care facilities when not operated as a home occupation and as regulated in Section 6.210.
- D. Churches or places of religious worship, parish houses, rectories, and convents.

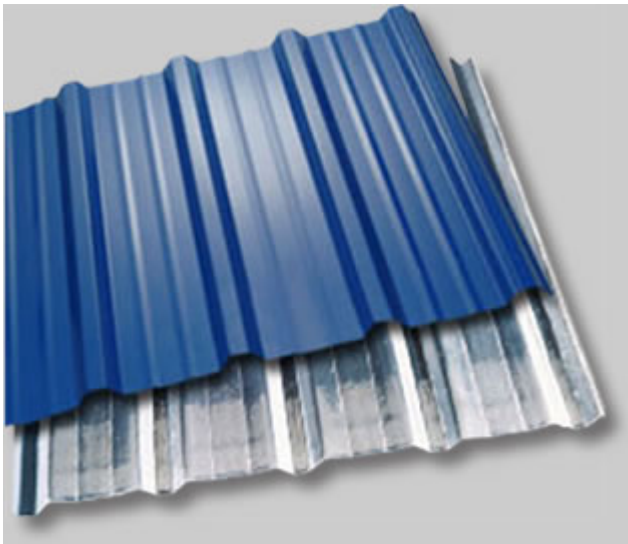
- E. Congregate Housing.
- F. Golf and country clubs, private swimming pool serving more than one family, provided the principal structure is not located within fifty (50) feet of any lot line.
- G. Government institutions, municipal buildings, museums, and libraries.
- H. Railroad right-of-ways, but not including railroad yards or shops.
- I. Water supply buildings, reservoirs, wells, elevated tanks, and similar public utility and service structures.
- J. Other residential, institutional, or governmental service uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

**Subd. 4. All Buildings. Height, Yard, and Area Regulations.**

- A. Height Regulations: No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed a height of twenty (20) feet. Refer to Section 6.210 for exceptions.
- B. Front Yard Regulations: Each lot in the district shall have a front yard having a depth of not less than thirty (30) feet from the street right-of-way.
- C. Side Yard Regulations: Each lot in the district shall have two (2) side yards, one on each side of the building. Each side yard shall have a width of not less than ten percent (10%) of the width of the lot. At no time shall this distance be less than eight (8) feet.
- D. Rear Yard Regulations: All principal dwellings shall have a minimum rear yard depth of twenty-five (25) feet.
- E. Rear Yard with Adjoining Alley: When computing the depth of a rear yard in a Residential District where the rear lot line adjoins an alley, one half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area. Unattached garages must be a minimum of twenty-five (25) feet from an alley.
- F. Lot Area Regulations: The minimum lot are in the R-2, One-and Two-Family Residential District, is ten thousand (10,000) square feet for a one-and or two-family dwellings. Lots recorded prior to the passage of this ordinance may have a minimum area of nine thousand (9,000) square feet.
- G. Corner Lots All corner lots shall have a front yard having a depth of not less than a

thirty (30) foot front yard setback and a minimum of a thirty (30) foot setback on the corner side yard.

- H.** All Other Principal Buildings and Uses: Ten percent (10%) of the lot width provided the side yard width is a minimum of ten (10) feet or a maximum of thirty (30) feet. Two (2) side yards shall be required for each zoning lot.
- I.** Adjacent to an Alley: In determining the setback for any building where the rear yard opens into an alley, one-half (1/2) the width of the alley, but not exceeding ten (10) feet may be considered as a portion of the rear yard.
- J.** Minimum Lot Width: The minimum lot width for the R-2, One- and Two-Family Residential District, is seventy (70) feet and shall be measured at the street right-of-way. Lots recorded prior to the passage of this ordinance (August 2004) may have a minimum lot width of (50) feet measured at the street right-of-way. The lot width requirement may be reduced to fifty (50) feet for a lot abutting a cul-de-sac when the lot is not rectangular in shape.
- K.** Roof Materials. Metal roofs on structures are allowed, however corrugated metal (as shown below) is not an allowable roofing material.(8-5-13)



**L.**

**Subd. 5. Side Yard Exceptions for attached Private Garages.** In an R-1, One-Family Dwelling Zoning District with an attached private garage in existence on the effective date of this Ordinance, the required side yard setback may be reduced to three (3) feet for the purpose of constructing an addition to the attached private garage; provided the attached private garage is less than (24) feet in width on the effective date of this Ordinance. The addition to the attached garage shall only be allowed in conformance with the following:

- G.** The cumulative width of the existing garage and garage addition shall not be more

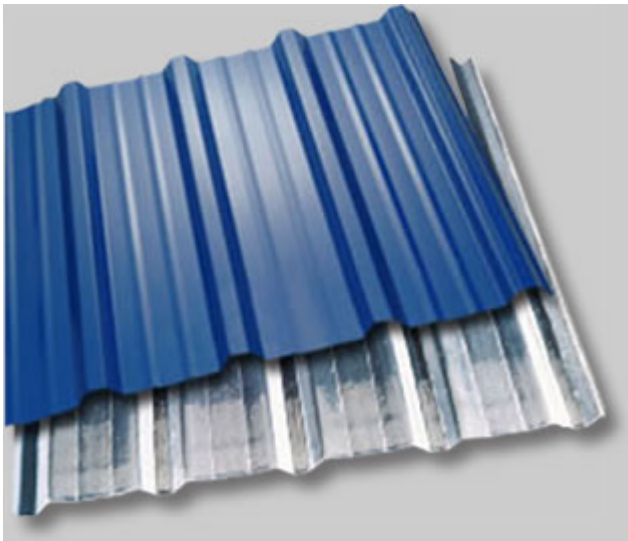
than twenty-four (24) feet.

- H.** The building height of the garage addition shall not be greater than the building height of the existing attached garage.
- I.** The garage addition shall not encroach into a recorded easement.
- J.** The garage addition shall comply with all the other requirements of this Ordinance and the Minnesota Uniform Building Code.
- K.** The existing garage and garage addition shall only be used as a private garage.
- L.** Adequate drainage shall be provided and drainage shall be directed away from adjacent private property. This exception shall not apply to the corner side yard.

**Subd. 6. Accessory Buildings.** Accessory buildings shall not be allowed in the required front or side yards. Accessory buildings may be located in the rear yard, provided the building is located a minimum of five (5) feet from any property line.

All accessory garage buildings that have an overhead door facing the alley (8-5-13) must be a minimum of twenty-five feet from any alley.

- M. Roof Materials.** Metal roofs on structures are allowed, however corrugated metal (as shown below) is not an allowable roofing material.(8-5-13)



**Subd. 7. Decks, Patios, Balconies, and Ramps in the R-1, R-2, and R-3 Zoning Districts.** The following regulations shall apply to accessory decks, patios, balconies, and ramps in R-1, R-2, and R-3 Zoning Districts.

- A.** The following shall not be considered as encroachments in required front yards:

4. Uncovered ramps constructed for the purpose of providing handicap access, provided that the ramp has a railing no higher than thirty-six (36) inches and does not extend nearer than five (5) feet to the front lot line.
5. Unenclosed porches provided the area of the porch does not exceed sixty-four (64) square feet, and does not project more than eight (8) feet into the required front yard (8-5-13)
6. Attached decks and landings may extend eight feet into the required front yard setback provided that the deck and landing is at least ten (10) feet from the front property line. The height of the deck floor shall not exceed the height of the front entrance of the principal building (8-5-13).

**B.** The following shall not be considered as encroachments in required side yards:

Uncovered ramps constructed for the purpose of providing handicap access which do not extend nearer than five (5) feet to the side lot line.

2. Unenclosed porches provided the area of the porch does not exceed sixty-four (64) square feet, and does not project more than eight (8) feet into the required front yard (8-5-13)

**C.** The following shall not be considered as encroachments in required rear yards:

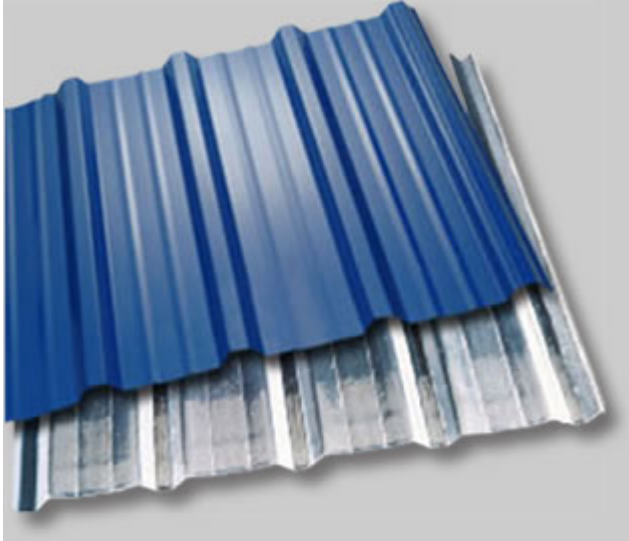
1. Attached decks not more than two (2) feet above grade (exclusive of any railing), or uncovered ramps constructed for the purpose of providing handicap access, provided that the deck or the ramp shall be set back at least ten (10) feet from the rear lot line.
2. Attached uncovered balconies or decks higher than two (2) feet above grade that are set back at least fifteen (15) feet from the rear lot line.
3. Decks, ramps, and hard surfaces shall be included in the calculations for lot coverage. (Patios deleted 8-5-14)

**D.** All of the preceding permitted setback encroachments shall not be construed to allow encroachment into an easement of record.

**Subd. 8. Minimum Structural Requirements.** Accessory buildings in residential zoning districts shall conform to the following minimum structural requirements:

- A.** The roof and siding style of the accessory building shall be similar to the roof and siding style of the main building. Corrugated metal finishes (as shown) are prohibited roofing and siding material. (8-5-14)





- B.** The construction shall conform to the Minnesota Uniform Building Code as adopted by the City Council.
- C.** The building shall be constructed on a concrete slab or footing and be secured down.

**Subd. 9. Parking.**

Except for the property's driveway, all parking surfaces shall be set back a minimum of three (3) feet from the any property line. Parking surfaces shall not be allowed in the required side yard setback. (08-5-2014)

- A.** Except for the property's driveway, all parking surfaces shall be set back a minimum of three (3) feet from any property line and parking surfaces shall not be allowed in the required side yard setback. The paved driveway surface shall not exceed a width of thirty-two (32) feet measured at the curb line. (8-6-18)
- B.** Not more than thirty-five percent (35%) of the required front yard or a maximum 40 foot wide driveway from the front property line to the garage shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Not more than thirty-five percent (35%) of the corner side yard or rear yard setback shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Motor vehicle parking shall not be allowed in the required side yard setback. An approved zoning permit is required before any hard surface can be constructed.

**Subd. 10. Maximum Ground Coverage**

- A.** The sum total of lot area that may be covered by all buildings located on a zoning lot in the R-2, One- and Two-Family Residential District, shall not exceed thirty-five percent (35%) of the total lot area.
- B.** Accessory buildings shall occupy not more than forty percent (40%) of the total area



of a required rear yard.

**Subd. 11. Maximum Building Height.** The maximum building height in the R-2, One- and Two-Family Residential District, is thirty-five (35) feet. Accessory buildings shall not exceed a height of twenty (20) feet.

**Subd. 12. Sump Pumps.** All new home constructions must have a sump pump hooked-up and in running condition. All sump pumps must have a permanent line running to the outside of the building to pump the water outside. All sump pumps must be connected to City storm sewer if it is available. At no time shall the sump pump discharge into the sanitary sewer.

**Subd. 13. Minimum Structural Requirements.** The following shall be minimum structural requirements in the R-2, One- and Two-Family Residential District:

All structures used for residential occupancy shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of wood, concrete block or poured concrete. All structures, either principal or accessory, shall be constructed in conformance with the Minnesota State Building Code, as amended from time to time.

### **SECTION 6.140 R-3 LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

**Subd. 1. Purpose.** The R-3, Limited Multiple-Dwelling District, is intended to provide for medium density residential development.

**Subd. 2. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the R-3, Multiple-Family Residential District:

- A.** Dwellings, multiple-family, not to exceed eight (8) units in one (1) building or on one (1) lot.
- B.** Dwellings, one-family (attached or detached), two-family.
- C.** Gardens, provided not retail sale.
- D.** Level I Home Occupations, as regulated in Section 6.220.
- E.** Parks, playgrounds, tennis courts, and swimming pools.
- F.** Schools, public and private elementary, middle, and secondary.

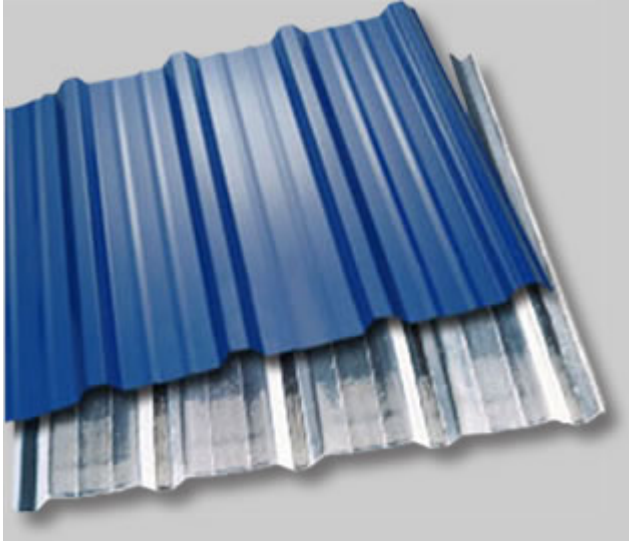
**Subd. 3. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the R-3, Limited Multiple-Family Residential District as provided in Section 6.140:

- A. Bed and breakfast residences, as regulated in Section 6.210.
- B. Cemeteries, crematories, and mausoleums.
- C. Child day care facilities when operated as a home occupation as regulated in Section 6.210.
- D. Churches or places of religious worship, parish houses, rectories, and convents.
- E. Congregate Housing.
- F. Golf and country clubs, private swimming pool serving more than one family, provided the principal structure is not located within fifty (50) feet of any lot line.
- G. Government institutions, municipal buildings, museums, and libraries.
- H. Grouped housing projects.
- I. Nursing homes and similar institutions.
- J. Parking lots providing off-street parking for a use permitted in a residential zoning district provided the parking lot is within five hundred (500) feet of the main building of the said use.
- K. Public housing units, including multiple-family dwelling units.
- L. Railroad right-of-ways, but not including railroad yards or shops.
- M. Water supply buildings, reservoirs, wells, elevated tanks, and similar public utility and service structures.
- N. Other residential, institutional, or governmental service uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and the general public health, safety, and welfare.
- O. Level II Home Occupations as regulated by Section 6.220

**Subd. 4. All Buildings. Height, Yard, and Area Regulations.**

- A. Height Regulations: No building hereafter erected or altered shall exceed three (3) stories or thirty-five (35) feet in height.
- B. Front Yard Regulations: Each lot in the district shall have a front yard having a depth of not less than thirty (30) feet from the street right-of-way.

- C. Side Yard Regulations:** Each lot in the district shall have two (2) side yards, one on each side of the building. Each side yard shall have a width of not less than ten (10) feet.
1. For buildings exceeding twenty-five (25) feet in height, there shall be a side yard on each side having a width of ten (10) feet, plus one (1) foot of side yard for each one (1) foot of building height over twenty-five (25) feet.
- D. Rear Yard Regulations:** All dwellings shall have a minimum rear yard depth of twenty percent (20%) of the lot depth, provided the yard is a minimum of thirty (30) feet or a maximum of seventy-five (75) feet.
- E. Rear Yard with Adjoining Alley:** When computing the depth of a rear yard in a Residential District where the rear lot line adjoins an alley, one half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area. Unattached garages must be a minimum of twenty-five (25) feet from an alley.
- F. Lot Area Regulations:** Each lot in the district shall contain an area of not less than ten thousand (10,000) square feet for up to four (4) dwelling units, plus an additional one thousand five hundred (1,500) square feet for each dwelling unit in excess of four (4) units, not to exceed eight (8) units in one (1) building or on one (1) lot..
1. Where a lot has less area than herein required, and was of record at the time of the passage of this Ordinance, that lot may be used only for single-family dwelling purposes.
- G. Corner Lots:** All corner lots shall have a thirty (30) foot front yard setback and a minimum of thirty (30) foot setback on the corner side yard.
- H. All Other Principal Buildings and Uses:** Ten percent (10%) of the lot width provided the side yard width is a minimum of ten (10) feet or a maximum of thirty (30) feet. Two (2) side yards shall be required for each zoning lot.
- I. Adjacent to an Alley:** In determining the setback for any building where the rear yard opens into an alley, one-half (1/2) the width of the alley, but not exceeding ten (10) feet may be considered as a portion of the rear yard.
- J. Minimum Lot Width and Depth:** For an R-3, Limited Multiple-Family Residential District, the minimum lot width is seventy (70) feet as measured at the street right-of-way.
- K. Roof Materials.** Metal roofs on structures are allowed, however corrugated metal (as shown below) is not an allowable roofing material.(8-5-13)



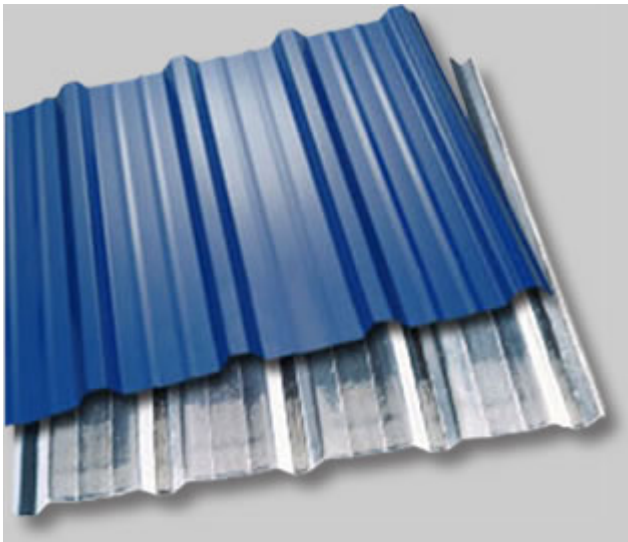
**Subd. 5. Side Yard Exceptions for attached Private Garages.** In an R-1, One-Family Dwelling Zoning District with an attached private garage in existence on the effective date of this Ordinance, the required side yard setback may be reduced to three (3) feet for the purpose of constructing an addition to the attached private garage; provided the attached private garage is less than (24) feet in width on the effective date of this Ordinance. The addition to the attached garage shall only be allowed in conformance with the following:

- M.** The cumulative width of the existing garage and garage addition shall not be more than twenty-four (24) feet.
- N.** The building height of the garage addition shall not be greater than the building height of the existing attached garage.
- O.** The garage addition shall not encroach into a recorded easement.
- P.** The garage addition shall comply with all the other requirements of this Ordinance and the Minnesota Uniform Building Code.
- Q.** The existing garage and garage addition shall only be used as a private garage.
- R.** Adequate drainage shall be provided and drainage shall be directed away from adjacent private property. This exception shall not apply to the corner side yard.

**Subd. 6. Accessory Buildings.**

- A.** Accessory buildings shall not be allowed in the required front or side yards. Accessory buildings may be located in the rear yard, provided the building is located at least five (5) feet from any property line and ten (10) feet from any alley.

- B.** All accessory garage buildings that have an overhead door facing the alley (8-5-13) must be a minimum of twenty-five feet from any alley.
- C.** Roof Materials. Metal roofs on structures are allowed, however corrugated metal (as shown below) is not an allowable roofing material.(8-5-13)



**D.**

**Subd. 7. Decks, Patios, Balconies, and Ramps in the R-1, R-2, and R-3 Zoning Districts.** The following regulations shall apply to accessory decks, patios, balconies, and ramps in R-1, R-2, and R-3 Zoning Districts.

**A.** The following shall not be considered as encroachments in required front yards:

1. Uncovered ramps constructed for the purpose of providing handicap access, provided that the ramp has a railing no higher than thirty-six (36) inches and does not extend nearer than five (5) feet to the front lot line.
2. Unenclosed porches provided the area of the porch does not exceed sixty-four (64) square feet, and does not project more than eight (8) feet into the required front yard (8-5-13)

Attached decks and landings may extend eight feet into the required front yard setback provided that the deck and landing is at least ten (10) feet from the front property line. The height of the deck floor shall not exceed the height of the front entrance of the principal building (8-5-13).

**B.** The following shall not be considered as encroachments in required side yards:

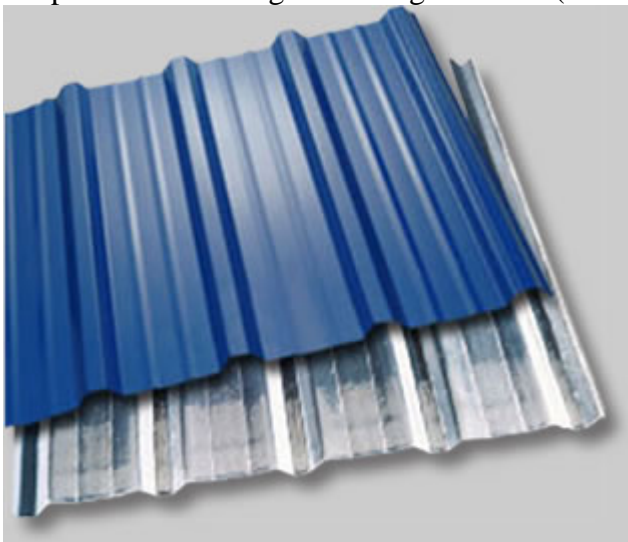
1. Uncovered ramps constructed for the purpose of providing handicap access which do not extend nearer than five (5) feet to the side lot line.
2. Unenclosed porches provided the area of the porch does not exceed sixty-four (64) square feet, and does not project more than eight (8) feet into the required front yard (8-5-13)
- 3.

**C.** The following shall not be considered as encroachments in required rear yards:

1. Attached decks not more than two (2) feet above grade (exclusive of any railing), or uncovered ramps constructed for the purpose of providing handicap access, provided that the deck or the ramp shall be set back at least ten (10) feet from the rear lot line.
2. Attached uncovered balconies or decks higher than two (2) feet above grade that are set back at least fifteen (15) feet from the rear lot line.
4. Decks, , ramps, and hard surfaces shall be included in the calculations for lot coverage. Decks, ramps, and hard surfaces shall be included in the calculations for lot coverage. (Patios deleted 8-5-14)
5. All of the preceding permitted setback encroachments shall not be construed to allow encroachment into an easement of record.

**Subd. 8. Minimum Structural Requirements.** Accessory buildings in residential zoning districts shall conform to the following minimum structural requirements:

- D.** The roof and siding style of the accessory building shall be similar to the roof and siding style of the main building. Corrugated metal finishes (as shown) are prohibited roofing and siding material. (8-5-14)



- A. The construction shall conform to the Minnesota Uniform Building Code as adopted by the City Council.
- B. The building shall be constructed on a concrete slab or footing and be secured down.

**Subd. 9. Parking.**

Except for the property's driveway, all parking surfaces shall be set back a minimum of five (5) feet from any property line. The paved driveway surface shall not exceed a width of twenty-four (24) feet measured at the curb line. . Parking surfaces shall not be allowed in the required side yard setback. (08-05-14)

- A. Except for the property's driveway, all parking surfaces shall be set back a minimum of five (5) feet from any property line. The paved driveway surface shall not exceed a width of thirty-two (32) feet measured at the curb line. Parking surfaces shall not be allowed in the required side yard setback. (8-6-18)
- B. Not more than thirty-five percent (35%) of the required front yard or a maximum 40 foot wide driveway from the front property line to the garage shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Not more than thirty-five percent (35%) of the corner side yard or rear yard setback shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Motor vehicle parking shall not be allowed in the required side yard setback. An approved zoning permit is required before any hard surface can be constructed.

**Subd. 10. Maximum Ground Coverage.**

- A. The sum total of lot area that may be covered by all structures located on a zoning lot in the R-3, Limited Multiple-Family Residential District, shall not exceed thirty-five percent (35%) of the total lot area.
- B. Accessory buildings shall occupy not more than fifty percent (50%) of the total area of a required rear yard.

**Subd. 11. Maximum Building Height.** The maximum building height in the R-3, Limited Multiple-Family Residential District, is thirty-five (35) feet. Accessory structures shall not exceed a height of twenty (20) feet.

**Subd. 12. Sump Pumps.** All new multiple-family constructions must have a sump pump hooked-up and in running condition. Sump pumps must have a permanent line running to the outside of the building to pump the water outside. All sump pumps must be connected to a storm sewer if one is available. At no time shall the sump pump discharge into the sanitary sewer.

**Subd. 13. Minimum Structural Requirements.** The following shall be minimum

structural requirements in the R-3, Multiple-Family Residential District:

- A. All structures used for residential occupancy shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of wood, concrete block or poured concrete. All structures, either principal or accessory, shall be constructed in conformance with the Minnesota State Building Code, as amended from time to time.

**Subd. 14. Community Unit Projects.**

- A. Purpose: The purpose of this subdivision is to set provisions for group housing multiple dwelling unit apartments, or institutional projects within the R-3, Limited Multiple Family Residence District for larger tracts of land under single or unified ownership. Such Community Unit projects shall be developed in accordance with an overall design and an integrated general development plan is consistent with the intent and purposes of this Ordinance, and not adversely affect the property adjacent to the project land.

**B. Regulations:**

1. The Project shall conform with all of the regulations of the R-3, Limited Multiple Family Residence District.
2. The minimum area of land to be included in a Community Unit project shall be two (2) acres.
3. The Community Unit Project shall be served by public sewer and water systems.
4. Private roadways within the Project shall be installed to City specifications for public roadways.
5. Two on-site parking spaces shall be provided for each housing unit or as required by the City Council.

**C. Administrative Procedure:**

1. The proponents of a Community Unit Project shall submit a General Development Plan along with the application for a Conditional Use Permit to the Zoning Administrator. The application process shall follow the procedures set forth in Section 6.7 of this Chapter for processing a Condition Use Permit. The General Development Plan shall be drawn to graphic scale, not less than one (1) inch to one hundred (100) feet. Also a North point, designated as true north shall be included.

The Plan shall show:



- a. The proposed site (total acreage) and existing developments on adjacent properties with boundary lines of adjoining platted or unplatted land(s).
  - b. Size, location, and arrangement of proposed buildings.
  - c. The location and width of proposed utility easements.
  - d. Parking areas and stall arrangements.
  - e. Entrance and exit drives.
  - f. Landscaping and areas intended to be dedicated for public use, including size.
  - g. Lot Dimensions.
  - h. Location, size, and approximate gradient of sewer lines.
  - i. Location, size, and valving of water lines.
  - j. Location and size of drainage facilities and general grading plans.
2. The lack of information under any item specified in this Section or inaccurate information supplied by the applicant shall be cause for disapproval of the General Development Plan and Conditional Use Permit.
  3. If the Conditional Use Permit is approved, the General Development Plan will be attached to and a part of the Conditional Use Permit establishing the proposed development. Any substantial change to the Plan as determined by the Zoning Administrator will require re-submission to the Planning Commission for review and final approval by the City Council.
  4. If the Conditional Use Permit is approved, the first phase of construction must begin within two (2) years after approval of the General Development Plan and Conditional Use Permit or the district shall revert to its original zoning district classification and a new permit shall be required.
  5. Owner or developer must agree to comply with all the requirements of the City regarding lighting, noise abatement, traffic control and regulations, maintaining order and keeping the premises free from debris.
- D. Fees.** An applicant for a zoning amendment shall pay a non-refundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

## SECTION 6.150 R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

**Subd. 1. Purpose.** The R-4, Multiple-Family Residential District is intended to provide for high-density residential development.

**Subd. 2. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the R-4, Multiple-Family Residential District:

- A. Dwellings, one-family (attached or detached), two-family, and multiple-family.
- B. Gardens, provided no retail sales.
- C. Level I Home Occupations, as regulated in Section 6.220.
- D. Parks, playgrounds, tennis courts, swimming pools, ball fields, and other recreational facilities.
- E. Schools, public and private elementary, middle, and secondary.

**Subd. 3. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the R-4, Multiple-Family Residential District, subject to the regulations for conditional uses as forth in Section 6.070 of this Ordinance:

- A. Bed and breakfast residences, as regulated in Section 6.210.
- B. Cemeteries, crematories, and mausoleums.
- C. Child daycare facilities, when not operated as a home occupation, and as regulated in Section 6.210.
- D. Congregate housing.
- E. Golf and country clubs.
- F. Government institutions, municipal buildings, museums, and libraries.
- G. Grouped housing projects.
- H. Hospitals and medical clinics.
- I. Manufactured and mobile home parks, as regulated in Section 6.200.
- J. Nursing homes and similar institutions.
- K. Parking lots providing off-street parking for a use permitted in a residential zoning district provided the parking lot is within five hundred (500) feet of the main

building of said use.

- L. Public housing units, including multiple-family dwelling units.
- M. Other residential, institutional, or government service uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to the existing uses and the general public health, safety, and welfare.
- N. Level II Home Occupations, as regulated by Section 6.22

**Subd. 4. All Buildings. Height, Yard, and Area Regulations.**

- A. Height Regulations: No building hereafter erected or altered shall exceed forty-five (45) feet. Accessory structures shall not exceed a height of twenty (20) feet.
- B. Front Yard Regulations: Each lot in the district shall have a front yard having a depth of not less than thirty (30) feet from the street right-of-way.
- C. Side Yard Regulations: Each lot in the district shall have two (2) side yards, one on each side of the building. Each side yard shall have a width of not less than ten percent (10%) of the lot width, provided the side yard is a minimum of (10) feet or a maximum of thirty (30) feet.
  - 1. For buildings exceeding twenty-five (25) feet in height, there shall be a side yard on each side having a width of ten (10) feet, plus one (1) foot of side yard for each one (1) foot of building height over twenty-five (25).
- D. Rear Yard Regulations: For one- and two-family dwellings the lot depth shall be a minimum of twenty-five (25) feet. For multiple-family dwellings and all other principal buildings and uses shall have a minimum rear yard depth of twenty percent (20%) of the lot depth, provided the yard is a minimum of twenty-five (25) feet or a maximum of seventy-five (75) feet.
- E. Rear Yard with Adjoining Alley: When computing the depth of a rear yard in a Residential District where the rear lot line adjoins an alley, one half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area. Unattached garages must be a minimum of twenty-five (25) feet from an alley.
- F. Lot Area Regulations: Each lot in the district shall contain an area of not less than ten thousand (10,000) square feet for up to four (4) dwelling units, plus an additional two thousand (2,000) square feet for each dwelling unit in excess of four (4) units.
- G. Corner Lots: All corner lots shall have a thirty (30) foot front yard setback and a minimum of twenty (20) foot setback on the side yard.

**H.** All Other Principal Buildings and Uses: Ten percent (10%) of the lot width provided the side yard width is a minimum of ten (10) feet or a maximum of thirty (30) feet. Two (2) side yards shall be required for each zoning lot.

**Subd. 5. Minimum Lot Width and Depth.** For an R-4, Multiple-Family Residential District, the minimum lot width is seventy (70) feet as measured at the street right-of-way.

**Subd. 6. Accessory Buildings.** Accessory buildings shall not be allowed in the required front or side yards. Accessory buildings may be located in the rear yard, provided the building is located at least five (5) feet from any property line and ten (10) feet from any alley.

All accessory garage buildings must be a minimum of twenty-five feet from any alley.

**Subd. 7. Minimum Structural Requirements.** Accessory buildings in residential zoning districts shall conform to the following minimum structural requirements:

- A.** The roof and siding style of the accessory building shall be similar to the roof and siding style of the main building.
- B.** The construction shall conform to the Minnesota Uniform Building Code as adopted by the City Council.
- C.** The building shall be constructed on a concrete slab or footing and be secured down.

**Subd. 8. Parking.**

- A.** Except for the property's driveway, all parking surfaces shall be set back a minimum of five (5) feet from the any property line.
- B.** Not more than thirty-five percent (35%) of the required front, corner side yard, or rear yard setbacks shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Motor vehicle parking shall not be allowed in the required side yard setback. The paved driveway surface shall not exceed a width of twenty-four (24) feet measured at the curb line.

**Subd. 9. Maximum Ground Coverage.**

- A.** The sum total of lot area that may be covered by all structures located on a zoning lot in the R-4, Multiple-Family Residential District, shall not exceed thirty-five percent (35%) of the total lot area.
- B.** Accessory buildings shall occupy not more than fifty percent (50%) of the total area of a required rear yard.

**Subd. 10. Maximum Building Height.** The maximum building height in the R-4, Multiple-Family Residential District, is forty-five (45) feet. Accessory structures shall not exceed a height of twenty (20) feet.

**Subd. 11. Sump Pumps.** All new single and multiple-family constructions must have a sump pump hooked-up and in running condition. Sump pumps must have a permanent line running to the outside of the building to pump the water outside. All sump pumps must be connected to a storm sewer if one is available. At no time shall the sump pump discharge into the sanitary sewer.

**Subd. 12. Minimum Structural Requirements.** The following shall be minimum structural requirements in the R-4, Multiple-Family Residential District:

All structures used for residential occupancy shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of wood, concrete block or poured concrete. All structures, either principal or accessory, shall be constructed in conformance with the Minnesota State Building Code, as amended from time to time.

## **SECTION 6.160 R-T RESIDENTIAL TRANSITION DISTRICT**

**Subd. 1. Purpose.** The R-T, Residential Transition District, is intended to provide areas for limited residential development. It is intended to serve as an area of transition between residential development and commercial and/or industrial development and to provide for the orderly and efficient use of property. The district is not intended to allow the development of residential uses on vacant property when such property is designated by the City Land Use Plan as developing non-residential uses.

**Subd. 2. Special Requirements.** This zoning district will only be applied by request.

**Subd. 3. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the R-T, Residential Transition District:

- A. Existing one-family dwellings
- B. Existing two-family dwellings

**Subd. 4. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the R-T, Residential Transition District, subject to the regulations for conditional uses set forth in Section 6.7 of this Chapter.

- A. Public utilities and essential service utility facilities and structures.
- B. Other uses deemed by the City Council to be of the same general character as those uses listed as permitted and conditional uses.

**Subd. 5. All Buildings. Height, Yard, and Area Regulations.**

- A.** Front Yard Regulations: All dwellings shall have a front yard of not less than twenty-five (25) feet from the street right-of-way.
- B.** Side Yard Regulations: Each lot in the district shall have two (2) side yards, one on each side of the building. Each side yard shall have a width of not less than ten (10) feet.
- C.** Rear Yard Regulations: All dwellings shall have a minimum rear yard depth of twenty-five (25) feet.
- D.** Rear Yard with Adjoining Alley: When computing the depth of a rear yard in a Residential District where the rear lot line adjoins an alley, one half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area. Unattached garages must be a minimum of twenty-five (25) feet from an alley.

**Subd. 6. Minimum Lot Area.** The minimum lot area for the R-T, Residential Transitional District, is as follows:

- A.** For a one-family dwelling the minimum lot area shall be six thousand (6,000) square feet.
- B.** For a two-family dwelling the minimum lot area shall be eight thousand (8,000) square feet.

**Subd. 7. Minimum Lot Width.** The minimum lot width for the R-T, Residential Transitional District, is sixty (60) feet, measured at the front setback line. Lots recorded prior to December 31, 2000 may have a minimum lot width of fifty (50) feet.

**Subd. 8. Accessory Buildings.** Accessory buildings shall not be allowed in the required front or side yards. Accessory buildings may be located in the rear yard, provided the building is located at least five (5) feet from any property line.

**Subd. 9. Minimum Structural Requirements.** Accessory buildings in residential zoning districts shall conform to the following minimum structural requirements:

- A.** The roof and siding style of the accessory building shall be similar to the roof and siding style of the main building.
- B.** The construction shall conform to the Minnesota Uniform Building Code as adopted by the City Council.
- C.** The building shall be constructed on a concrete slab or footing and be secured down.

**Subd. 10. Parking.**

- A.** Except for the property's driveway, all parking surfaces shall be set back a minimum of three (3) feet from the any property line.
- B.** Not more than thirty-five percent (35%) of the required front, corner side yard, or rear yard setbacks shall be hard-surfaced or used for driveways and/or unenclosed motor vehicle parking. Motor vehicle parking shall not be allowed in the required side yard setback.

**Subd. 11. Maximum Ground Coverage.**

- A.** The sum total of lot area that may be covered by all structures located on a zoning lot in the R-T, Residential Transition District, shall not exceed forty percent (40%) of the lot area.
- B.** Accessory buildings shall occupy not more than fifty percent (50%) of the total area of a required rear yard.

**Subd. 12. Maximum Building Height.** The maximum building height in the R-T, Residential Transition District, is thirty-five (35) feet. Accessory structures shall not exceed a height of twenty (20) feet.

**Subd. 13. Minimum Structural Requirements.** The following shall be minimum structural requirements in the R-T, Residential Transition District:

All structures used for residential occupancy shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of wood, concrete block or poured concrete. All structures, either principal or accessory, shall be constructed in conformance with the Uniform Building Code.

**SECTION 6.170 B-1 COMMUNITY BUSINESS DISTRICT**

**Subd. 1. Purpose.** The B-1, Community Business District, is designed to provide for a broad range of commercial developments. The district will also accommodate office and institutional uses.

**Subd. 2. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the B-1, Community Business District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment:

- A.** Antique shops
- B.** Apparel stores
- C.** Appliance stores
- D.** Art galleries, including commercial display and sales
- E.** Art schools and studios
- F.** Art supply stores
- G.** Auction rooms
- H.** Automobile fuel service stations
- I.** Automobile parts stores, not including accessory repair or servicing of motor vehicles or trailers
- J.** Bakeries
- K.** Banks and savings and loans
- L.** Barber and beauty shops
- M.** Book stores
- N.** Bicycle stores
- O.** Blue printing and Photostatting
- P.** Business machine stores
- Q.** Camera and photographic supplies
- R.** Candy, ice cream, and confectionery stores
- S.** Caterers
- T.** Churches and other religious institutions
- U.** Clubs and lodges, not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit
- V.** Contractors: Electric, general, painting and decorating, and plumbing



- W.** Dance halls, not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit
- X.** Dental, medical, and scientific clinics and laboratories
- Y.** Department, discount, and variety stores
- Z.** Dressmakers, seamstresses, and tailors
- AA.** Drive-in facilities, accessory to a principal use
- AB.** Drug stores
- AC.** Dry-cleaning, Laundromats, and diaper services
- AD.** Exterminators
- AE.** Floral sales
- AF.** Food locker plants, including sales and home delivery, cutting, and packaging of meats and game, but not including slaughtering or eviscerating activities. (Lockers shall be provided for individual home rental and storage only).
- AG.** Funeral homes
- AH.** Furniture stores
- AI.** Garden supply stores and landscape nurseries
- AJ.** Gift and souvenir stores
- AK.** Grocery stores
- AL.** Gunsmiths
- AM.** Hardware stores
- AN.** Health clubs
- AO.** Health equipment and sporting goods stores
- AP.** Hobby stores
- AQ.** Hotels and motels
- AR.** Interior decorators

- AS.** Janitorial services
- AT.** Jewelry stores
- AU.** Laundry, self-service
- AV.** Liquor stores (off-sale)
- AW.** Locksmiths
- AX.** Medical appliance sales and fittings
- AY.** Motorcycle sales
- AZ.** Music stores, including the sale of instruments and recorded music
- BA.** Optical goods and services
- BB.** Paint and wallpaper stores
- BC.** Parks and playgrounds
- BD.** Photo studios and picture processing and equipment sales
- BE.** Professional service offices
- BF.** Radio and television broadcasting, including transmitters, and studios
- BG.** Repair, rental, and service shops, provided the sale of the articles repaired, rented, or serviced shall be permitted in the District.
- BH.** Schools, public and private elementary, middle, secondary, and post-secondary
- BI.** Self Service Storage Facilities
- BJ.** Shoe stores
- BK.** Stationary and greeting card stores
- BL.** Surface parking lots and parking structures or garages
- BM.** Taxidermists
- BN.** Theaters, excluding drive-ins

- BO.** Ticket agencies and travel bureaus
- BP.** Toy stores
- BQ.** Upholstery shops
- BR.** Veterinarians, including observation kennels for domestic pets, provided that all such kennels are within completely enclosed structures.
- BS.** Video rentals and sales

**Subd. 3. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the B-1, Community Commercial District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment:

- A.** Any use that exceeds ten thousand (10,000) square feet of gross floor area
- B.** Apartments or dwelling units, when located above the ground floor
- C.** Automobile repair garage, including automobile glass, muffler, tire, and electronics installation
- D.** Bowling alleys
- E.** Collection areas for recyclable materials
- F.** Community convention centers
- G.** Drive-in facilities, accessory to the principal use
- H.** Indoor firing ranges
- I.** Restaurants, including drive-thru and carry out
- J.** Shopping malls
- K.** Surface parking lots and parking structures or garages, when not accessory to a permitted use
- L.** Theaters, excluding drive-ins
- M.** Other commercial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and to the general public, health, safety, and welfare.

**Subd. 4. All Buildings. Height, Yard, and Area Regulations.**

- A. Height Regulations:** No building hereafter erected or altered shall exceed three (3) stories or thirty-five (35) feet in height.
- B. Front Yard Regulations:** There shall be a front yard having a depth of not less than fifteen (15) feet to an impervious parking or storage surface and/or any portion of a building or in line with any existing buildings located on abutting properties.
- C. Side Yard Regulations:** There shall be a three (3) foot side yard setback to an impervious parking or storage surface and a six (6) foot setback to any portion of a building. Two (2) side yards are required.
- D. Rear Yard Regulations:** There shall be a three (3) foot rear yard setback to an impervious parking or storage surface and six (6) feet to any portion of a building.
- E. Lot Area Regulations:** Each lot in the district shall contain an area of not less than ten thousand (10,000) square feet.
- F. Transitional Yard:** A transitional yard shall be provided anywhere a B-1, Community Commercial District abuts a Residential District. The yard shall conform to the following requirements:
  - 1. The dimensions of the required transitional yard on the property located in the B-1 District shall be equal to the dimensions of the required yard on the residentially zoned property which is located in closest proximity.
  - 2. The transitional yard shall extend the entire length of the abutting Residential District boundary.
  - 3. The transitional yard shall not be less than a yard required in the B-1 District.
  - 4. The transitional yard shall not be required to be more than twenty (20) feet in depth.
  - 5. The transitional yard shall be landscaped.

**Subd. 5. Maximum Ground Coverage.** The sum total of lot area that may be covered by all structures located on a zoning lot in the B-1, Community Commercial District, shall not exceed seventy-five percent (75%) of the lot area.

**Subd. 6. Minimum Structural Requirements.** The following shall be minimum structural requirements in the B-1, Community Commercial District:

- A. Exterior Wall Finish:** All exterior wall finishes on any building or structures shall be

of the following materials or combination there of:

1. Face brick.
  2. Factory fabricated and finished metal framed panel construction, glass, pre-finished metal (except for unpainted galvanized iron), or plastic.
  3. Natural stone.
  4. Precast concrete panels or units if the surfaces have been integrally treated with an applied decorative material or texture.
  5. Other materials as approved by the Planning Commission and City Council.
- B. Additions and Accessory Buildings:** All subsequent additions to a principal building and all accessory buildings and structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building.

#### **SECTION 6.173 PARKWAY AVENUE DISTRICT**

**Subd. 1. Purpose.** The Parkway Avenue District is designed to provide for a broad range of commercial developments and is flexible to development and redevelopment of properties along this corridor of Parkway Avenue. The district will also accommodate residential uses when located above or behind commercial development.

**Subd. 2. District Boundaries.** The Parkway Avenue District will include the properties that are zoned B-1, Community Business District from 598<sup>th</sup> Avenue to Agency Street.

**Subd. 3. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the Parkway Avenue District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment:

- A.** Antique Shops
- B.** Apparel stores
- C.** Appliance stores
- D.** Art galleries, including commercial display and sales
- E.** Art schools and studios
- F.** Art supply stores

- G.** Auction rooms
- H.** Automobile fuel service stations
- I.** Automobile parts stores, not including accessory repair or servicing of motor vehicles or trailers
- J.** Bakeries
- K.** Banks and savings and loans
- L.** Barber and beauty shops
- M.** Book stores
- N.** Bicycle stores
- O.** Blue printing and Photostatting
- P.** Business machine stores
- Q.** Camera and photographic supplies
- R.** Candy, ice cream, and confectionery stores
- S.** Caterers
- T.** Churches and other religious institutions
- U.** Clubs and lodges, not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit
- V.** Contractors: Electric, general, painting and decorating, and plumbing
- W.** Dance halls, not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit
- X.** Dental, medical, scientific clinics and laboratories
- Y.** Department, discount, and variety stores
- Z.** Dressmakers, seamstresses, and tailors
- AA.** Drive-in facilities, accessory to a principal use

- AB.** Drug stores
- AC.** Dry-cleaning, laundromats, and diaper services
- AD.** Exterminators
- AE.** Floral sales
- AF.** Food locker plants, including sales and home delivery, cutting, and packaging of meats and game, but not including slaughtering or eviscerating activities.  
(Lockers shall be provided for individual home rental and storage only.)
- AG.** Funeral homes
- AH.** Furniture stores
- AI.** Garden supply stores
- AJ.** Gift and souvenir stores
- AK.** Grocery stores
- AL.** Gunsmiths
- AM.** Hardware stores
- AN.** Health clubs
- AO.** Health equipment and sporting good stores
- AP.** Hobby stores
- AQ.** Hotels and motels
- AR.** Interior decorators
- AS.** Janitorial services
- AT.** Jewelry stores
- AU.** Laundry, self-service
- AV.** Liquor stores (off-sale)
- AW.** Locksmiths

- AX.** Medical appliance sales and fittings
- AY.** Motorcycle sales
- AZ.** Music stores, including the sale of instruments and recorded music
- BA.** Optical goods and services
- BB.** Paint and wallpaper stores
- BC.** Parks and playgrounds
- BD.** Photo studios and picture processing and equipment sales
- BE.** Professional service offices
- BF.** Radio and television broadcasting, including transmitters, and studios
- BG.** Repair, rental, and service shops, provided the sale of the articles repaired, rented, or serviced shall be permitted in the District
- BH.** Schools, public and private elementary, middle, secondary, and post-secondary
- BI.** Shoe stores
- BJ.** Stationary and greeting card stores
- BK.** Surface parking lots and parking structures or garages
- BL.** Taxidermists
- BM.** Theaters, excluding drive-ins
- BN.** Ticket agencies and travel bureaus
- BO.** Toy stores
- BP.** Upholstery shops
- BQ.** Veterinarians, including observation kennels for domestic pets, provided that all such kennels are within completely enclosed structures.

**Subd. 4. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the Parkway Avenue District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and



equipment:

- A. Any use that exceeds ten thousand (10,000) square feet of gross floor area.
- B. Apartments or dwelling units, when located above the ground floor
- C. Apartments or dwelling units located in the rear half of the first floor of a commercial and office building.
- D. Automobile repair garage, including automobile glass, muffler, tire, and electronics installation
- E. Bowling alleys
- F. Community convention centers
- G. Drive-in facilities, accessory to the principal use
- H. Restaurants, including drive-thru and carry out
- I. Shopping malls
- J. Surface parking lots and parking structures or garages, when not accessory to a permitted use
- K. Theatres
- L. Other commercial uses determined by the City Council to be of the same general charge as the permitted and conditional uses listed above and found not to be detrimental to existing uses and to the general public, health, safety, and welfare.

**Subd. 5. All Buildings, Height, Yard, and Area Regulations.**

- A. Height Regulations: No building hereafter constructed or altered shall exceed three (3) stories or thirty-five (35) feet in height.
- B. Front Yard Regulations: The following shall be allowable front yard setbacks:
  - 1. Front Yard Parking Lot Setback: Shall be at least 3 feet from the front property line if there is one row of off street parking in front of the building parallel with the street. The front property setback shall be 10 feet if there are two or more rows of parking located in front.
  - 2. Front Yard Building Setback: The building may be as close as 3 feet from the front property line if the property owner wishes to provide off-street parking stalls behind the building, otherwise the building shall be at least 10 feet from the front property line.
  - 3. Front Yard Exception: In a block where the average of the front yard of existing

improved lots within a distance of two hundred (200) feet on both sides of a lot is not more than five (5) feet or not less than five (5) feet than the required front yard, the required front yard for the lot shall be the front yard average of the improved lots. Where the average is greater than five (5) feet or less than five (5) feet, the City Administrator shall determine the average front yard setback based upon the location of existing structures on improved lots within 200 feet of each side.

- C. Side Yard Regulations: There shall be a here (3) foot side yard setback to an impervious parking or storage surface and a six (6) foot setback to any portion of a building. Two (2) side yards are required. Shared parking may have a zero (0) foot side yard setback.
- D. Rear Yard Regulations: There shall be a three (3) foot rear yard setback to an impervious parking or storage surface and six (6) feet to any portion of a building. Shared parking may have a zero (0) foot side yard setback.
- E. Lot Area Regulations: Each lot in the district shall contain an area of not less than ten thousand (10,000) square feet.
- F. Transitional Yard: A transitional yard shall be provided anywhere the Parkway Avenue District abuts a Residential District. The yard shall conform to the following requirements:
  - 1. The dimensions of the required transitional yard on the property located in the B-1 District shall be equal to the dimensions of the required yard on the residentially zoned property which is located in closest proximity.
  - 2. The transitional yard shall extend the entire length of the abutting Residential District boundary.
  - 3. The transitional yard shall not be less than a yard required in the B-1 District.
  - 4. The transitional yard shall not be required to be more than twenty (20) feet in depth.
  - 5. The transitional yard shall be landscaped.

**Subd. 6. Maximum Ground Coverage.** The sum total of lot area that may be covered by all structures located on a zoning lot in the Parkway Avenue District shall not exceed seventy-five percent (75%) of the lot area.

**Subd. 7. Minimum Structural Requirements.** The following shall be minimum structural requirements in the Parkway Avenue District.

- A. Exterior Wall Finish: All exterior wall finishes on any building or structures shall be of the following materials or combination thereof:
  - 1. Face brick.
  - 2. Factory fabricated and finished metal framed panel construction, glass, pre-

- finished metal (except for unpainted galvanized iron), or plastic.
3. Natural stone.
  4. Precast concrete panels or units if the surfaces have been integrally treated with an applied decorative material or texture.
  5. Other materials as approved by the Planning Commission and/or City Council.

**B. Additions and Accessory Buildings:** All subsequent additions to a principal building and all accessory buildings and structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building.

**Subd. 8. Signage. Signage for properties in the Parkway Avenue District.**

- A. Wall Signs.** No single business sign shall exceed seventy-five (75) square feet in surface area nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of seventy-five (75) square feet.
- B. Ground Signs.** No sign shall exceed one hundred (100) square feet and shall be no greater than 15 feet in height.

**Subd. 9. Landscape Design Criteria.** The scale and nature of landscaping materials should be appropriate to the size of the structures.

- A. Selection of Plant Material:** Plant material should be selected for its form, texture, color, and concern for its ultimate growth. Weak wooden species should be avoided (i.e. Mulberry, Poplars, Russian Olives, etc.).
- B. Rate:** For every 100 feet of lot perimeter there shall be one shade tree and for every 75 feet of perimeter there shall be one evergreen tree.
- C. Evergreens:** Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas screening parking lots from dedicated public right-of-ways or property zoned for residential use. All evergreens shall have a minimum height of 4 feet when planted.
- D. Shade Trees:** All shade trees shall have a minimum trunk size of 2.5 inches in diameter upon installation, as measured six (6) inches above the established ground level.

**Subd. 10. Off Street Parking Requirements.** There shall be no required off street parking for commercial, retail or office uses. Multiple family dwellings within the district shall be required to have two off street parking stalls per unit.  
*(Adopted by Council 03-07-16)*

**SECTION 6.175 B-2 GENERAL BUSINESS DISTRICT**

**Subd. 1. Purpose.** The B-2, General Business District, is designed to provide for a broad range of commercial, office, and institutional developments. The district is also intended to provide strategic sites for certain light industrial development under exemplary standards that assist in making such developments compatible with property in neighboring zoning districts.

**Subd. 2 Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the B-2, General Business District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment:

- A.** Antique shops.
- B.** Apparel stores.
- C.** Appliance stores.
- D.** Art galleries, including commercial display and sales.
- E.** Art schools and studios.
- F.** Art supply stores.
- G.** Auction rooms.
- H.** Automobile fuel service stations.
- I.** Automobile parts stores, not including accessory repair or servicing of motor vehicles or trailers.
- J.** Bakeries.
- K.** Banks and savings and loans.
- L.** Barber and beauty shops.
- M.** Book stores.
- N.** Bicycle stores.
- O.** Blue printing and photostating.
- P.** Business machine stores.

- Q.** Camera and photographic supplies.
- R.** Candy, ice cream, and confectionery stores.
- S.** Caterers.
- T.** Churches and other religious institutions.
- U.** Clubs and lodges, not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit.
- V.** Contractors: Electric, general, painting and decorating, and plumbing.
- W.** Dance halls, not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit.
- X.** Dental, medical, and scientific clinics and laboratories.
- Y.** Department, discount, and variety stores.
- Z.** Dressmakers, seamstresses, and tailors.
- AA.** Drive-in facilities, accessory to a principal use.
- AB.** Drug stores.
- AC.** Dry-cleaning, Laundromats, and diaper services.
- AD.** Exterminators.
- AE.** Floral sales.
- AF.** Food locker plants, including sales and home delivery, cutting, and packaging of meats and game, but not including slaughtering or eviscerating activities. (Lockers shall be provided for individual home rental and storage only).
- AG.** Funeral homes.
- AH.** Furniture stores.
- AI.** Garden supply stores and landscape nurseries.
- AJ.** Gift and souvenir stores.
- AK.** Grocery stores.

- AL.** Gunsmiths.
- AM.** Hardware stores.
- AN.** Health clubs.
- AO.** Health equipment and sporting goods stores.
- AP.** Hobby stores.
- AQ.** Hotels and motels.
- AR.** Interior decorators.
- AS.** Janitorial services.
- AT.** Jewelry stores.
- AU.** Laundry, self-service.
- AV.** Liquor stores (off-sale).
- AW.** Locksmiths.
- AX.** Medical appliance sales and fittings.
- AY.** Motorcycle sales.
- AZ.** Music stores, including the sale of instruments and recorded music.
- BA.** Optical goods and services.
- BB.** Paint and wallpaper stores.
- BC.** Parks and playgrounds.
- BD.** Photo studios and picture processing and equipment sales.
- BE.** Professional service offices.
- BF.** Radio and television broadcasting, including transmitters, and studios.
- BG.** Repair, rental, and service shops, provided the sale of the articles repaired, rented, or serviced shall be permitted in the District.
- BH.** Schools, public and private elementary, middle, secondary, and post-secondary.

- BI.** Shoe stores.
- BJ.** Stationary and greeting card stores
- BK.** Surface parking lots and parking structures or garages.
- BL.** Taxidermists.
- BM.** Theaters, excluding drive-ins.
- BN.** Ticket agencies and travel bureaus.
- BO.** Upholstery shops.
- BP.** Toy stores.
- BQ.** Veterinarians, including observation kennels for domestic pets, provided that all such kennels are within completely enclosed structures.
- BR.** Video rentals and sales.
- BS.** Self-Service Storage Facilities

**Subdivision 3. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the B-2, General Business District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment:

- A.** Any use that exceeds fifteen thousand (15,000) square feet of gross floor area.
- B.** Apartments or dwelling units, when located above the ground floor.
- C.** Automobile repair garage, including automobile glass, muffler, tire, and electronics installation.
- D.** Bowling alleys.
- E.** Collection areas for recyclable materials.
- F.** Community convention centers.
- G.** Drive-in facilities, accessory to the principal use.
- H.** Indoor firing ranges.

- I. Mobile home, manufactured home, and trailer sales.
- J. Outside Storage of Materials - Screened
- K. Restaurants, including drive-thru and carry out.
- L. Shipping and outside storage of equipment and materials.
- M. Shopping malls.
- N. Surface parking lots and parking structures or garages, when not accessory to a permitted use.
- O. Theaters, excluding drive-ins.
- P. Other commercial and industrial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and to the general public, health, safety, and welfare.

#### **SECTION 6.180 L-I LIGHT INDUSTRIAL DISTRICT**

**Subd. 1. Purpose.** The L-I, Light Industry District, is intended to provide sites for light manufacturing and light industrial uses under controls that minimize any adverse effects on property in neighboring residential, business or commercial districts.

**Subd. 2. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the L-I, Light Industry District:

- A. Automobile, airplane, and farm implement assembly
- B. Building materials and contractors yards
- C. Cleaning and dyeing plants
- D. Concrete mixing and concrete products manufacturing
- E. Essential service utility structures
- F. Light manufacturing industries consisting of the processing, treatment, and packaging of goods and foodstuffs, except alcohol or alcoholic beverages
- G. Recyclable material collection (temporary or permanent)
- H. Self Service Storage Facilities



- I. Storage elevators
- J. Landing strips, including aircraft maintenance, storage, repair and fueling
- K. Light manufacturing and assembly
- L. Shipping and outside storage of equipment and materials

**Subd. 3. Conditional Uses.** Except as specifically limited herein, the following uses may be allowed in the L-I, Light Industry District by Conditional Use Permit as provided in Section 6.7:

- A. Electricity generating facilities, when not determined to be objectionable due to noise, odor, or vibration.
- B. Transportation or freight terminal.
- C. Other wholesale, light manufacturing, construction or service uses similar in character to those listed above.
- D. Other Light Industrial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

**Subd. 4. Prohibited Uses.** The following uses are prohibited in the L-I, Light Industry District:

- A. Any industry that creates an excessive odor, noise, vibration, or air environmental pollution problem.
- B. Distillation of bone, coal, tar, petroleum, grain or wood.
- C. Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse, or rancid fats.
- D. Livestock feeding yards or slaughter houses, or processing plants.
- E. Manufacturing or bulk storage of explosives.

**Subd. 5. Height and Yard Regulations.**

- A. Height Regulations: No restriction.
- B. Front Yard Regulations:

1. There shall be provided a fifteen (15) foot setback from the street right-of-way to an impervious parking or storage surface and a thirty (30) foot setback to any portion of a building.

**C. Side Yard Regulations:**

1. There shall be provided a ten (10) foot side yard setback to an impervious parking or storage surface and a fifteen (15) foot side yard setback to any portion of a building. Two (2) side yards shall be required.

**D. Rear Yard Regulations:**

1. No rear yard shall be required, except no building shall be located within thirty (30) feet of any rear lot line abutting a lot in any of the Classes of Residential Districts.

**E. Screening and Fencing:** The City may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face residential districts.

**Subd. 6. Minimum Lot Area.** The minimum lot area required in the L-I, Light Industrial District, is ten thousand (10,000) square feet.

**Subd. 7. Minimum Lot Frontage.** The minimum lot frontage in the L-I, Light Industrial District, is one hundred (100) feet, to be measured at the front property line.

**Subd. 8. Maximum Ground Coverage.** The sum total of ground area that may be covered by all structures located on the zoning lot in the L-I, Light Industrial District, shall not exceed seventy-five percent (75%).

## **SECTION 6.190 H-I HEAVY INDUSTRIAL DISTRICT**

**Subd. 1. Purpose.** The H-I, Heavy Industry District, is intended to provide sites for a range of intensive manufacturing and industrial uses under controls that minimize any adverse effects on property in neighboring residential, business, or commercial districts.

**Subd. 2. Permitted Uses.** Except as specifically limited herein, the following uses are permitted in the H-I, Heavy Industrial District:

- A. Automobile, airplane, and farm implement assembly.
- B. Building materials and contractors' yards.
- C. Cleaning and dyeing plants.

- D. Concrete mixing and concrete products manufacturing.
- E. Essential service utility structures.
- F. Light manufacturing industries consisting of the processing, treatment, and packaging of goods and foodstuffs, except alcohol or alcoholic beverages.
- G. Recyclable material collection (temporary or permanent).
- H. Self Service Storage Facilities
- I. Storage elevators

**Subd. 3. Conditional Uses.** Except as specifically limited herein, the following uses are permitted in the H-I, Heavy Industrial District:

- A. Automobile service stations.
- B. Cement, lime, gypsum or plaster of paris manufacturer.
- C. Compost facility.
- D. Distilling of bones, coal, tar, petroleum, refuse, grain, or wood.
- E. Drilling or excavation for, or removal of, oil, gas, or other hydrocarbons minerals.
- F. Dumps.
- G. Explosive manufacturing or storage.
- H. Fat rendering.
- I. Fertilizer manufacturing.
- J. Gas illuminating or heating, manufacturing.
- K. Glue manufacturing
- L. Gravel pits, gravel and sand washing and grading, rock crushing, washing and grading, quarrying and related uses.
- M. Petroleum refining.
- N. Smelting of ores.
- O. Tanneries.

- P. Transportation or freight terminal.
- Q. Other Heavy Industrial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

**Subd. 4. Height and Yard Regulations.**

A. Height Regulations: No restriction.

B. Front Yard Regulations:

- 1. There shall be provided a fifteen (15) foot setback from the street right-of-way to an impervious parking or storage surface and a thirty (30) foot setback to any portion of a building.

C. Side Yard Setback:

- 1. There shall be provided a ten (10) foot side yard setback to an impervious parking or storage surface and a fifteen (15) foot side yard setback to any portion of a building. Two (2) side yards shall be required.

D. Rear Yard Setback:

- 1. No rear yard shall be required, except no building shall be located within thirty (30) feet of any rear lot line abutting a lot in any of the Classes of Residential Districts.
- 2. Screening and Fencing: The City may require the screening or fencing of any industrial uses, to prevent visual blight, especially on yards faced to any residential districts.

**Subd. 5. Minimum Lot Area.** The minimum lot area required in the H-I, Heavy Industrial District, is one (1) acre.

**Subd. 6. Minimum Lot Frontage.** The minimum lot frontage in the H-I, Heavy Industrial District, is one hundred (100) feet, to be measured at the front property line.

**Subd. 7. Maximum Ground Coverage.** The sum total of ground area that may be covered by all structures located on the zoning lot in the H-I, Heavy Industrial District, shall not exceed seventy-five percent (75%).

**SECTION 6.200 MANUFACTURED HOME PARKS**

**Subd. 1. Permits.** It is unlawful for any person to construct, alter, or extend any manufactured home park or structures within the park that are permanent in nature

within the limits of the city unless a valid building permit is issued by the Building Inspector in the name of such person for the specific construction, alteration or extension proposed, where permanent means structures that are not on wheels or mobile.

- A.** All applications for a building permit shall be accompanied by a fee which shall be based on total valuation of the work to be done. Such fees shall be in accordance with established building permit fees as set from time to time by the City Council.
- B.** The Planning Commission may, at the request of the Building Inspector, review all applications for permits which have been forwarded to them by the Building Inspector under the provisions of this Section, and shall be granted a hearing before the Planning Commission. The results of the Planning Commission findings shall be forwarded to the City Council for final review and action.
- C.** Any person whose application for building permit under this Section has been denied may request and shall be granted a hearing on this matter before the Planning Commission. The Planning Commission shall make a recommendation to the City Council for final review and action. A fee, as set from time to time by the City Council, shall be assessed to the applicant for the hearing.

**Subd. 2. Licenses.**

- A.** It is unlawful for any person to establish a manufactured home park within the city limits without first obtaining a valid license from the City. All applications for licenses shall be referred to the Planning Commission for review and recommendation to the City Council. The Council shall issue a license upon compliance by the applicant with all the provisions of this Section.
- B.** No license for the establishment of a manufactured home park shall be issued until a public hearing has been held by the Planning Commission. The Planning Commission shall make a recommendation to the City Council and the Council may grant or deny the license application by a majority vote of its members. The Council retains the right to
- C.** deny the license for any infraction of this Ordinance or any relevant statute of the State of Minnesota.
- D.** Any person obtaining interest in or control of any licensed manufactured home park either through the sale, transfer, give away, or otherwise, shall notify the Zoning Administrator and provide proof of such ownership in order to transfer the license.
- E.** Application for original licenses shall be in writing, signed by the applicant and pay a fee as established by the City Council from time to time. The application shall contain the following:
  - 1. The applicant's name and address.

2. The location and legal description of Manufactured Home Park.
3. A plat plan showing all manufactured home lots & sizes, driveways, structures, streets, walkways, water, sewer, and storm sewer systems, park areas, emergency shelter, and other service facilities as required.

**Subd. 3. Environmental, Open Spaces and Access Requirements.**

- A.** Conditions of soil, ground water 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.
- B.** Exposed ground surfaces in all parts of every manufactured home park shall be paved, or covered with stone, screenings, or other solid material, or protected with vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- C.** 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. At no time shall surface water be drained onto adjacent public or private properties, unless said properties have been identified as a water retention area and permission has been obtained by the property owner(s).
- D.** No part of any manufactured home park shall be used for nonresidential 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. Nothing contained in this Section shall be deemed as prohibiting the sale of a manufactured home located on a manufacture home stand and connected to the pertinent utilities.

**Subd. 4. Required Separation Between Manufactured Homes.**

- A.** Manufactured homes shall be separated from each other and from other buildings and structures. All homes must be a minimum of fifteen (15) feet from any property line. Manufactured homes placed end-to-end must have a minimum clearance of at least ten (10) feet.
- B.** An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak and porch which has a floor exceeding twenty-five square (25) feet and has an opaque top or roof shall, for purposes of all separation requirements, shall be considered to be part of the manufactured home.
- C.** Minimum lot sizes shall not be less than five thousand (5,000) square feet.
- D.** Accessory buildings shall be a recommended distance of three (3) feet from any property line. No accessory building shall be located in any front yard.

**Subd. 5. Required Setbacks, Buffer Strips, and Screening.**

- A.** All manufactured homes shall be located at least twenty-five (25) feet from any boundary line abutting upon a public street or highway and at least fifteen (15) feet from other non-park property boundary lines.
- B.** All manufactured home parks located adjacent to recreational or commercial land uses shall provide screening such as fences or natural growth along the property boundary line separating the park and such adjacent nonresidential uses, and shall be maintained in a neat and orderly fashion.

**Subd. 6. Park Street System and Car Parking.**

- A.** 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.
- B.** 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 one hundred (100) feet from its point of beginning.

**Subd. 7. Internal Streets.** Surface roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

- A.** All streets except minor streets shall be a minimum of twenty-four (24) feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.
- B.** Dead-end streets shall be limited in length to five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least sixty (60) feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end streets.
- C.** Minor streets may be twenty (20) feet in width from face of curb to face of curb (acceptable only if less than four hundred (400) feet long and serving less than fifteen (15) manufactured homes or of any length if manufactured home lots abut on one side of the street only).

**Subd. 8. Car Parking.** Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall:

- A.** Be furnished at a rate of at least two (2) car spaces for each manufactured home lot.

- B.** Be located within a distance of one hundred (100) feet from the manufactured home to be served, unless other vehicular access is provided. The minimum street width requirement described in Subd. 7 above shall be increased by eight (8) feet if on-street parking is the only type of vehicle parking provided in the manufactured home park or on a particular street.

**Subd. 9. Required Illumination of Park Street System.** All manufactured home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

- A.** All parts of the park street system: 0.6 foot candle.
- B.** Potentially hazardous locations, such as major street intersections and steps or stepped ramps, shall be individually illuminated with a minimum of 0.6 foot candle.

**Subd. 10. Street Construction and Design Standards.**

- A.** All streets shall be provided with a paved concrete or bituminous surface and meeting the City Engineer's specifications. Street surfacing shall be maintained, free of cracks, holes and other hazards. Street sweeping shall be completed periodically (2-3 times per year or as necessary).
- B.** Longitudinal grades of all streets shall range between 0.4% to 8.00%. Transverse grades (crown) of all streets shall be sufficient to ensure adequate transverse drainage. If conditions warrant, an adequate storm sewer system shall be provided to dispose of all run-off water. The storm sewer system may be connected to the City's existing storm system upon City Council approval.

**Subd. 11. Walking Paths**

- A.** A common walking path system shall be provided and maintained throughout the park. Such common walking paths shall have a minimum width of five (5) feet and be placed a minimum of three (3) feet back from the curb.
- B.** All manufactured homes shall be connected to common walking paths, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three (3) feet.

**Subd. 12. Water Supply.** An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively and sized in accordance with Chapter 7 of the City code. When a satisfactory public water supply



system is not available, a private water supply system may be developed and used as approved by the State of Minnesota until such time that a public water supply system becomes available.

**Subd. 13. Sewage Disposal.** An adequate and safe sewerage system shall be provided in all manufactured home parks for conveying and disposing of all sewage. Such systems shall be designed, constructed and maintained in accordance with State and Local laws.

**Subd. 14. Refuse Handling.** The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

**Subd. 15. Insect and Rodent Control.** Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of state and local health and safety codes. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one (1) foot above ground. 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. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, thistles, 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.

**Subd. 16. Fuel Supply and Storage.** Natural gas piping systems, liquefied petroleum gas systems, and all fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

**Subd. 17. Fire Protection.** Manufactured home parks shall be kept free of litter, rubbish, and other flammable material. Portable fire extinguishers rated for Classes A, B, and C fire shall be kept visible in service buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall be not less than 2.5 gallons for Class A extinguishers and five (5) pounds carbon dioxide or ten (10) pounds dry powder for Class B and C extinguishers. Fire hydrants shall be installed if the park water supply system is capable of serving them in accordance with the following requirements:

- A.** The water supply system shall permit the operation of a minimum of two and one-half (2 1/2) inch hose streams.
- B.** Fire hydrants, if provided, shall be located within three hundred (300) feet of any

manufactured home, service buildings or other structure within the park.

**Subd. 18. Emergency Shelter.** An emergency shelter shall be required for all manufactured home parks. The shelter shall be constructed prior to any persons occupying a residence within the park. The shelter shall be constructed of concrete block or other similar material of equal fortification and able to house all anticipated residents of the park. The shelter specifications shall be reviewed by the Planning Commission and a recommendation shall be made to the City Council for final approval.

## **SECTION 6.210 STANDARD OF GENERAL APPLICABILITY**

**Subd. 1. Accessory Uses and Structures.** Except as otherwise expressly provided or limited in this Section, accessory uses and structures are permitted in any zoning district in connection with any principal use lawfully existing within such district.

**Subd. 2. Compliance.** No accessory use or structure shall be established or constructed unless in compliance with this Chapter.

**Subd. 3. Use Limitations.** In addition to any other condition or limitation required by this Section, accessory uses and structures shall be subject to the following conditions and limitations:

- A.** No accessory use or structure shall be established or constructed before the principal use is in operation or the principal structure is under construction in accordance with these regulations.
- B.** In Residential Districts, no sign shall be erected in connection with an accessory use or structure.

**Subd. 4. General Yard, Bulk, and Height Limitations.** All accessory uses permitted by this Section shall be subject to the following general requirements:

- A.** Location of Accessory Building in Yards.
  - 1. When a garage is detached from the main building it is considered an accessory (building) use. The building shall be constructed on a concrete slab or footing. Roof and siding style shall be similar to the roof and siding style of the main building. Height restrictions shall conform to the district in which the building is located.
  - 2. Accessory Buildings are prohibited in any front or side yards.
  - 3. No accessory building on a corner lot shall be located in the corner side yard.
- B.** The parking of vehicles is not allowed in the side setback area.
- C.** Maximum Coverage. In Residential Districts, an accessory building shall not occupy more than fifty percent (50%) of the total area of the required rear yard.

- D. Maximum Height of Accessory Structures.** The height of accessory buildings shall not exceed the limits set for the district. However, accessory utility structures shall comply with applicable Federal Communications Commission or Federal Aviation Administration height regulations.
- E. Building Height Exceptions.** The building height limits established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, roof houses, airway beacons, radio towers, windmills, flagpoles, chimneys or flues, not to bulkhead elevators, necessary mechanical appurtenances extending above the roof of any building and not occupying more than twenty-five percent (25%) of the total roof area. When permitted in a district having a building height limit of less than seventy-five (75) feet, public buildings, schools, churches, and other institutions, and semi-public buildings may be erected to a height not exceeding seventy-five (75) feet, provided the front yard depth, side yard widths, and rear yard depth shall each be increased by one (1) over and above the requirements for the district for each two (2) feet of building height above the building height limit for the particular zoning district.

**Subd. 5. New Home on a Lot with an Existing Dwelling.** No new dwelling shall be placed, built, or otherwise, on any lot which currently has a house or place of residency existing on the lot at the time of application for a building permit without first obtaining a Conditional Use Permit. The Conditional Use Permit shall state that the existing house or place of residency will be removed within sixty (60) days from the date of issuance of a Certificate of Occupancy for the new dwelling. The Conditional Use Permit shall also state the completion date of the new house/dwelling and any other requirements as determined by the city council in accordance with Section 6.070.

**Subd. 6. 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 fifteen (15) feet from any property line.

**Subd. 7. Swimming Pools, Accessory Use.** 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.

- A.** No pool shall be located neither within at least ten (10) feet of any side or rear lot line nor within six (6) feet of any principal structure or frost footing. No pool shall be located within any front yard.
- B.** No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
- C.** No pool shall be located within any private or public utility, walkway, drainage, or other easement.

- D. 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.
- E. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
- F. A security fence of at least six (6) feet in height and not more than eight (8) feet shall completely enclose the pool area. The security fence shall be screened.

**Subd. 8. 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 and located on a fixed point on the ground or on a structure.

- A. Satellite Dishes and Antennas shall be installed and maintained in accordance with the Minnesota Uniform Building Code and Minnesota Electrical Code.
- B. No ground mounted satellite dish or antenna shall be higher than fourteen (14) feet, including base, and there shall be no more than one satellite dish or antenna per lot.
- C. No advertising or signage of any type is permitted on the satellite dish or antenna.
- D. The satellite dish or antenna shall be non-reflective.
- E. No satellite dish shall be placed on the front roof of a main building.

**Subd. 9. Obstructions.** Projections of a principal or accessory structure may be located in any 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.
- E. Fences and 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 exceed sixty-four (64) square feet, and does not project more than (8) feet into the required front yard or three (3) feet into the required side yard.
- I. Projecting eaves, gutters, bay windows, and cantilevered building extensions, provided the projection is more than thirty-six (36) inches above 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 the required front or rear yards.

**Subd. 10. Corner Lots.** Every corner lot shall provide a required front yard and a corner side yard on the secondary street side of the lot. The width of the corner side yard shall not be less than (15) feet from the street right-of-way. The corner side yard shall extend from the front to the rear of the lot along the secondary side street. No building shall be allowed in the corner side yard, and the restrictions on parking in the front yard shall apply to parking in the corner side yard.

**Subd. 11. Exception for Continuation of Existing Building Line.** In an instance where the building line of a legal nonconforming principal structure and/or attached private garage is not set back from a property line in conformance with this Ordinance, the principal structure and attached private garage may be structurally expanded in a manner consistent with the existing building line and in conformance with the following restrictions:

- A. The use of the structure is conforming to the zoning district in which it is located.
- B. The expansion of the structure shall not be located closer to the lot line than the existing building line, and at least one-half of the required setback is provided between the building line of the expansion and the lot line.
- C. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
- D. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, building height, and parking and loading requirements.
- E. The height of the expansion shall not be greater than the existing structure at the

existing building line.

- F. Adequate drainage will be provided and the drainage shall be directed away from adjacent private property.

**Subd. 12. General Sign Regulations.** All signs hereafter erected or maintained, except official, traffic, and street signs, shall conform to the following:

- A. Signs shall not be permitted within the public right-of-way, easements, or on any public property.
- B. Any sign of any nature erected shall not exceed thirty-two (32) square feet in surface area and shall not be illuminated.
- C. No sign shall project more than four (4) feet over a public sidewalk.
- D. No sign, except name plate signs and directional signs as allowed, shall project more than four (4) feet across a required front yard or a required side yard.
- E. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress, or egress for any building or structure.
- F. Advertising signs, business signs and name plate signs which may be or may hereafter become unsafe or unsightly shall be repaired or removed by the owner, or owner of the property upon which the sign stands.
- G. All temporary (a sign located on the premises for longer than sixty (60) days, excluding construction related signs) and permanent signs must be approved by the zoning administrator and the applicant must provide a picture or drawing of the proposed sign at the time of application. All temporary signs must follow the same setback requirements as permanent signs.
- H. After sixty (60) days, a temporary sign must be removed or a building permit for a permanent sign must be obtained. All permanent signs must meet setback requirements and be permanently secured into the ground.

**Subd. 13. Prohibited Signs.** The following signs are prohibited:

- A. Signs that by reason of position, shape or color, would interfere with the proper function of a traffic sign, signal or be misleading to vehicular traffic.
- B. Signs within a public right-of-way or easement, except for signs installed by a government agency.
- C. Signs that resemble any official marker erected by a government agency or that display such words as “stop” or “danger” which are not erected by legal authority.

- D. Signs attached to trees or utility poles.
- E. Signs with rotating beam or flashing illumination.
- F. Signs which project over any public right-of-way.
- G. Signs advertising by letters, words, or figures painted upon any sidewalk within the City.
- H. Advertising signs painted on any exterior building surface.
- I. Trademark signs in excess of two (2) per business.
- J. Rotating signs.
- K. Signs painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved.

**Subd. 14. Residential Signs.** The following shall apply to all classes of Residential District signs:

- A. A name plate sign, or professional name plate sign, identifying the owner or occupant of the building and/or dwelling shall not exceed two (2) square feet in surface area.
- B. A sign pertaining to the lease or sale of a building or property shall not exceed twelve (12) square feet in surface area and shall not be illuminated.
- C. Temporary signs advertising a new subdivision development shall not exceed ninety-six (96) square feet in surface area and no more than fifteen (15) feet high.
- D. Temporary unilluminated signs identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building shall not exceed twelve (12) square feet in surface area and no more than fifteen (15) feet high. Signs shall be removed prior to occupancy.
- E. One identification sign not to exceed thirty (30) square feet in surface area will be allowed for the following uses: churches, schools, hospital/clinic, sanitarium, social clubs, library, or similar use as determined by the zoning administrator. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services.
- F. One name plate sign for a dwelling group of five (5) or more units not exceeding five (5) square feet in surface area and not more than five (5) feet high. Such signs may indicate the names and addresses of the buildings and/or dwellings.

- G.** Directional signs in any parking area necessary for the orderly movement of traffic provided that such sign shall not be used as advertising space and shall not be illuminated.
- H.** Religious uses, public institutions, nonresidential, or residential development uses identification signs not exceeding thirty (30) square feet in area. Such signs may be wall or ground mounted or combination there of. A ground sign shall not exceed fifteen (15) feet in height. There may be a second sign if the use abuts two (2) or more public streets.

**Subd. 15. Commercial and Highway Signs.** The following shall apply to Commercial District and highway signs:

- A.** No billboard type sign may be erected without first securing a Conditional Use Permit from the City Council. No billboard sign shall exceed one hundred (100) square feet in surface area.
- B.** Billboards shall be limited to one every five hundred (500) feet and must not be erected within two hundred (200) feet of any residential area.
- C.** No single business sign shall exceed seventy-five (75) square feet in surface area nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of seventy-five (75) square feet.
- D.** No sign shall project higher than thirty-two (32) feet above average grade at the building line, or six (6) feet above the height of the building, whichever is greater.
- E.** No flashing or neon signs shall be permitted. No lighted sign shall be designed so that the light source emits a glare to vehicle traffic and/or shines beyond the boundaries of the property on which it is located.

**Subd. 16. Industrial District Signs.** The following shall apply to Light and Heavy Industrial Districts:

- A.** No business sign shall exceed one hundred fifty (150) square feet in surface area nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of one hundred fifty (150) square feet.
- B.** No sign shall project higher than thirty-two (32) feet above average grade at the building line or six (6) feet above the height of the primary building, whichever is greater.
- C.** No flashing or neon signs shall be permitted. No lighted sign shall be designed so that the light source emits a glare to vehicle traffic and/or shines beyond the boundaries of the property on which it is located.



**Subd. 17. Off-Premise Signs (Outdoor Advertising).** Off premise signs may be allowed pursuant to a conditional use permit in B-1, L-I, and H-I zoning districts. Off-premise signage shall meet the following standards:

- A.** No sign shall exceed three hundred (300) square feet in total area. Maximum allowable signage shall be computed on the basis of one (1) side of any double-faced sign.
- B.** No sign shall exceed thirty (30) feet in height. Sign height shall be measured from the street or highway curb elevation to the highest point of the sign.
- C.** No sign shall be within two hundred (200) feet of any residential zoning district, park, playground or other recreational facility, school, or building used for religious purposes.
- D.** Signs on the same side of the street or highway shall have a separation of four hundred (400) lineal feet, except that signs greater than two hundred (200) square feet in size shall have a separation of six hundred (600) lineal feet between another sign exceeding two hundred (200) square feet in size.
- E.** Signs shall be set back from all street right-of-way lines a minimum of twenty-five (25) feet. The city council, at its discretion may grant a lesser amount.
- F.** The source light for the purpose of illumination may be indirect or direct and shall not be directed in any way except into the advertising.
- G.** The exposed uprights or superstructure shall be painted a neutral color.
- H.** The area around a ground-mounted off-premise sign shall be appropriately landscaped and regularly maintained.
- I.** All ground support structures shall meet appropriate building codes.
- J.** No off-premise sign shall be located on any roof.
- K.** Wall-mounted off-premise signs shall be on a separate frame, shall not extend beyond eighteen (18) inches from the wall surface, and shall not exceed one-quarter (1/4) of the square footage of the wall it occupies or two hundred (200) square feet, whichever it lesser.

**Subd. 18. Off-Street Parking and Loading.** The off-street parking provisions of this Ordinance shall apply to all buildings and structures erected and all uses of land established after the effective date of this Ordinance. All required off-street parking shall be provided on private property, unless authorized otherwise by the city council.

- A.** Accessory off-street parking facilities in existence on the effective date of this Ordinance shall not hereafter be reduced below the parking and loading requirements of this Ordinance.
- B.** Nothing in this Ordinance shall be deemed to prevent the voluntary establishments of off-street parking to serve any existing use of land or buildings, provided that all regulations of this Ordinance governing the location, design, and operation of such facilities are adhered to.
  - 1. As part of the conditional use approvals, the city council may require additional off-street parking to be provided in excess of the requirements of this Ordinance in order to ensure that an anticipated parking demand will be served.
- C.** No commercial vehicle or equipment of any kind exceeding nine thousand (9,000) pounds gross weight, shall be parked, stored, or otherwise continued in a Residential District unless in a completely enclosed structure.
- D.** Automobile vehicles or trailers of any kind or type without current legal license plates or which are a public nuisance. Enforcement and abatement shall be undertaken as provided in Chapter 3 of the Eagle Lake City Code.
- E.** Any application for a Building Permit affected by this Section and required to provide more than four (4) off-street parking stalls shall include a site plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this Ordinance. Such site plan shall be a part of the Building Permit and no Certificate of Occupancy shall be issued until the site plan is approved. The site plan shall be drawn to a scale of one (1) inch equals twenty (20) feet or larger and shall include at a minimum the following information:
  - 1. The applicant's name, address, and interest in the property.
  - 2. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the site plan.
  - 3. The street address and legal description of the property.
  - 4. The zoning classification and the required setback for the property.
  - 5. A complete description of the proposed use.
  - 6. The actual dimensions of the parking lot and exact sizes and location of all proposed buildings or other structures.
  - 7. The actual dimensions and location of all driveways, parking spaces, safety curbs, and loading areas.

8. A depiction of all drainage features and any environmental features.
9. Any other such information or documentation as the zoning administrator may deem to be necessary or appropriate to a full and proper consideration and disposition of the particular site plan.

**Subd. 19. Location of Parking Spaces.**

- A.** Parking spaces required for one- and two-family dwellings shall be located on the same lot as the dwelling being served or on an abutting lot.
- B.** Off-street parking spaces required for all non-one- and two-family dwellings shall be located on the same lot as the land use activity; provided, however, that when four (4) or more parking spaces are required, off-premise parking may be provided on a lot located not more than five hundred (500) feet from the main building of the use requiring said parking, provided the off-premises parking lot shall be held under the same ownership or leasehold interest as the zoning lot occupied by the building or use to which the parking facilities are accessory.
  1. In no instance shall a use not permitted in a residential zoning district be allowed to provide off-street parking in a residential zoning district.
- C.** The prohibition against parking in any yards shall not be interpreted to prohibit the use of hard-surfaced driveways for the temporary parking of automobiles.

**Subd. 20. Parking in Setback Areas.** The location of parking spaces and internal driveways shall conform to the stated setbacks and ground coverage for impervious surfaces contained in each zoning district. Parking areas shall be designed so as to avoid parked vehicles encroaching into required yards.

**Subd. 21. General Parking Provisions.** Every parcel of land hereafter used as a public or private parking area, regardless of whether or not the parking is required by this Ordinance, shall be developed and maintained in accordance with the following requirements:

- A.** The design of parking lots or areas shall be subject to the approval of site plan review. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with the movement of street traffic.
- B.** All off-street parking areas in multiple-family, commercial, or planned industrial zones may be required to have curb around the perimeter of the parking area and driveway if the City believes curbing is necessary to convey stormwater and direct drainage away from adjacent property.

1. All off-street parking spaces containing more than four (4) parking spaces shall delineate individual parking spaces by striping or painting having a width of at least four (4) inches.
- C. All off-street parking lots, driveways, and driving surfaces shall be hard-surfaced with concrete or asphalt and shall be well drained and maintained in a well-kept manner. The following are exceptions:
1. Off-street parking lots, driveways, and driving surfaces which only have access to a public right-of-way that is not hard-surfaced with concrete or asphalt are not required to be hard-surfaced until such right-of-way is surfaced with concrete or asphalt.
  2. Industrial properties may maintain gravel parking or storage areas and driving surfaces to be utilized by heavy equipment in excess of nine thousand (9,000) pounds, provided said gravel parking or storage areas and driving surfaces are located more than one hundred (100) feet from a hard-surfaced public right-of-way, or the access to such areas is located more than one hundred (100) feet from a hard-surfaced public right-of-way.

**Subd. 22. Utilization of Required Parking Spaces.** Except as otherwise provided in this Ordinance, required accessory off-street parking facilities provided for uses listed in this Ordinance shall be solely for the parking of motor vehicles utilized by the owners, guests, patrons, occupants, or employees of such uses.

**Subd. 23. Handicap Parking.** Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the handicapped, and these shall be clearly marked as such. Handicap stalls shall be located in close proximity to the most accessible handicap entrance of the principal building. The number and dimension of stalls shall conform to all applicable state and federal regulations.

**Subd. 24. Provision for Collective Parking.** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use and all regulations governing location of accessory parking spaces in relation to the use served are adhered to. No parking space or portion thereof shall serve as required space for more than one (1) use unless otherwise authorized by the zoning administrator.

- A. The zoning administrator may authorize a reduction in the total number of required parking spaces for two (2) or more non-residential uses jointly providing off-street parking when their respective peak hours of operation do not coincide. Reduction of joint use parking shall be subject to the following conditions:
1. No more than fifty percent (50%) of the parking spaces required for a principal use may be supplied by parking facilities required for any other principal use.

2. The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city's attorney guaranteeing that the parking spaces shall be maintained so long as the uses requiring parking are in existence unless the required parking is provided elsewhere in accordance with the provisions of this Ordinance. Such instrument shall be recorded by the property owner(s) with Blue Earth County Land Records, and a copy shall be filed with the zoning administrator.

**Subd. 25. Determination of Required Number of Off-Street Parking Spaces for Uses Not Specified Herein.** In the event this Ordinance does not specify the number of parking spaces for a specific use, the zoning administrator shall determine the number of spaces required. In making this determination, the zoning administrator shall consider the following criteria:

- A. The number of off-street parking spaces required for a use listed in Section 6.200, Subd. 32, which are the most similar to the proposed use in terms of parking demand, anticipated for the proposed use.
- B. The square footage to be occupied by the proposed use.
- C. The number of employees and patrons that are anticipated for the proposed use.

**Subd. 26. Standards and Units of Measurement to Determine Off-Street Parking.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- A. The gross useable or livable floor area shall be used to determine the parking requirement.
- B. In places of assembly (public or private) in which those in attendance occupy benches, pews, and other similar seating facilities, each twenty-two (22) inches of lineal bench or pew space shall be counted as one (1) seat for the purpose of determining required off-street parking.
- C. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more, shall be counted as one (1) parking space.
  1. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing on the premises or both, at any one time.

**Subd. 27. Garages, Driveway Parking, Tandem Parking.**

- A. Parking stalls located within a private garage may be used to satisfy the off-street

parking requirements of this Ordinance.

- B.** The area of the driveway immediately adjacent to the entrance to a private garage may be considered a parking area for the purpose of satisfying the off-street parking requirements of this Ordinance, provided that such parking space(s) conforms to the dimensional requirements of this Ordinance, and such parking space(s) shall not restrict or interfere with an internal traffic lane and shall not be located on a public right-of-way. All other areas of the driveway shall not be used to satisfy the off-street parking requirement of this Ordinance.
- C.** Notwithstanding any of the above or as otherwise permitted in this Ordinance, tandem parking arrangements shall not be allowed in order to satisfy the parking requirements of this Ordinance.

**Subd. 28. Schedule of Shared Off-Street Parking Calculation.** For each applicable general land use category, calculate the number of spaces required for a use if it were free-standing. Use those figures for each land use to calculate the number of spaces required for each time period for each use (six time periods per use). For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods. Select the time period with the highest total parking requirement and use that total as your shared parking requirement.

**GENERAL LAND USE Classification**

<b>WEEKDAY:</b>	<b>12 a.m. - 7 a.m.,</b>	<b>7 a.m. - 6 p.m.,</b>	<b>6 p.m. - 12 a.m.</b>
Office & Industrial	5%	100%	5%
Retail	10% (open) 0% (not open)	100%	80%
Restaurant	50%	70	100%
Hotel	100%	65%	100%

**General Land Use Classification**

**WEEKENDS**

	<b>12 a.m. - 7 a.m.</b>	<b>7 a.m. - 6 p.m.</b>	<b>6 p.m. - 12 a.m.</b>
Office & Industrial	0%	100%	10%
Retail	10% (open) 0% (not open)	100%	60%
Restaurant	70%	45%	100%
Hotel	100%	65%	100%

**Subd. 29. Parking Spaces Required.**

**A. Residential:**

1. One-Family, Two-Family and Multiple-Family residential properties shall have two (2) spaces per dwelling unit.
2. Congregate housing one-half (1/2) space per dwelling unit.

**B. Commercial:**

1. One (1) space per two hundred (200) square feet of retail or sales floor area, unless specifically noted below.
2. Automobile Service (No convenience) three (3) spaces per service stall, plus one (1) for each employee on major shift and two (2) spaces per gas pump.

3. Banks shall have one (1) space per two hundred fifty (250) square feet of gross floor area.
4. Convenience Store Without Gas Pumps - one (1) space per two hundred (200) square feet of sales area. With Gas Pumps - one (1) space per two hundred (200) square feet of sales area, plus two (2) spaces per each pump (parking adjacent to each pump may be used to satisfy retail parking requirement provided stall dimensions are conforming to this Ordinance).
5. Drive-Thru Facility shall have three (3) off-street stacking spaces per drive-thru lane.
6. Furniture and appliance stores shall have one (1) space per four hundred (400) square feet of gross sales floor area, and one (1) space per employee on major shift.
7. Hotel or motel shall have one (1) space per unit, plus one (1) space per employee on major shift.
8. Restaurant and Lounge shall have one (1) space per each four (4) seats, one (1) space for each two (2) employees on major shift, one (1) space for each delivery vehicle, and one (1) space for customer food pick-up.
9. Mini-Storage shall have one (1) parking stall for every two (2) storage units. A parking space adjacent to a storage unit may be counted as one (1) parking space.

**C. Service Business Uses:**

1. Automobile Repair shall have three (3) spaces per service stall, plus one (1) for each employee on major shift.
2. Beauty Salons and Barber Shops shall have three (3) spaces per operator station.
3. Carwash shall have two (2) off-street vehicle stacking spaces per wash stall and one (1) off-street parking space per employee on major shift.
4. Private Club shall have one (1) space per three (3) persons of the maximum capacity of the facility.
5. Motor Vehicle, Bicycle or Motorcycle and Manufactured Home sales places shall have one (1) off-street parking space per employee, plus one (1) space for each two hundred fifty (250) square feet of office area, and five (5) spaces per one thousand (1,000) square feet of enclosed sales area.

**D. Offices and Related Uses:** One (1) parking space per each two hundred fifty (250) square feet of gross floor area.



1. Medical and Dental offices shall have one (1) parking space per each two hundred (200) square feet of gross floor area.
2. Recreational Uses: One (1) parking space per four (4) persons of the maximum occupancy load or as stated specifically below.
3. Health Clubs shall have one (1) space for each four hundred (400) square feet of gross floor area.
4. Billiard Parlor or dance hall shall have one (1) parking space per fifty (50) square feet of gross floor area.
5. Bowling Alleys or Lanes shall have (5) parking spaces per lane, plus fifty percent (50%) of the spaces otherwise required for any accessory use (e.g., bars, restaurants).
6. Golf Courses shall have (5) parking spaces per green, plus fifty percent (50%) of the spaces otherwise required for any accessory use (e.g., bars, restaurants).
7. Indoor Movie Theater shall have one (1) parking stall for each four (4) seats.
8. Stadium, Auditorium, or Gymnasium shall have one (1) parking stall for each four (4) persons of the maximum occupant load.
9. Miniature Golf Course, Golf Driving Range, or Archery Range shall have ten (10) spaces respectively.

**E. Industrial Uses:**

1. Manufacturing or Testing Facility shall have four (4) off-street parking spaces, plus one (1) research or lab space per employee on the major shift, or one (1) space for each three hundred (300) square feet of floor area, whichever is greater.
2. Truck terminals shall have three (3) off-street parking spaces, plus one (1) space per employee on the largest working shift.
3. Warehousing and Wholesale Businesses shall have three (3) off-street parking spaces, plus one (1) space per employee on the largest working shift.

**F. Institutional Uses:**

1. Churches or other religious facilities shall have one (1) space per four (4) seats of congregation area.
2. Hospitals shall have one (1) parking space per each four (4) beds, plus one (1)

space per each three (3) employees on the largest shift.

3. Clinics shall have one (1) parking space per each two hundred fifty (250) square feet of floor area, plus one (1) space per staff member.
4. Nursing Home or Rest Home shall have one (1) space for each four (4) beds, plus one (1) space for each three (3) employees.
5. Elementary and Junior High Schools shall have one (1) off-street parking space per each staff member, plus one (1) space per each two (2) classrooms.
6. Senior High Schools shall have one (1) off-street parking space per staff member, plus one (1) space per five (5) students.
7. Post Secondary Schools shall have one (1) off-street parking space per staff member, plus one (1) space per two (2) students.
8. Libraries and Museums shall have one (1) off-street parking space per two hundred fifty (250) square feet of floor area or one (1) space per four (4) seats at the maximum occupancy load, whichever is greater, plus one (1) space per employee on the largest work shift.

**G. Exemption:**

1. Properties that are located within the Parkway Avenue Corridor on the map noted as “Parkway Avenue Corridor Parking District” are exempt from off-street parking requirements of Chapter 6 of the City Code.

**Subd. 30. Housing Developments with Zero Lot Lines.** The City Council may grant a waiver from the provisions of this Ordinance governing the minimum lot size for certain parcels located in the R-2, One- and Two Family Residential and R-3, Multiple-Family Residential Districts. In the case of a request to subdivide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) new lots, and the newly created property line will not cause the other remaining portion of the lot to be in violation of this Ordinance, the division may be approved by the city council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

- A.** A new subdivided lot created under this subdivision shall contain an area of not less than five thousand (5,000) square feet in both R-2, One- and Two Family Residential and R-3 Multiple-Family Residential Districts. All other requirements as regulated in Sections 6.13 and 6.14 shall be complied with.
- B.** Petition for wavier pursuant to this subdivision shall be submitted to the City upon forms furnished by the City. Said forms shall contain or be accompanied by the following:

1. Proof of property ownership.
  2. An exhibit showing a certificate with dimensions of a recordable registered land survey or survey of the property by a registered land surveyor overlaying the description of the property which is the subject of the petition.
  3. A legal description of the area and new lots to be created.
  4. A drawing with dimensions of present lot arrangements including existing lot lines, structures, easements and encroachments, existing and proposed utilities, streets, right-of-ways, and any other items as directed by the zoning administrator.
  5. Any other information as required by the zoning administrator.
- C.** Subdivisions platted with zero lot lines shall have installed separate utility service lines (water and sewer) to each individual lot. No two or more lots shall share the same storm water underdrain and/or sump pump pit. Separate utility service lines shall not be required for subdivisions which were not initially platted with zero lot lines.

**Subd. 31. Zoning Permit Requirements.**

- A.** The following will require an approved zoning permit before any construction or work can be performed.
1. Sheds that are 200 square feet or less.
  2. Fences that are six (6) feet and under.
  3. Walls that are four (4) feet and under.
  4. Decks which are not more than thirty (30) inches above grade at any point and not attached to another structure with frost footings.
  5. Patios
- B.** Purpose. For purposes of this Ordinance, a zoning permit authorizes the development on a lot in conformance with applicable sections of this Ordinance and other City Codes, including special approval conditions.
- C.** Permit Required. For the purposes of enforcing this Ordinance, a zoning permit shall be required of all persons intending to erect, alter, wreck, or construct.
1. Persons requesting a zoning permit shall fill out a zoning permit application

available from the Zoning Administrator.

2. If the proposed development involves a zoning amendment, variance, or conditional use permit, the application together with a zoning permit, shall be submitted to the Planning Commission for review and appropriate action according to the procedures set forth above.
  3. Any zoning permit issued under Chapter 6 shall expire at the end of one year after its issuance and a new permit shall be required at the lapse of that time. An extension of six (6) months may be granted by the determination of the Zoning Administrator.
- D. Voided Building Permits.** Any zoning permit issued in violation of the provisions of this Ordinance, whether intentionally, negligently, or innocently, shall be voided immediately and shall give rise to no rights whatsoever.
- E. Fees.** The fee for a zoning permit will be regulated by the City Fee Schedule on an annual basis.

#### **SECTION 6.220 SPECIAL PROVISIONS APPLICABLE TO SPECIFIC PERMITTED AND CONDITIONAL USES**

**Subd. 1. Home Occupations.** It is the findings of the City Council that home occupations effect neighborhood character, have a potential to be a nuisance to neighbors, and may negatively affect City services. The purpose of the Section is to regulate home occupations in order to avoid such negative impacts and to ensure the integrity and goals of the residential zoning districts. Standards for home occupations are intended to ensure compatibility with other permitted uses and character of the residential neighborhood.

**Subd. 2. No Special Permission Required.** When an accessory use is deemed a home occupation as defined in this Chapter, it means that the owner, lessee, or other persons who have a legal right to the use of the dwelling unit also have the vested right to conduct the home occupation in conformance with this subdivision, without securing special permission from the City. This shall not be construed to exempt owners, lessees, or other persons who have a legal right to the use of the dwelling unit from other applicable regulations of the City Code.

**Subd. 3. Allowed in Residential Zoning Districts.** Home occupations are allowed as accessory uses where the principal use of the premises is a dwelling. The City of Eagle Lake has two different types of Home Occupations which include Level I and Level II Home Occupations.

**Subd. 4. Level I Home Occupation.** Level I Home Occupations are a permitted accessory use in residential zoning districts if there is compliance with the following standards:

- A. Such home occupation shall be conducted solely by residents of the dwelling.
- B. Such home occupation shall be contained entirely within the dwelling and shall not exceed 25% or 1,000 square feet of the gross floor area of the residence whichever is less. The use of detached accessory buildings or private garage, attached or detached, for a home occupation is prohibited.
- C. There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- D. Such occupation shall create no noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than what normally occurs in a residential zoning district.
- E. No employees, which do not reside at the premises on which the home occupation is located, shall report to work at the location of the home occupation or park motor vehicles on the property or in the vicinity of the home occupation.
- F. No commercial vehicle in excess of nine thousand (9,000) pounds gross weight shall be used in connection with the home occupation or parked on the property.
- G. One automobile is allowed to be used in connection with a home occupation. Such vehicle shall be parked on a conforming off-street parking stall located on the property.
- H. No traffic or parking demand shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- I. Only one (1) sign shall be allowed no more than two (2) square feet. The sign may display the name of the occupant and/or the name of the home occupation. The sign shall be non-illuminated and attached flat to an exterior wall of the dwelling or visible through a window of the dwelling and shall meet the provisions of Section.
- J. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
- K. Flammable or hazardous chemicals and/or materials will not be allowed to be stored on site.

**Subd. 5. Level II Home Occupations.** Level II Home Occupations are a conditional use in residential zoning districts and must comply with the following standards:

- A. Such home occupation shall be conducted by residents of the dwelling and no more

than one employee at one time who does not reside on the premises.

- B.** The home occupation may be operated in the dwelling and shall not exceed 25% or 1,000 square feet of the gross floor area of the resident whichever is less and no more than 600 square feet of accessory buildings and/or attached garages may be used as part of the home occupation.
- C.** There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- D.** Such occupation shall create no noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than what normally occurs in a residential zoning district.
- E.** No commercial vehicle in excess of nine thousand (9,000) pounds gross weight shall be used in connection with the home occupation or parked on the property.
- F.** One automobile is allowed to be used in connection with a home occupation. Such vehicle shall be parked on a conforming off-street parking stall located on the property.
- G.** No traffic or parking demand shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- H.** Only one (1) sign shall be allowed. The sign may display the name of the occupant and/or the name of the home occupation. The sign shall be non-illuminated and attached flat to an exterior wall of the dwelling or visible through a window of the dwelling and shall meet the provisions of Section. The sign shall not be greater than 2 square feet in size.
- I.** In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
- J.** Flammable or hazardous chemicals and/or materials will not be allowed to be stored on site.

**Subd. 6. Prohibited Level I and II Home 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 Level II home occupations unless duly noted:

- A.** Automobile, boat, and trailer painting, repairs, rental or servicing.

- B.** Junkyard, scrapping, or salvage operations.
- C.** Medical or dental offices.
- D.** Hotels or motels
- E.** Mortuaries or funeral homes.
- F.** Painting, electrical, plumbing, or general contractor; unless operated only as an office for said uses, and provided further that no employee report to work at the premises unless allowed under the provisions of a Level II Home Occupation.
- G.** Restaurants or other eating and drinking establishments.
- H.** Any other uses as determined by the City Council.

**Subd. 7. Child Day Care.** In addition to any other condition or limitation required by this Section, day care facilities that are not operated as home occupations shall be subject to the following conditions and limitations:

- A.** Where the facility is accessory to a principal use, service shall be made available to the employees of the principal use.
- B.** Each facility shall provide separate off-street passenger loading and unloading area devoted solely to the facility.
- C.** Each facility shall provide a separate and protected outside recreation area.
- D.** Where the facility is accessory to a principal use, physical separation from the major operations of the principal use shall be required and direct access to the principal use shall be restricted or otherwise controlled.

**Subd. 8. Bed and Breakfast Establishments.** In addition to any other condition or limitation required by this Chapter, bed and breakfast establishments shall be subject to the following conditions and limitations:

- A.** The bed and breakfast residence shall be owner-occupied.
- B.** The number of dwelling units within the bed and breakfast residence, which are not used by guests of the bed and breakfast establishment, shall conform to the density regulations of this Chapter.
- C.** One bed and breakfast bedroom shall be allowed per dwelling unit lot area standard.
- D.** Two (2) parking spaces are required for each dwelling unit, plus one (1) additional parking space for each bed and breakfast bedroom. Required parking for dwelling

units and bed and breakfast bedrooms shall be located on the zoning lot. Guests and residents in the dwelling units shall be assigned parking spaces.

- E.** Required parking spaces shall not be located in the required front or side yards. Forty percent (40%) of the rear yard may be used for unenclosed parking.
- F.** Parking spaces shall be hard-surfaced with gravel, concrete, or asphalt and shall be well drained as to not drain onto adjacent properties.
- G.** The structure and performance of the operation of the bed and breakfast and residence shall comply with all local, county, and state regulations.
- H.** Signage shall not exceed one (1) single- or two-sided sign not exceeding eight (8) square feet on one side. The sign may be attached to the dwelling or located five (5) feet from any property line. No flashing or neon signs shall be permitted. No lighted sign shall be designed so that the light source emits a glare to vehicle traffic and/or shines beyond the boundaries of the property on which it is located.
- I.** The owner of the bed and breakfast shall maintain a guest register showing the name, address, motor vehicle license number, and inclusive dates of visits of all guests. No guest shall be permitted to rent accommodations or remain in occupancy for a period in excess of fourteen (14) calendar days during any consecutive ninety (90) day period.
- J.** Meals shall be served only to registered bed and breakfast guests or registered guests of a permitted accessory activity.
- K.** Sound and light emanating from the property shall not be disruptive to the normal peace and quiet of the neighborhood.
- L.** The City Council may modify standards or require additional standards which are site specific in order to assure the compatibility of the bed and breakfast activities with the neighborhood in which it is located.
- M.** The City Council reserves the right to review the conditional use permit annually and either continue or modify the conditions of the permit.
- N.** The City Council reserves the right to terminate the conditional use permit any time the owner fails to adhere to the standards or conditions established by this Section or contained in the conditional use permit.

**Subd. 9. Restaurants and Other Eating and Drinking Establishments, Unenclosed Service Area or Unenclosed Seating Area.** Restaurants and other eating and drinking establishments serving intoxicating liquor in an unenclosed service area or providing an unenclosed seating area where intoxicating liquor is consumed must, in addition to complying with any applicable provisions of this Chapter, ensure the following:



- A. Minors shall not have open access to the unenclosed service area or unenclosed seating area.
- B. Liquor cannot be passed to persons not within the confines of the unenclosed service area or unenclosed seating area.
- C. Adequate lighting shall be provided in the unenclosed service area or unenclosed seating area.
- D. No sound amplification equipment shall be located in, or directed into, the unenclosed service area or unenclosed seating area.
- E. The unenclosed seating area must be surrounded by a wall or fence that is not less than eight (8) feet in height. The wall or fence shall be designed so as not to allow individuals to enter or exit the unenclosed service or seating is except for direct access into the main building.
- F. The City Council may modify these standards through the granting of a conditional use permit or by granting a temporary license under the liquor licensing provisions of the Eagle Lake City Code.

**Subd. 10. Drive-Thru Facilities.** Drive-thru facilities shall conform to the following minimum standards:

- A. The drive-thru facility, including drive-thru traffic lanes and parking areas for waiting automobiles, shall not be located in any required yard.
- B. The drive-thru facility shall provide three (3) off-street parking spaces for waiting automobiles in each drive-thru traffic lane. A parking space shall be a minimum of nineteen (19) feet by nine (9) feet, and parking spaces may be provided in a tandem arrangement. If drive-thru traffic lanes are not utilized, then parking spaces equal to three (3) times the maximum number of customer automobiles that can be serviced at any one time shall be provided.
- C. The drive-thru facility, and accessory parking areas and drive-thru traffic lanes, shall not obstruct or interfere with other traffic lanes or parking areas located on the zoning lot.
- D. If the operation of the drive-thru facility results in traffic hazards or congestion on public streets or alleys, the City Council may order the modification or termination of the drive-thru facility.

**Subd. 11. Automobile Service Stations and Car Washes.** In addition to any other conditions or limitations required by this Chapter, automobile service stations and car washes shall be subject to the following conditions and limitations:

- A.** No automobile service station or car wash building or structure, driveway surface, parking area, advertising device or other similar site improvement, except driveways traversing a public road or boulevard, shall be located within one hundred (100) feet of any part of a residential district site.
- B.** Each site shall have a minimum frontage of one hundred (100) feet.
- C.** Each site shall be permitted two (2) points of ingress or egress for every one hundred (100) feet of frontage.
- D.** Pump islands shall be set back not less than fifteen (15) feet from any street right-of-way and twenty-five (25) feet from any property line not abutting a street right-of-way.
- E.** Canopies covering pump islands shall not be located in or overhang onto adjacent properties.
- F.** Unenclosed parking of vehicles not being serviced or not owned by the station operator shall be limited to twelve (12) hours.
- G.** Interior curbs of not less than six (6) inches shall be constructed to separate driving surfaces from sidewalks, landscaped areas, and street traveled ways.
- H.** Interior drives, parking areas, and service areas shall not be located in the required front yard.
- I.** Islands for sweeping and vacuuming equipment shall be set back not less than fifteen (15) feet from any street right-of-way and three (3) feet from any property line not abutting a street right-of-way.
- J.** Two (2) parking spaces for waiting vehicles shall be provided for each washing bay. A parking space shall be a minimum of nineteen (19) feet by nine (9) feet and such parking spaces may be provided in a tandem. If bays are not utilized, then parking spaces equal to two (2) times the maximum number of automobiles that can be washed at any one (1) time shall be provided.
- K.** The accessory sale of lubricating oil, grease, tires, batteries, automobile accessories or any other items related to the operation of motor vehicles shall be allowed. Accessory services shall be limited to include the washing of vehicles, sale and installation of tires, oil changing, lubrication services, or minor repair work and mechanical maintenance.
- L.** Automobile service stations shall not include the storage of non-operable vehicles, services for large commercial trucks, major automobile repairs, automobile wrecking or automobile sales of any kind. No automobile service station may lease trucks,

cars or trailers, operate automobile sales, or operate an automobile wash without obtaining a conditional use permit from the City Council.

**Subd. 12. Outside Storage of Materials, Commercial and Industrial Districts.**

Where outside storage of materials, equipment, and product is permitted, or is conditionally permitted, in commercial or industrial zoning districts, such outside storage shall conform to the following provisions:

- A. In Commercial Districts, outside storage areas shall be screened from any Residential Districts by screen fencing or planting of ninety percent (90%) opacity. Such fencing or screen planting shall be not less than eight (8) feet in height.
- B. In Industrial Districts, outside storage areas shall be screened from any Residential Districts by screen fencing or planting of ninety percent (90%) opacity. Such fencing or screen planting shall be not less than eight (8) feet in height.
- C. Storage areas shall not be located in transitional areas.
- D. Seasonal Unenclosed Uses. The unenclosed sale and display of cut Christmas trees, wreaths, tree branches, pine cones, holly, and related plant items during the months November and December, and the unenclosed sale and display of plants and garden supplies during the months of April, May, and June 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 a commercial zoning district, and that the area used for the unenclosed sale and display does not exceed twenty percent (20%) of the area of the parcel containing buildings or use more than twenty percent (20%) of the required parking area.

**SECTION 6.230 NON-CONFORMITIES**

**Subd. 1. Purposes.** This Section regulates and limits the continued existence of uses, structures, and lots established prior to the effective date of this Chapter that do not conform to the regulations of this chapter applicable in the zoning districts in which such uses, structures, and lots are located.

- A. The zoning districts established by this Chapter are designed to guide the future use of land within the City by encouraging the development or maintenance of desirable residential, business, office, institutional, and industrial areas with appropriate groupings of compatible and related uses and thus to non-conformities is frequently inconsistent with the purposes for which such districts are established and thus the gradual elimination of such non-conformities is generally desirable.

**Subd. 2. Nonconforming Uses.** The following restrictions shall apply to nonconforming uses of land.

- A. Authority to Continue: Except with regard to the termination by discontinuance or

abandonment of a use as provided for below, and lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the restrictions set forth below:

1. **Ordinary Repair and Maintenance:** Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted in whole or in part to a nonconforming use; provided, however, that this restriction shall not be deemed to authorize any violation of this Section.
  2. **Enlargement of Structure:** No structure devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located.
  3. **Extension of Use:** A lawful existing nonconforming use may be extended or expanded throughout an existing building provided that such extension or expansion does not require that the structure devoted to the nonconforming use be structurally altered or enlarged; and provided further that the extension or expansion of the use shall not be allowed unless the off-street parking and loading spaces required for such extension or expansion are provided as required.
- B. Moving:** No structure devoted in whole or in part to a nonconforming use shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being moved. No conforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
1. A lawful nonconforming use may be changed to a conforming use permitted in the zoning district in which it is located; provided, however, when such a nonconforming use is changed to a conforming use, it shall not thereafter be changed back to any nonconforming use.
  2. A lawful nonconforming use may be changed to another nonconforming use of the same or similar type or intensity, or to another nonconforming use of the same or similar type, but of less intensity, subject to interpretation by the Zoning Administrator. In addition, the Zoning Administrator shall not approve such change if it will require the violation of the restrictions of this Section. Whenever a nonconforming use is changed to a less intense nonconforming use, it shall not thereafter be changed back to a more intense nonconforming use.
- C. Damage or Destruction:** Any structure devoted in whole or in part to, or that is accessory to, a nonconforming use and that is damaged or destroyed, by any means,

to the extent of more than fifty percent (50%) of the assessed market value, shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located.

- D. Replacement:** Any structure replaced will have to follow the previous footprint. The structure cannot be relocated resulting to be more conforming than previous.
- E. Residential Alterations:** Alterations may be made to a residential building containing nonconforming residential units when they will improve the livability of such units provided, however, they do not increase the number of dwelling units in the building.
- F. Normal Maintenance:** Maintenance of a building or other structure containing or used for nonconforming use will be permitted when it includes necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming building or use.
- G. Termination by Discontinuance or Abandonment.** When a nonconforming use is discontinued or abandoned for a period of twelve (12) consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.
  - 1. Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming uses or as determined by the zoning administrator, shall not be considered in calculating the length of discontinuance for purposes of this Section.

**Subd. 3. Nonconforming Lots.** Subdivided lots of record in existence prior to the adoption of this Ordinance which do not meet the minimum width, area, and 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.

**Subd. 4. Nonconforming Rooming House Dwelling Units.** One- or two-family dwellings for which a rental license is in effect on the effective date of this Ordinance may continue to lease and use the property as a one- or two-family dwelling or a nonconforming rooming house dwelling unit until such time that the rental license for the property is discontinued for more than twelve (12) consecutive months or the property is destroyed, by any means, to the extent of more than fifty percent (50%) of the assessed market value. Any subsequent use of the property for rental purposes shall

conform to the regulations of this Ordinance.

**Subd. 5. Nonconforming Accessory Uses and Structures.** No use or structure that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have been terminated, unless it shall thereafter conform to all regulations of the zoning district in which it is located.

**Subd. 6. Burden of Owner to Establish Legality of Nonconformity.** The burden of establishing that any nonconformity lawfully exists under the provisions of the Section shall, in all cases, be upon the owner of the nonconforming property and not upon the City.

## SECTION 6.240 LANDSCAPING AND SCREENING

**Subd. 1. General Landscaping and Maintenance Requirements.** All undeveloped lots and parcels shall be mowed and kept free of accumulation of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials until developed. Except for accessory uses expressly permitted to be located in required yards, all yards and open spaces between and about structures and off-street parking lots and loading areas shall be landscaped and kept free from accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris.

- A.** All planting material shall be of good quality, of species normally grown in Minnesota and capable of withstanding the extremes of individual site microclimates. All specifications for measurement, quality, and installation of trees and shrubs shall be in accordance with the *American Standards for Nursery Stock*, published by the American Association of Nurserymen.
- B.** Landscaping and screening required by this Section shall be interrupted only by required access drives and sidewalks. All landscaping and screening required by this Section shall be so designed and maintained as to preserve unobstructed vision of the street and sidewalk at points of access and as not to interfere with, or be damaged by, work within any public or utility easement unless the Zoning Administrator shall determine that no other location is reasonably feasible.

**Subd. 2. Applicability.** A landscaping plan, and the implementation and maintenance of such plan, shall be required for all uses, except for one- and two-family dwellings.

**Subd. 3. Landscape Design Criteria.** The scale and nature of landscaping materials should be appropriate to the size of the structures.

- A.** Selection of Plant Material: Plant material should be selected for its form, texture, color, and concern for its ultimate growth. Weak wooden species should be avoided (i.e. Mulberry, Poplars, Russian Olives, etc.).

- B. Evergreens:** Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas screening parking lots from dedicated public right-of-ways or property zoned for residential use. All evergreens shall have a minimum height of two and one-half (2 1/2) feet.
- C. Shade Trees:** All shade trees shall have a minimum trunk size of one and one-quarter (1 1/4) inches in diameter upon installation, as measured six (6) inches above the established ground level.
- D. Softening of Walls and Fences:** Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

**Subd. 4. Refuse Containers.** No refuse or recyclable material containers shall be located on any front or corner side yard in Community Commercial, Light Industrial, or Heavy Industrial districts unless the rear access is blocked by railroad tracks, wetlands, or other obstruction as determined by the zoning administrator.

**Subd. 5. Fences and Walls.** No fence or wall shall be erected, enlarged, expanded, altered, relocated, maintained, or repaired in any yard unless it shall first meet the requirements of this Section.

**A. Construction:**

1. **Prohibited Material:** No fence or wall shall be constructed of any electrically charged element or barbed wire, except that in the Industrial Districts barbed wire may be used above a height of six and one-half (6 1/2) feet when incorporated with a permitted fence or wall.
2. **Approved Material:** All fences in residential districts shall be constructed of stone, brick, finished wood, or chain link. The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties, streets, or alleys.
3. **Maintenance:** Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be repaired or replaced immediately.

**B. Height:**

1. **Side or Rear Yards.** No fence or wall located in a side or rear yard shall be of a height exceeding eight (8) feet, measured from its top edge to the ground at any point.
2. **Front Yards.** No fence or wall located in a front yard shall be of a height



exceeding four (4) feet, measured from its top edge to the ground at any point. However, in the Industrial District, chain link security fencing may be installed at a height greater than four (4) feet provided such fencing shall not exceed eight (8) feet.

**C. Setbacks:**

1. A fence may be located adjacent to, but not on, a property line. Recommended distance is a minimum of three (3) feet. If desired location is on the property line, a notarized signed agreement by all properties affected must be completed and filed with the City and Blue Earth County Land Records.
2. No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way.
3. No fence, wall, hedge, or other screening device shall be erected as to impair the vision of traffic on corner lots or alleys.

**Subd. 6. Exterior Lighting.**

**A. Purpose and Intent:** The purpose of this Section is to create standards for outdoor lighting which will provide for nighttime safety, security, and utility while reducing light pollution, light trespass, and conserving energy. The intent is to require appropriate lighting levels, efficient (watts to lumens) lighting sources, full cut-off lighting, and to minimize/discourage lighting glare, lighting pollution and lighting trespass.

**B. Definitions:** For purposes of applying the regulations of this section, the following definitions shall apply:

1. **Cutoff:** The point at which all light rays emitted by a lamp, light source or luminaire is completely eliminated (cutoff) at a specific angle above the ground.
2. **Cutoff Angle:** The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.
3. **Full Cutoff-Type Luminaire:** A luminaire constructed or shielded to direct all light at a cutoff angle of less than 90 degrees. Also, referred to as Horizon Limited Luminaire.
4. **Foot-candle:** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one-candle.
5. **Glare:** Direct light emitted from a light source which causes eye discomfort.



6. Light Pollution: The shining of light produced by a luminaire above the height of the luminaire and into the sky.
7. Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
8. Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

**C. General Standards:** The following provisions shall apply to exterior lighting:

General Standards for Lighting on Private Property:

1. No flashing light shall be permitted.
2. Light for outdoor advertising shall be designed to function as Full Cutoff Luminaire.
3. Lighting intended for outdoor advertising which projects into the sky shall be prohibited.
4. Light sources or luminaries shall not be located within transitional areas except along pedestrian walkways.
5. All luminaries located on commercial, industrial, or institutional property shall be designed as to not impair the vision of traffic. No light sources shall be placed so as to project upon any public or private property.

**Subd. 7. Dust and Air Pollution.**

- A.** Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, roads, bulk materials, conveying equipment and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.
- B.** No person shall cause or allow the emission or movement of fugitive particulate matter across the lot lines of a zoning lot. This requirement shall not apply when the wind speed is greater than twenty-five (25) miles per hour.

**Subd. 8. Electromagnetic Interference.** Electromagnetic interference from any operations of any use in any district shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.

**Subd. 9. Odors.** The regulation of odors shall conform to State Law.

**Subd. 10. Storage.** Except as specifically permitted by this Ordinance, all raw materials, supplies, finished or partially finished products, and equipment shall be stored

within an enclosed building, unless said items are used in connection with an approved construction activity.

**Subd. 11. Compliance.** In order to assure compliance with performance standards set forth above, the Zoning Administrator may require an owner of any permitted or allowed use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigations and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organization as may be selected by the Zoning Administrator. The cost incurred in having such investigations or tests conducted shall be the responsibility of the owner or operator.

## SECTION 6.250 ADULT USES

### Subd. 1. Definitions.

**A. Adult Uses -** Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

1. Specified Anatomical Areas:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Specified Sexual Activities:

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

- b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence.
  - c. Use of a human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.
  - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
  - e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving flagellation, torture, fettering, binding or other physical restraint of any such persons.
  - f. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being.
  - g. Human erection, urination, menstruation, vaginal or anal irrigation.
- B. Adult Uses-Accessory.** A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or more than twenty percent (20%) or less of its gross receipts derived from movie rentals or magazine sales.
- C. Adult Uses-Principal.** A use, business, or establishment having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from, any adult use.
- D. Adult Use-Body Painting Studio.** An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
- E. Adult Use-Bookstore.** A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but not to one or more classes of the public extending any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- F. Adult Use-Cabaret.** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”

- G. Adult Use-Companionship Establishment.** A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- H. Adult Use-Conversation/Rap Parlor.** A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- I. Adult Use-Health/Sport Club.** A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- J. Adult Use-Hotel or Motel.** Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- K. Adult Use-Massage Parlor, Health Club.** A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- L. Adult Use-Mini-Motion Picture Theater.** A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- M. Adult Use-Modeling Studio.** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- N. Adult Use-Modeling Studio.** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- O. Adult Use-Motion Picture Arcade.** Any place to which the public is permitted or

invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated till or motor picture machines, projectors or other image-producing devises are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”

- P.** Adult Use-Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting materials in such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- Q.** Adult Use-Novelty Business. A business which has a principal activity the sale of devices which stimulate human genitals or devices which are designated for sexual stimulation.
- R.** Adult Use-Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- S.** Adult Use-Steam Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

**Subd. 2. Purpose.** The nature of adult uses is such that they are recognized as having adverse secondary characteristics, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the concentration of adult uses has an adverse effect upon the use and enjoyment of adjacent areas. The nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.

**Subd. 3. General Provisions.** Adult uses defined in this Chapter shall be subject to the following general provisions:

- A. Activities classified as obscene are not permitted and are prohibited. In no instance shall the application or interpretation of this ordinance be construed to allow an activity otherwise prohibited by law.
- B. Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- C. An adult use which does not qualify as an accessory use pursuant to this Chapter Section 6.250, Subd. 5<sup>1</sup> shall be classified as an adult use-principal.

**Subd. 4. Adult Use, Principal.**

- A. Adult use-principal shall be a permitted use in the L-I, Light Industrial District, subject to the locational criteria outlined in Section 6.180, Subd. 2
- B. Adult use-principal shall be located at least three hundred fifty (350) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located to the property line of:
  - 1. A zoning district in which residential uses are specifically listed as a permitted or conditional use.
  - 2. A licensed day care center.
  - 3. A public or private educational facility classified as an elementary, junior high or senior high.
  - 4. A public library.
  - 5. A public park.
  - 6. Another adult use-principal.
  - 7. Any church or church related organization.
- C. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.
- D. Adult use-principal shall adhere to the following signing regulations in addition to the sign regulations of Section 6.210, Subdivision 16-21.
  - 1. Sign messages shall be generic in nature and shall only identify the name of the business.
  - 2. Signs shall comply with the requirements of size and number for the district in

which they are located.

- E.** Adult use-principal shall be limited to 12:00 p.m. to 12:00 a.m. for its hours of operation. A differing time schedule may be approved by the City Council, if it can be satisfactorily demonstrated by the operator to the City Council that all the following will apply:
1. Not adversely impact or affect uses or activities within three hundred fifty (350) feet.
  2. Will not result in increased policing and related service calls.
  3. Is critical to the operation of the business.

**Subd. 5. Adult Use-Accessory.** Adult uses-accessory shall be permitted in all commercial districts, provided the accessory use conforms with the provisions of this Subdivision.

**A.** Adult use-accessory shall:

1. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located.
2. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
3. Not involve or include any activity except the sale or rental of merchandise.

**B.** Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

1. **Movie Rentals.** Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation.
2. **Magazines.** Publications classified or qualifying as adult uses shall not be physically accessible to minors and shall be covered with wrapper or other means to prevent display of any material other than publication title.
3. **Other Use.** Adult uses-accessory not specifically cited shall comply with the intent of the Section subject to the approval of the Zoning Administrator.

**C.** Adult use-accessory shall be permitted from both internal and external advertising and signing of adult materials and products.

**Subd. 6. Nonconforming Adult Use-Principal or Accessory.**

- A.** Adult uses which are in existence prior to February 5, 2001, shall be classified as legal nonconforming uses and may continue in accordance with provisions of this Ordinance. If an adult use becomes nonconforming because of rezoning or the establishment of a use listed in Subdivision 3, the adult use shall be considered legal nonconforming and may continue in accordance with provisions of this Ordinance. In no instance, shall a legal nonconforming adult use be allowed to structurally expand the use on the lot on which it is located when the use became legally nonconforming, or expand the adult use to include another lot on which the adult use was not located when it became legally nonconforming.
- B.** If the building in which a legal nonconforming adult use is located is destroyed by any means to an extent of greater than fifty percent (50%) of its market value, or if the building in which the legally nonconforming adult use is vacant for more than twelve (12) months, an adult use shall not be re-established unless it is in conformance with this Section.

**Subd. 7. Enforcement.**

- A.** Any person violating any provision of this Section is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by State Law.
- B.** Any violation of this Section shall be a basis for the suspension or revocation of the certificate of occupancy for the property or building in or on which the adult use is located. In the event the City Council proposes to revoke or suspend a certificate of occupancy, the property owner shall be notified in writing of the basis for such proposed suspension or revocation. The City Council shall hold a hearing for the purpose of determining whether to revoke or suspend the certificate of occupancy, which hearing shall be within thirty (30) days of the date of the notice.
- C.** The City Council shall determine whether to revoke or suspend a certificate of occupancy within thirty (30) days after the close of the hearing or within (60) days of the dates of the notice, whichever is sooner, and shall notify the property owner of its decision within that period.

**SECTION 6.260 VIOLATION, PENALTIES, AND ENFORCEMENT**

**Subd. 1. Enforcement.** The Zoning Administrator is hereby authorized and directed to enforce all the provisions of this Ordinance and shall perform the following duties:

The Zoning Administrator shall have the authority to periodically inspect buildings, structures, and uses of land to determine compliance with the provisions of this Ordinance, or of any permit or approval granted pursuant to this Ordinance, or of any condition imposed pursuant to this Ordinance on any such permit or approval. In regard



to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of the laboratory services shall be paid for by the person responsible for the violation if one is so determined.

**Subd. 2. Procedure Upon Discovery of Violation.** Upon finding the existence of any violation of this Ordinance, the Zoning Administrator may take any or all of the following procedures:

- A.** Work Stop Order. If the Zoning Administrator determines that the use or alteration of a property is not in compliance with this Chapter, the Zoning Administrator may issue a Work Stop Order to the owner or operator of the property. The Work Stop Order may be delivered by certified mail, personal service, or posted on the property. The owner or operator shall cause the use or alteration of property to cease and desist immediately after the Work Order is delivered or posted on the property. Failure to immediately cease and desist shall result in the owner or operator being charged with a misdemeanor.
- B.** In the enforcement of this Ordinance, the Zoning Administrator shall exercise all the powers authorized by the statutes of the State of Minnesota and City Codes and Ordinances to ensure compliance with, or to prevent or abate any violation of the provisions of this Ordinance, and in particular shall, when necessary or appropriate, shall cause the City's attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Ordinance.
- C.** The violation of any provision of this Ordinance, or of any permit or approval granted pursuant to this Ordinance, or of any condition imposed pursuant to this Ordinance on any such permit or approval, shall be grounds for the revocation of any permit, variance, or approval granted pursuant to this Ordinance. If the Zoning Administrator determines any such violation exists, the Zoning Administrator shall forward a report to the City Council regarding the violation. The City Council shall review the alleged violation, after which the Council shall revoke the permit or approval, modify the original conditions of the permit or approval, or affirm the compliance with the permit or approval.
- D.** In the enforcement of this Ordinance, the Zoning Administrator shall, when necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this Ordinance as authorized by State Law and this Ordinance.

**Subd. 3. Violation or a Threatened Violation of this Ordinance.** In the event of a violation or a threatened violation of this Ordinance, the Zoning Administrator may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City's attorney to institute or assist in such action.

## SECTION 6.270 ADMINISTRATIVE INTERPRETATIONS

**Subd. 1. Authority.** The Zoning Administrator, subject to the procedures, standards, and limitations herein, may render interpretations, including use interpretations, of the provisions of this Ordinance and of any rule or regulations issued pursuant to it.

**Subd. 2. Purpose.** The interpretation authority established by this Section is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have it be applied. Many such situations can be readily addressed by interpretation of the specific provisions of this Ordinance in light of the general and specific purpose for which those provisions have been enacted. Because the interpretation authority established is administrative rather than legislative, it is not intended to add or change the essential content of this Ordinance, but is intended only to allow authoritative applications of that content to specific cases.

**Subd. 3. Parties Entitled to Seek Interpretations.** Requests for interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation. Requests shall not be accepted when based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

**Subd. 4. Requests for Interpretations.** Requests for interpretations of this Ordinance shall be filed with the Zoning Administrator, and shall contain at least the following information:

- A. The property owner's name and address, and the owner's signed consent to the filing of the application.
- B. The applicant's name and address, if different than the owner, and the applicant's interest in the subject property.
- C. The specific provision or provisions of this Chapter for which an interpretation is sought.
- D. The facts of the specific situation given rise to the request for an interpretation.
- E. The precise interpretation claimed by the applicant to be correct.
- F. In cases of use interpretation, the use permitted in the particular zoning classification that is claimed to be included, or be most similar to, the proposed use sought.
- G. In cases of use interpretations, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

**Subd. 5. Action On Interpretation.** Within thirty (30) days following the receipt of a properly filed request, the Zoning Administrator shall inform the applicant in writing of the interpretation, stating the reasons for the determination therein. In addition, a copy of such interpretation shall be kept on file in the office of the Zoning Administrator.

**Subd. 6. Appeals.** Appeals from interpretations rendered by the Zoning Administrator may be made to the Planning Commission. The Planning Commission will make a recommendation to the City Council for final determination.

**Subd. 7. Standards for Use Interpretations.** The following standards shall govern the Zoning Administrator, Planning Commission, and the City Council when an appeal in issuing uses interpretations:

- A.** No use interpretation shall permit any use in a particular zoning district unless evidence is presented that demonstrates that it will comply with the general zoning district regulations established for that particular district.
- B.** No use interpretation shall permit any use in a particular zoning district unless such use is substantially similar to other uses permitted within that district.
- C.** If the proposed use is most similar to a use permitted only as a conditional use in the zoning district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a conditional use permit for such use pursuant to Section 6.700.
- D.** No use interpretation shall permit the establishment of any use that would not be consistent with the purpose of the zoning district in question.

**Subd. 8. Granting Favorable Use Interpretations.** No use interpretation finding a particular use to be permitted or conditionally permitted in a particular zoning district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes or ordinances of the City, including but not limited to, a Building Permit, subdivision approval, and site plan approval.

**Subd. 9. Limitations on Favorable Use Interpretations.** Subject to a possible extension of time granted by the Zoning Administrator, no use interpretation finding a use to be permitted or specially permitted in a particular zoning district shall be valid for a period longer than twelve (12) months from the date of issuance unless a Building Permit is obtained.

## **SECTIONS 6.280 MINNESOTA STATE BUILDING CODE**

**Subd. 1. Code Adopted by Reference.** The Minnesota State Building Code, as adopted

by the Commissioner of Labor and Industry pursuant to Minnesota State Statutes Chapter 326B, including all the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Code and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

**Subd. 2. Application, Administration, and Enforcement.** The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be forced within the extraterritorial limits permitted by Minnesota Statutes, 326B.121, Subd. 2(d), when so established by this ordinance.

The code enforcement agency of this municipality is called the City of Eagle Lake. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code in accordance with Minnesota Statutes 326B.133, Subdivision 1.

**Subd. 3. Permits and Fees.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality by resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes 326B.148.

**Subd. 4. Violations and Penalties.** A violation of the code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16).

## **SECTION 6.290 WETLANDS**

For the purpose this section a wetland shall mean land that is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface periodically or the land is covered by shallow water.

All structures and impervious surfaces shall maintain a twenty-five (25) foot setback from the property line if your property abuts a wetland. The City Council may approve construction of streets, trails, sidewalks, and associated public improvements within the required twenty-five (25) foot setback.

The following are not considered an encroachment on wetland setback requirements:

- A. Fences shall have a rear yard setback of ten (10) feet.

## **SECTION 6.300 SOLAR COLLECTION SYSTEMS**

**Subd. 1. Definition.** Solar Collection Systems. Any device that absorbs and accumulates solar radiation for use as a source of energy.

**Subd. 2. Residential Districts.**

**A.** Ground mounted and freestanding solar collection systems that are more than ten (10) square feet are permitted as accessory uses in all residential zoning districts subject to the following requirements.

1. May be located in rear yard and side yard as long as the system is out of the required side yard setback.
2. A setback of at least five (5) feet from the side and rear property line must be maintained but in no case shall system be located within an easement.
3. Must be located at least three (3) feet from any other principal or accessory structure.
4. Shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
5. Must be located as to minimize glare directed toward an adjoining property or street.
6. Total surface area of all ground-mounted and free-standing solar collectors on the lot shall not exceed two hundred fifty (250) square feet or two percent (2%); whichever is less.
7. All exterior electrical or other service lines must be buried below the surface of the ground.
8. Square footage of the solar collection system shall be considered in determining the maximum amount of lot coverage of structures permitted on a lot.
8. Shall comply with all city and state building and electrical codes.
10. The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system.
11. If the solar collection system ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment no later than ninety (90) days after the twelve (12) month period.
12. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system. (as per MN Statute Section 500.30)

**B.** Rooftop and wall mounted solar collection systems are permitted on principal and

accessory buildings in all residential zoning districts subject to the following requirements.

1. Shall not project beyond the peak of the roof.
2. Shall not be more than three (3) feet above the roof to which it is attached.
3. Shall comply with all city and state building and electrical codes.
4. The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system.
5. If the solar collection system ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment no later than ninety (90) days after the twelve (12) month period.
6. It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system. (as per MN Statute Section 500.30)
7. Must be located as to minimize glare directed toward an adjoining property or street.

**Subd. 3. Business and Industrial Districts.**

- A. Ground mounted and freestanding solar collection systems that are more than ten (10) square feet are permitted as accessory uses in all business and industrial zoning districts subject to the following requirements. Ground mounted systems that are considered the principal use of the property shall be a conditional use permit.
  1. Must be located in rear yard only unless it is a principal use of property in which it must be underlying district setbacks.
  - 2) A setback of at least five (5) feet from the side and rear property line must be maintained but in no case shall it be located within an easement.
  - 3) Must be located at least three (3) feet from any other principal or accessory structure.
  - 4) Not to exceed twenty-five (25) feet in height when oriented as maximum tilt.
  - 5) Must be located as to minimize glare directed toward an adjoining property or street.
  - 6) Total surface area of all ground-mounted and free-standing solar collectors

on the lot shall not exceed three thousand (3,000) square feet, unless a conditional use permit is applied for additional square footage.

7) Square footage shall be considered in determining the maximum amount of lot coverage for accessory buildings and structures permitted on a lot.

8) Shall comply with all city and state building and electrical codes.

9) The property owner shall notify the electrical utility where the solar collector system is connected to the electrical utility system.

10) If the solar collection system ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment no later than ninety (90) days after the twelve (12) month period.

11) It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system. (as per MN Statute Section 500.30)

**B.** Rooftop and wall mounted solar collection systems are permitted on principal and accessory buildings in all business, industrial and agricultural zoning districts subject to the following requirements.

1) Shall comply with all building code requirements.

2) Shall not exceed the maximum height permitted in the zoning district in which it is located.

3) Must be located as to minimize glare directed toward an adjoining property or street.

4) The property owner shall notify the electrical utility where the solar collection system is connected to the electrical utility system.

5) If the solar collection system ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment no later than ninety (90) days after the twelve (12) month period.

6) It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system. (as per MN Statute Section 500.30)

## SECTION 6.400 WIRELESS TELECOMMUNICATIONS SERVICES

**Subd. 1. Definitions.** The following words and terms, when used in this Ordinance, shall have the following meanings unless the context clearly indicates otherwise.

- A. Accessory Structure.** Any structure subordinate to and serving the principal use on the same lot, attached or detached and clearly and customarily incidental thereto.
- B. Antenna.** Any structure or device used for the purpose of collecting, receiving, transmitting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes, and omnidirectional antennas, such as whip antennas.
- C. Commercial Receiving or Transmitting Antenna.** Any antenna erected for the commercial use of information.
- D. Private Receiving and/or Transmitting Antenna.** Any antenna erected for the noncommercial use of information.
- E. Commercial Wireless Telecommunications Services.** Licensed commercial wireless telecommunications services including cellular, personal communications services (pcs), specialized mobilized radio (smr), enhanced specialized mobilized radio (esmr), paging, and similar services that are marketed to the general public.
- F. Public Utility.** Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunications services shall not be considered public utility uses, and are defined separately.
- G. Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade (except amateur radio antennas). Towers or antenna towers shall be considered antennas by definition.
- H. Tower, Multi User.** A tower to which is attached the antennas of more than one commercial wireless telecommunications service provider or governmental entity.

**Subd. 2. Purpose and Intent.** The purpose of this Ordinance is to establish balanced regulations for the construction and maintenance of wireless telecommunications equipment in order to accommodate the growth of wireless telecommunications systems within the City of Eagle Lake ("City") while protecting the public against adverse impacts on the City's aesthetic resources and the public welfare.

In order to accommodate the telecommunications needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the



City finds that these regulations are necessary in order to 1) facilitate provision of wireless telecommunications services to the residents and businesses of the City, 2) minimize adverse visual effects of towers through careful design, siting, and vegetative screening, 3) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures, and 4) maximize use of any new or existing telecommunications tower to reduce the number of towers needed to serve the community.

**Subd. 3. Existing Towers and Antennas.** Antennas, towers and accessory structures in existence as of May 1, 2016, which do not conform to or comply with this section are subject to the following provisions:

- A. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Ordinance.
- B. If such towers are damaged due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimension upon obtaining a building permit, except if it is destroyed to the extent of more than fifty percent (50%) of the assessed market value, then it shall not be restored unless the use of such structure shall thereafter conform to this section.

**Subd. 4. Commercial Telecommunications Antennas/Towers; General Requirements.**

- A. Towers are only allowed as a conditional use in the B-1 and L-1 Districts.
- B. Towers and antennas less than 200 feet in height above ground level (AGL), for wireless telecommunications facilities are permitted upon the issuance of a conditional use permit pursuant to this Ordinance.
- C. Antennas/towers shall be located on municipally owned land/structures provided a lease agreement is entered into between the City and the proposed user, or upon land within an industrial district, if such land is available.
- D. Antennas attached to existing structures shall not exceed 20 feet above the highest point of the structure.

**Subd. 5. Conditional Use Permit Requirements.** Construction and maintenance of a wireless telecommunications services requires a conditional use permit issued by the City Council.

- A. In reviewing an application for a conditional use permit for the construction and maintenance of wireless telecommunications services and supporting towers and accessory structures, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use

upon the health, safety, convenience and general welfare of occupants of surrounding lands, the effect on property values of property in surrounding areas, and the effect of the proposed use on the comprehensive plan.

- B.** In applying for a conditional use permit, the applicant shall provide the following information:
1. Documentation illustrating compliance or pending compliance with FAA and FCC authorization procedures.
  2. Sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.
  3. Documentation of the area to be served including a search area for the antenna location. A narrative describing a search area (with not less than a 1 ½ mile radius) clearly explaining why the site was selected, an environmental review including a summary of relevant conclusions, and what existing structures were available and why they are not suitable as locations or co-locations.
  4. Documentation that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search area due to one or more of the following reasons:
    - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost; or
    - b. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost; or
    - c. No existing or approved tower industrial sites within a 1 ½ Mile radius meet the radio frequency (RF) design criteria, or
    - d. Existing or approved tower and commercial/industrial sites within a 1 ½ mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer; or
    - e. A good faith effort to co-locate on existing towers and structures within a 1½ mile radius was made, but an agreement could not be reached.
  5. A certified survey showing the location of the proposed tower/ antenna.
  6. A detailed screening plan.
  7. A report from a qualified and licensed professional engineer which:
    - a. Describes the tower height and design with cross section and elevation;

- b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation between antennas;
  - c. Describes the number and type of antennas that can be accommodated;
  - d. Documents the steps the applicant will take to avoid interference with public safety telecommunications;
  - e. Includes the engineer's stamp and registration number.
8. A letter of intent committing all commercial wireless telecommunications service towers to allow the shared use of the tower if an additional user agrees, in writing, to meet reasonable terms and conditions for structures.

**Subd. 6. Conditional Use Permits; Not Required.**

- A. Antennas and towers used by the City for City purposes.
- B. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.
- C. Antennas and/or towers erected temporarily for test purposes or for emergency communications. Temporary antennas shall be removed within seventy-two (72) hours following installation.
- D. Antennas mounted on water towers, public structures or on the roofs of existing public buildings not exceeding twenty feet (20) above the principal structure.

**Subd. 7. Fees.** Fees issued for a conditional use permit pursuant to this Ordinance shall be set from time to time by City Council resolution.

**Subd. 8. Standards for the Issuance and Continuation of a Conditional Use Permit.**

All antennas/towers constructed, and all wiring therefore, shall comply with the following requirements:

- A. Towers shall be certified by a registered professional engineer under the laws of the State of Minnesota and shall conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the Electronics Industry Association.
- B. An Agreement providing for co-location and prompt removal of unused and/or obsolete towers shall be attached and become part of the permit.
- C. With the exception of necessary electric and telephone service and connection lines approved by the issuing authority on part of any antenna or tower, no lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way of a public street or highway, sidewalk, or property line.

- D.** Any ground mounted tower/antenna design shall be such that the antenna will withstand high velocity wind and seasonal storms. The tower/antenna shall be maintained by the applicant so as to assure that it remains upright.
- E.** Applicant must obtain Federal Aviation Administration approval or provide documentation that federal Aviation Administration approval is not needed.
- F.** Applicant must obtain Federal Communications Commission licensure and approval as required for various telecommunications applications. Applicant shall follow Federal Communications Commission regulations regarding the correction and/or prevention of any radio frequency interference problems.
- G.** Complete screening shall be provided surrounding all towers in excess of 15 feet in height from ground level. The applicant shall also fence off the tower/antenna, with a minimum of a six foot high fence or barrier with a locked gate to prevent public access.
- H.** Towers and antennas shall be designed to blend into the surrounding environment through the use of a natural color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- I.** Commercial wireless telecommunications service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment.
- J.** No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.
- K.** Applicant must submit proof of liability and Worker's Compensation insurance. All telecommunications towers, their antennas and associated equipment shall be adequately insured for injury or property damage caused by structural failure of the tower or associated equipment.
- L.** The permit will be subject to annual administrative review.

**Subd. 9. Tower Setbacks.** Towers shall conform to each of the following minimum setback requirements:

- A.** Towers shall be set back from the lot line as shown on a registered land survey by a minimum distance equal to one half of the height of the tower including all antennas and attachments. In industrial zoning districts, towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
- B.** A tower's setback may be reduced or its location in relation to a public street varied,

at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

**Subd. 10. Lights and Other Attachments.** No antenna or tower shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or the Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

**Subd. 11. Towers Supporting Amateur Radio Antennas/Towers.** In residential, commercial and agriculture districts, private towers supporting amateur radio antennas/towers may be constructed subject to the following:

- A. Such Structures are incidental to the principal use of the premises.
- B. Such structures shall not exceed 30 feet in height as measured from ground level. Any proposed structure in excess of 30 feet shall be by Conditional Use Permit.
- C. Metal structures shall be constructed of or treated with corrosive resistant material. Wood poles shall be impregnated with rot-resistant, non-flammable substances.
- D. Every tower affixed to the ground shall be protected to discourage climbing of the tower.
- E. Such structures shall be screened to the greatest extent practicable to minimize visual impact on surrounding properties. Screening shall include landscape materials for ground-mounted tower/antenna structures. The Planning Commission shall approve screening plans.
- F. No tower/antenna shall have affixed or attached to it in any way lights, signs, flashers or reflectors unless required by the Federal Aviation Administration or Federal Communications Commission.
- G. A building permit shall be obtained prior to construction of such tower/antenna. All towers may be inspected at least once a year by the City Building Inspector to determine compliance with original construction standards.

**Subd. 12. Violations.**

- A. Notice of violations will be sent by registered mail to the owner and the owner shall have thirty (30) days from the date the notification is issued to correct the violation. The owner shall notify the building official that the corrections have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

## **SECTION 6.500 RESTRICTIVE FLOODPLAIN MANAGEMENT**

(Adopted December 5, 2016)

### **Subd. 1. Statutory Authorization and Purpose.**

- A.** Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.
- B.** Purpose.
  - 1. This ordinance regulates development in the flood hazard areas of the City of Eagle Lake. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
  - 2. National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
  - 3. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

### **Subd. 2. General Provisions.**

- A.** Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the City of Eagle Lake shown on the Flood Insurance Rate Maps adopted in Section 2.B as being located within the boundaries of the Floodplain District. Subd. 5 of this ordinance also applies to all riparian lots, as defined, located within the boundaries of the City of Eagle Lake. These are treated as overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
- B.** Adoption of Flood Insurance Study and Maps. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the currently effective Flood Insurance Study for Blue Earth County, Minnesota, and Incorporated Areas, dated July 21, 1999; the preliminary Flood Insurance Study for Blue Earth County, Minnesota, and Incorporated Areas, dated April 20, 2011; the currently effective Flood Insurance Rate Map panel enumerated below, dated March 5, 1990; and the preliminary Flood Insurance Rate Map panels enumerated below, dated December 9, 2009, all prepared by the Federal Emergency Management

Agency. These materials are on file in the City Clerk's office.

Effective Flood Insurance Rate Map Panels – dated March 5, 1990

- 2752310075D

Preliminary Flood Insurance Rate Map Panels – dated December 9, 2009

- 27013C0119F
- 27013C0140F

In areas where the flood maps and flood insurance studies conflict, the more restrictive standards will apply.

- C. Interpretation.** The boundaries of the Floodplain District are determined by scaling distances on the Flood Insurance Rate Map.
1. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations must be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
  2. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.
- D. Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- E. Warning and Disclaimer of Liability.** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Eagle Lake or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- F. Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- G. Definitions.** Unless specifically defined below, words or phrases used in this ordinance must be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.
1. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any



given year.

2. **Base Flood Elevation.** The elevation of the “regional flood,” as defined. The term “base flood elevation” is used in the flood insurance survey.
3. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes, and other structures, recreational vehicles, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment.
4. **Farm Fence.** A fence as defined by Minn. Statute §344.02 Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are not permitted in the Floodplain District.
5. **Flood Fringe.** The portion of the floodplain located outside of the floodway. Flood fringe is synonymous with the term floodway fringe used in the Flood Insurance Study, Blue Earth County, Minnesota and Incorporated Areas.
6. **Flood Insurance Rate Map.** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
7. **Floodplain.** The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
8. **Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
9. **Flood proofing.** Any combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
10. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include the term recreational vehicle.
11. **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence (with the exception of farm fences), stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.



12. **Recreational Vehicle.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term travel trailer/travel vehicle.
13. **Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance / 100-year recurrence interval. Regional flood is synonymous with the term base flood used in the Flood Insurance Study.
14. **Regulatory Flood Protection Elevation.** An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
15. **Riparian Lot.** For the purposes of this ordinance, riparian lot includes any parcel that abuts the Eagle Lake, Basin Number 07006002.
16. **Structure.** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.
17. **Substantial Damage.** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
18. **Substantial Improvement.** Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. For the purpose of this ordinance, historic structure is as defined in 44 Code of Federal Regulations, Part 59.1.

**H. Annexations.** The Flood Insurance Rate Map panels adopted by reference into Subd. 2.B above may include floodplain areas that lie outside of the corporate boundaries of the City of Eagle Lake at the time of adoption of this ordinance. If any of these floodplain areas are annexed into the City after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

### **Subd. 3 Establishment of Floodplain District**

- A. Areas Included.** The Floodplain District for the City of Eagle Lake includes those areas designated as Zone A on the Flood Insurance Rate Maps adopted in Section 2.B.
- B.** The Floodplain District is an overlay district to all existing land use districts. The requirements of this ordinance apply in addition to other legally established regulations of the community. Where this ordinance imposes greater restrictions, the provisions of this ordinance apply.
- C. Compliance.** No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations. Within the Floodplain District, all uses not listed as permitted uses in Subd. 4.0 are prohibited.

### **Subd. 4. Permitted Uses and Standards in the Floodplain District.**

- A. Permitted Uses.** The following uses are permitted within the Floodplain District without a permit provided that they are allowed in any underlying zoning district and not prohibited by any other ordinance; and provided that they do not require structures, fill, obstructions, excavations, drilling operations, storage of materials or equipment or any other form of development as defined in Subd. 2.G.3 of this ordinance. If the use does require fill, obstruction, excavation, storage of materials or any other form of development as defined in Subd. 2.G.3 of this ordinance, a permit and compliance with Subd. 4.B of this ordinance is required. The permit requirement may be waived if there is an application for a public waters work permit from the Department of Natural Resources.
  - 1. Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting. Farm fences that do not obstruct flood flows are permitted.
  - 2. Outdoor plant nurseries and horticulture.
  - 3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Lawns, gardens, parking areas, and play areas.
5. Railroads, roads, bridges, utility transmission lines, pipelines and other public utilities, provided that the Department of Natural Resources is notified at least ten (10) days prior to issuance of any permit.

**B. Standards for Permitted Uses.**

1. The use must have low flood damage potential.
2. The use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected. This provision applies to structures (temporary or permanent), fill (including fill for roads and levees), deposits, obstructions, storage of materials or equipment, and all other uses.
3. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
4. Public utilities, roads, railroad tracks and bridges to be located within the floodplain must be designed in accordance with Subd. 4.B.2 and 4.B.3 above, or must obtain a Conditional Letter of Map Revision meeting the requirements of 44 CFR 603(d).
  - a. When failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, such facilities must be elevated to the regulatory flood protection elevation.
  - b. Where failure or interruption of service would not endanger public health or safety, minor or auxiliary roads, railroads or utilities may be constructed at a lower elevation.
5. New or replacement water supply systems and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

**Subd. 5. Design Criteria For Structures on Riparian Lots.**

- A. Lowest Floor Elevation.** The elevation to which the lowest floor, including basement of any principal structure on a riparian lot is placed or flood proofed shall be determined as follows:
1. The lowest floor of the structure must be placed at least three (3) feet above the ordinary high water level of Eagle Lake, which is 989.4 feet (NGVD 1929).

2. Accessory structures less than five hundred seventy-six (576) square feet may have the lowest floor placed lower than the elevation determined in this section if:
  - a. The structure is only being used for parking and/or storage;
  - b. The structure is constructed of flood-resistant materials to the elevation specified in Subd. 5.A.1;
  - c. Electrical and mechanical equipment is placed above the elevation specified in Subd 5.A.1; and
  - d. The structure is designed to internally flood and the design plans must stipulate a minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention.

**B. Development Approvals.** Any construction, enlargement, alteration, repair, improvement, moving or demolition of any building or structure must comply with the requirements of this ordinance. No mining, dredging, filling, grading, paving, excavation, obstruction, drilling operation or other form of development as defined in Subd. 2 of this ordinance are allowed, other than the uses permitted in Section 4.1 and the activities allowed under Subd. 6.

**C. Permit Required.** A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

1. Expansion, change, enlargement, or alteration of a nonconforming use as specified in Subd. 6 of this ordinance. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in Subd. 2.G of this ordinance.
2. Any use that requires fill, obstruction, excavation, storage of materials, or any other form of development as defined in Subd 2.G of this ordinance.

#### **Subd. 6. Administration**

**A. Zoning Administrator.** A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

**B. Development Approvals.** Any construction, enlargement, alteration, repair, improvement, moving or demolition of any building or structure must comply with the requirements of this ordinance. No mining, dredging, filling, grading, paving,

excavation, obstruction, drilling operation or other form of development as defined in Subd. 2 of this ordinance are allowed, other than the uses permitted in Subd. 4.A and the activities allowed under Subd. 6.

**C. Permit Required.** A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

1. Expansion, change, enlargement, or alteration of a nonconforming use as specified in Subd. 6 of this ordinance. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in Subd. 2.G of this ordinance.
2. Any use that requires fill, obstruction, excavation, storage of materials, or any other form of development as defined in Subd. 2.G of this ordinance.
  - a. Permit applications must be submitted to the Zoning Administrator on forms provided for that purpose and shall include the following where applicable: plans drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
  - b. Prior to granting a permit, the Zoning Administrator must verify that the applicant has obtained all necessary state and federal permits.

**D. Variances**

1. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and any standards in the Zoning Ordinance.
2. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
3. The following additional variance criteria of the Federal Emergency Management Agency must be met:
  - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - b. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. The City Council must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
  5. A copy of all decisions granting variances must be forwarded to the Commissioner of the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
  6. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the base or regional flood level increases risks to life and property
  7. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.
- E. Notifications for Watercourse Alterations.** Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statute, Chapter 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- F. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.** As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

**Subd. 7. Nonconformities.**

- A. Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Subd.2.G.18.b of this ordinance, are subject to the provisions of Subd.7.A.1 – 7.A.4 of this ordinance.
1. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity. There shall be no expansion to the outside dimensions of any portion of a nonconforming structure

located within the Floodplain District.

2. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Subd.6.B of this ordinance.
3. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
4. If any nonconformity is substantially damaged, as defined in Subd. 2.G of this ordinance, it may not be reconstructed unless it is located in the flood fringe portion of the floodplain and it is reconstructed in accordance with the standards of Subd.6.B of this ordinance.
5. Any substantial improvement, as defined in Subd.2.G of this ordinance, to a nonconforming structure, then the existing nonconforming structure must be located in the flood fringe portion of the floodplain and meet the requirements of Subd. 7.A of this ordinance.

**B. Standards for Reconstruction of Nonconforming Structures.** The following standards and procedures apply to nonconforming structures in the flood fringe portion of the floodplain, as allowed under Subd. 6.A.

1. All structures, including manufactured homes, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure.
2. Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
3. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system
4. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties



to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

5. On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.
6. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood proofing measures must be certified by a registered professional engineer or registered architect.
7. Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are flood proofed.

#### **Subd. 8. Penalties and Enforcement**

- A. Violation Constitutes a Misdemeanor. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) constitutes a misdemeanor and is punishable as defined by law.
- B. Other Lawful Action. Nothing in this ordinance restricts the City of Eagle Lake from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
- C. Enforcement. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.



## **Subd. 9. Amendments**

- A.** Floodplain Designation – Restrictions on Removal. The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
  
- B.** Amendments Require DNR and FEMA Approval. All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner of the DNR must approve the amendment prior to community approval.
  
- C.** Map Amendments Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Subd. 2.B of this ordinance.