

CHAPTER 6 PLANNING AND ZONING REGULATIONS

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ARTICLE ONE: SCOPE DEFINITION AND ESTABLISHMENT OF DISTRICTS

SECTION 6.010 PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: to promote the orderly growth, health, safety, morals and general welfare of the inhabitants of the City of Eagle Lake by lessening congestion in the public rights-of-way, 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, sewer, 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 which 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 or space used or intended to be used for sleeping purposes.
- 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 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 turnaround.
- 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 a 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. Hard surface/Cover. Means an area covered in whole or in part with asphalt, concrete, interlocking brick, or block, crushed or solid stone, gravel, slag, ground asphalt, wood, or any impervious material.

CD. Home Occupation. A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one (1) or more persons, all of whom reside within the dwelling unit, and no persons are employed at the dwelling unit other than the residents living therein.

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.

CE. 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.

- CF. 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.
- CG. Illustrations. The illustrations in this Chapter are not a part of this chapter but are included herein for purposes of explanation and clarification.
- CH. 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.
- C1. 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.
- CJ. 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.
- CK. 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.
- CL. Junkyard. Land or buildings at which waste material, refuse material, inoperative motor vehicles, inoperative machinery, and inoperative appliances, are collected, stored, salvaged, or sold.
- CM. 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.
- CN. 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.
- CO. Laundry, Self-Service. A business that provides home type washing and drying machines to be used by customers on the premises.
- CP. 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.

- CQ. Lot Area. The total horizontal area within the lot lines of the lot.
- CR. Lot, Conforming. A lot that conforms to the minimum width, area, and frontage requirements of this Chapter.
- CS. 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.
- CT. Lot, Coverage. The area of the lot covered by buildings or roofed areas, excluding permitted projecting eaves.
- CU. 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.
- CV. Lot, Interior. An interior lot is a lot other than a corner lot or through lot.
- CW. Lot of Record. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.
- CX. 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.
- CY. Lot, Through. A lot having front and rear lot lines abutting a public street.
- CZ. Lot, Width. The horizontal distance between the side lot lines measured at the required front yard setback line.
- DA. 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.
- DB. 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.

- DC. 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.
- DD. 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.
- DE. Non-Commercial Gardening. A type of gardening primarily undertaken for personal or recreational reasons, rather than as a major source of household income.
- DF. Nonconforming Building. Any building that does not meet zoning district regulations of this Chapter.
- DG. 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.
- DH. Non-porous. Any material that is impermeable or impervious.
- DI. 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.
- DJ. Office. A building or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.
- DK. Official Map. A map established by the governing body, in accordance with state statues, showing streets, highways, parks, and drainage, both existing and proposed.
- DL. 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.
- DM. 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.
- DN. 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.
- DO. Park. Any public or private land available for recreational, educational, cultural, or aesthetic use.
- DP. Parking, Joint. The development and use of a parking space or parking lot by two (2) or more separate developments.

- DQ. Parking Lot. An unenclosed or enclosed area used for the temporary parking of four (4) or more motor vehicles.
- DR. 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.
- DS. Patio. An attached or unattached structure at ground level that does not contain walls or a roof and is not used for parking purposes.
- DT. 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.
- DU. Performance Standards. A set of minimum and maximum design and performance requirements applied to permitted and conditional uses.
- DV. Planning Commission. The Planning Commission of Eagle Lake.
- DW. 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.
- DX. 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.
- DY. Premises. A lot or plot with the required front, side and rear yards.
- DZ. Principal or Main Building. A building in which the principal use of the lot is located or conducted.
- EA. 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.
- EB. Property Line. Same as lot line
- EC. Public Land. Land owned or operated by the City, School District, County, State, or other governmental unit.
- ED. 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.

- EE. 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.
- EF. 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.
- EG. 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.
- EH. 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.
- EI. 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.
- EJ. Required Yard. The minimum yard or setback required between a lot line and a building line in order to comply with the regulations of the district in which the lot is located.
- EK. 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.
- EL. Screen. The utilization of a fence, wall, vegetation, or other device or means, in order to conceal from view.
- EM. 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.
- EN. Setback. The required minimum horizontal distance between a building line and the related front, side, or rear property lines.
- EO. 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).

- EP. 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.
- EQ. 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.
- ER. Solar Collector. Any device that is employed in the collection of solar energy for heating and/or cooling of a structure, building or water.
- ES. Solar Energy. Radiant energy received from the sun.
- ET. Solar Energy System. A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.
- EU. 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.
- EV. 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.
- EW. Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.
- EX. 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.
- EY. 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.
- EZ. 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.

- FA. 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.
- FB. Used For. The term “used for” shall include the phrases “arranged for”, “designed for,” intended for”, and “occupied for”.
- FC. 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.
- FD. 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.
- FE. 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.
- FF. 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.
- FG. 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.
- FH. 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.
- FI. 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.
- FJ. 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.

- FK. 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.
- FL. Zoning Administrator. The City Administrator or such member of the city staff that has been designated to serve in that role by the City Administrator or City Council and may include the City Building Inspector or other persons designated by the City Administrator or City Council.
- FM. Zoning Map, Official. The map or maps incorporated into this Ordinance.

ARTICLE TWO: ADMINISTRATION AND ENFORCEMENT

SECTION 6.050 ADMINISTRATION

Subd. 1. Enforcing Officer. The City Administrator or such other person who has been designated by the City Administrator or City Council to act as the zoning administrator and other city staff that have been designated to perform enforcement functions on behalf of the Zoning Administrator, including but not limited to the building inspector or police department 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 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 6.090.
- 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.

SECTION 6.070 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 6.080 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 6.090 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:

- A. 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.

- B. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
- C. The street address and legal description of the property proposed for the Conditional Use Permit.
- D. The zoning classification and present use of the subject property.
- E. A general description of the proposed conditional use.
- F. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.
- G. Such other information or documentation as the Zoning Administrator may deem to be necessary or appropriate for full and proper consideration and disposition of the application.

To defray administrative costs of processing 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, 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 forth 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 6.100 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 a practical difficulty 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 to a particular property.

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 practical difficulty. Practical difficulties as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner that is not permitted by the zoning ordinance: the plight of the landowner is due to circumstances that are unique to the property and that were not created by the landowner; and the variance if granted will not alter the essential character of the neighborhood. The practical difficulty shall amount to more than a mere inconvenience to the owner and the practical difficulty shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot. Economic conditions alone do not constitute a practical difficulty.
- 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 practical difficulty 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 practical difficulty 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.

SECTIONS 6.110 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 6.120 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.

ARTICLE THREE: ZONING DISTRICTS

SECTION 6.130 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-4	Multi-Family Residential District
R-T	Residential Transition District
B-1	Community Commercial District
B-2	General Business 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 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 6.140 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.
 - 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. Agriculture, farming, and truck for farming; except kennels, animals, or poultry farms

- C. Fences
- D. Landscaping
- E. Driveways

Subd. 3. Conditional Uses. The following uses may be allowed in the A-1, Agricultural District by Conditional Use Permit as provided in Section 6.090.

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. Cemetery, memorial garden

C. Churches

D. Public uses

E. Schools, public and private

F. Home occupations where such use does not exceed one-third 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.

G. Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures.

H. Golf Course

I. Railroad right-of-ways, but not including railroad yards or shops.

J. Nurseries and greenhouses for growing plants only not retail sales.

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

- A. Accessory agricultural building
- B. Garage
- C. Private stables
- D. Above ground swimming pool

- E. Signs
- F. Driveway
- G. Off-street parking
- H. Utility buildings
- I. Solar energy systems
- J. Satellite reception equipment
- K. Keeping of not more than two boarders and/or roomers by a resident family.
- L. Living quarters of persons employed on the premises.
- M. Fallout shelters.
- N. Accessory uses customarily incidental to the uses permitted in Subd. 2 of this Section.

Subd. 5. Lot Requirements and Setbacks.

- A. The Maximum Ground Coverage. The maximum lot coverage for all structures and hard/paved surfaces shall not exceed thirty-five percent (35%) of the total lot area for all permitted or conditional uses.
- B. The required setbacks are:
 - 1. For Front yard, 30 feet.
 - 2. For Side yards, 8feet on each side.
 - 3. For Rear yard, 25 feet.
- C. Corner Lots-All corner lots shall have a required setback of:
 - 1. For front yards, 30 feet.
 - 2. For corner side yards, 30 feet.
- D. Transitional yards: There are no requirements.
- E. The maximum height requirement is:
 - 1. The principal structure shall not exceed 2 1/2 stories or thirty-five (35) feet in height.

Subd. 6. 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.

Subd. 7. General Regulations. Additional regulations in the A-1, Agricultural District are set forth in Section 6.310.

SECTION 6.150 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 Dwelling District:

- A. One Family Detached Dwelling
- B. Non-commercial gardening
- C. Public parks, playgrounds, tennis courts, 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 6.260
- B. Cemeteries, crematories, and mausoleums
- C. Child day care facilities when not operated as a home occupation, and as regulated in Section 6.310
- 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 6.310.
- 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. Lot Requirements and Setbacks

The following minimum requirements shall be observed in an "R-1" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5:

- A. The minimum lot Area. 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.
- B. 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.
- C. The Maximum lot Coverage. The maximum lot coverage for all structures and hard/paved surfaces shall not exceed thirty-five percent (35%) of the total lot area.
- D. 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.

E. The required setbacks are:

1. For front yards, 30 feet.
2. For rear yards, 25 feet.
3. For side yards, 8 feet on both sides.

Lots that were approved by the City Council before June 6, 2005, shall be allowed to have a twenty- five (25) foot front setback.

F. Corner Lots- All corner lots shall have a required setback of:

1. For front yard, 30 feet.
2. For corner side yards, 30 feet.

Lots that were approved by the City Council before June 6, 2005, shall be allowed to have a twenty- five (25) foot front setback for corner front yards.

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.

G. For rear yard with Adjoining Alley: One half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area.

H. Adjacent to an Alley: 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.

I. The maximum height requirement is:

1. The principal structure shall not exceed two-half (2 ½) stories or thirty-five (35) feet in height.

J. Minimum Structural Requirements. The following shall be minimum structural requirements in the R-1, One-Family Dwelling District:

1. 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 concrete block, poured concrete, or wood. All structures, either principal or accessory, shall be constructed in conformance with the Uniform Building Code.

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

Subd. 6. 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.

SECTION 6.160 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. Non-commercial gardening.
- C. Home occupations, as regulated in Section 6.310.
- 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 6.090:

- A. Bed and breakfast residences, as regulated in Section 6.260.
- B. Cemeteries, crematories, and mausoleums.
- C. Child day care facilities when not operated as a home occupation and as regulated in Section 6.310.
- 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. Lot Requirements and Setbacks.

The following minimum requirements shall be observed in an "R2" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5:

- A. The minimum lot area in the R-2, One- and Two-Family Residential District, is ten thousand (10,000) square feet for a one-and or two-family dwelling. Lots recorded prior to the passage of this ordinance may have a minimum area of nine thousand (9,000) square feet.
- B. 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 area of nine thousand (9,000) feet.
- I. The Maximum Ground Coverage. The maximum lot coverage for all structures and hard/paved surfaces shall not exceed thirty-five percent (35%) of the total lot area.
- J. The required setbacks are:
 - 1. For front yards, 30 feet.
 - 2. For rear yards, 25 feet.
 - 3. For side yards, 8 feet on both sides.
- E. For rear yard with adjoining alley: One half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area.
- F. Corner Lots- All corner lots shall have a required setback of:
 - 1. For front yards, 30 feet
 - 2. For corner side yards, 30 feet.
- H. Adjacent to an Alley: 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.
- K. The maximum height requirements are:

1. The principal structure shall not exceed 2 ½ stories or thirty-five (35) feet in height.

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

M. 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 concrete block, poured concrete, or wood. All structures, either principal or accessory, shall be constructed in conformance with the Uniform Building Code.

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

Subd. 6. 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.

SECTION 6.170 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. Non-commercial gardening.
- D. Level I Home Occupations, as regulated in Section 6.310.
- 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 6.170:

- A. Bed and breakfast residences, as regulated in Section 6.260.

- B. Cemeteries, crematories, and mausoleums.
- C. Child day care facilities when operated as a home occupation as regulated in Section 6.310.
- 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 6.310

Subd. 4. Lot Requirements and Setbacks

The following minimum requirements shall be observed in an "R3" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5:

- A. The minimum lot area in the R-3, Limited Multiple-Family Residential District, shall contain area not less than ten thousand (10,000) square feet for up to four (4) dwelling unit plus additional one thousand five hundred (1,500) square feet for each dwelling unit in excess of four units, not to exceed eight (8) units in one (1) building or 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.

- B. Minimum Lot Width. The minimum lot width shall be seventy (70) feet as measured at the street right-of-way.
- C. The Maximum Ground Coverage. The maximum lot coverage for all structures and hard/paved surfaces shall not exceed thirty-five percent (35%) of the total lot area.
- D. The required setbacks are:
 - 1. For front yards, 30 feet.
 - 2. For rear yards, 30 feet.
 - 3. For side yards, 10 feet on both sides plus one (1) foot of side yard for each one (1) foot of building height over twenty-five (25) feet.
- E. Rear Yard with Adjoining Alley: One half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area.
- F. Corner Lots- All corner lots shall have a required setback of:
 - 1. For front yards, 30 feet.
 - 2. For side yards, 30 feet.
- G. Adjacent to an Alley: 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.
- H. The maximum height requirements are:
 - 1. The principal structure shall not exceed 3 stories or thirty-five (35) feet in height.
- I. Minimum Structural Requirements. The following shall be minimum structural requirements in the R-3, Limited Multiple-Family Dwelling District:
 - 1. 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 concrete block, poured concrete, or wood. All structures, either principal or accessory, shall be constructed in conformance with the Uniform Building Code.

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

Subd. 6. 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.

SECTION 6.180 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. Non-commercial gardening.
- C. Level I Home Occupations, as regulated in Section 6.310.
- 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 set forth in Section 6.090 of this Ordinance:

- A. Bed and breakfast residences, as regulated in Section 6.260.
- B. Cemeteries, crematories, and mausoleums.
- C. Child daycare facilities, when not operated as a home occupation, and as regulated in Section 6.310.
- 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 6.260.
- 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 6.310

Subd. 4. Lot Requirements and Setbacks

The following minimum requirements shall be observed in an "R4" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5:

- A. The minimum lot area in the R-4 Multiple-Family Residential District, shall not be less than (10,000) square feet for a multiple-family dwelling 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.
- B. Minimum Lot Width. The minimum lot width shall be seventy (70) feet and measured at the street right-of-way.
- C. For one- and two-family dwellings the lot depth shall be a minimum of twenty-five (25) feet.
- D. 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. The Maximum Ground Coverage. The maximum lot coverage for all structures and hard/paved surfaces shall not exceed thirty-five percent (35%) of the total lot area.
- F. The required setbacks are:
 - 1. For front yards, 30 feet.
 - 2. For rear yards, 25 feet.

3. For side yards, 10 feet on both sides.
- G. Rear Yard with Adjoining Alley: One half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area.
- H. Corner Lots- All corner lots shall have a required setback of:
1. For front yards, 30 feet
 2. For side yards, 20 feet.
- I. The maximum height requirements are:
1. The maximum building height in the R4 District is forty-five (45) feet.
 2. 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).
- J. 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.
- K. Minimum Structural Requirements. The following shall be minimum structural requirements in the R-4, **Multiple-Family Dwelling District**:
1. 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 concrete block, poured concrete, or wood. All structures, either principal or accessory, shall be constructed in conformance with the Building Code.

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

Subd. 6. 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.

SECTION 6.190 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 for 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 6.090 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. Lot Requirements and Setbacks

The following minimum requirements shall be observed in an "R-T" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5:

- A. The minimum lot area in the R-T Residential Transition District is as follows:
 - 1. For a one-family dwelling the minimum lot area shall be six thousand (6,000) square feet.
 - 2. For a two-family dwelling the minimum lot area shall be eight thousand (8,000) square feet.
- B. 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.
- C. The Maximum Ground Coverage. The maximum lot coverage for all structures and hard/paved surfaces shall not exceed forty percent (40%) of the total lot area.
- D. The required setbacks are:
 - 1. For front yards, 25 feet.
 - 2. For rear yards, 25 feet.
 - 3. For side yards, 10 feet on both sides.

- E. Rear Yard with Adjoining Alley: One half (1/2) the width of the alley up to ten (10) feet may be included as part of the lot area.
- F. Corner Lots- All corner lots shall have a required setback of:
 - 1. For front yards, 30 feet
 - 2. For side yards, 20 feet.
- G. The maximum height requirements are:
 - 1. The maximum building height in the RT District is thirty-five (35) feet.
 - a. 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.
 - b. Minimum Structural Requirements. The following shall be minimum structural requirements in the R-T, Residential Transition District:
 - 1. 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 concrete block, poured concrete, or wood. All structures, either principal or accessory, shall be constructed in conformance with the Uniform Building Code.

SECTION 6.200 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 games, 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. Shipping and outside storage of equipment and materials, when not accessory to a permitted use, provided that such outside storage conforms to the restrictions of Section 6.330
- N. 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. Lot Requirements and Setbacks

The following minimum requirements shall be observed in a "B-1" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5.

- A. 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.
- B. 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.
- C. 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.
- D. Lot Area Regulations: Each lot in the district shall contain an area of not less than ten thousand (10,000) square feet.
- E. 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 and paved/hard surfaces 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. Height Regulations. No building hereafter erected or altered shall exceed three (3) stories or thirty-five (35) feet in height.

Subd. 7. 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 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 City Council.

SECTION 6.210 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 6.220 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 6.090:

- 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 slaughterhouses, or processing plants.
- E. Manufacturing or bulk storage of explosives.

Subd. 5. Lot Requirements and Setbacks

The following minimum requirements shall be observed in a "L-1" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5.

- A. Minimum Lot Area. The minimum lot area required in the L-I, Light Industrial District, is ten thousand (10,000) square feet.
- B. 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.
- C. The Maximum Ground Coverage. The maximum lot coverage for all structures and paved/hard surfaces shall not exceed seventy-five percent (75%).
- D. The required setbacks are:
 - 1. For front yard: 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.
 - 2. For side yard: 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.
 - 3. For rear yard: 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. The maximum height requirements are:
 - 1.No restrictions.
- F.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.

SECTION 6.230 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. Lot Requirement and Setbacks

The following minimum requirements shall be observed in a "H-1" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 5.

- A. Minimum Lot Area. The minimum lot area required in the H-I, Heavy Industrial District, is one (1) acre.
- B. 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.
- C. Maximum Ground Coverage. The maximum lot coverage for all structures and paved/hard surfaces shall not exceed seventy-five percent (75%).
- D. The required setbacks are:
 - 1. For front yard: 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.
 - 2. For side yards: 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.
 - 3. For rear yard: 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. The maximum height requirements are:
 - 1. No restrictions

F. 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.

ARTICLE FOUR: SPECIAL DISTRICTS

SECTION 6.240 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 598th 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 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 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. 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. Lot Requirements and Setbacks

- A. Lot Area Regulations: Each lot in the district shall contain an area of not less than ten thousand (10,000) square feet.
- B. The Maximum Ground Coverage. The maximum lot coverage for all structures and paved/hard surfaces shall not exceed seventy-five percent (75%).
- C. The required setbacks are:
 - 1. For front yard: The following shall be allowable front yard setbacks:
 - a. 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.
 - b. 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.
 - c. 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.
 - 2. For side yard: There shall be here a (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.
 - 3. For rear yard: 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.

4. 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:
 - a. The dimensions of the required transitional yard on the property located in the B-District shall be equal to the dimensions of the required yard on the residentially zoned property which is located in closest proximity.
 - b. The transitional yard shall extend the entire length of the abutting Residential District boundary.
 - c. The transitional yard shall not be less than a yard required in the B-1 District.
 - d. The transitional yard shall not be required to be more than twenty (20) feet in depth.
 - e. The transitional yard shall be landscaped.

D. The maximum height requirements are:

1. The maximum building height in the B-1 District shall not exceed three stories or thirty-five (35) feet.

E. 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.

Other materials as approved by the Planning Commission and/or City Council.

Subd. 6. 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. 7. 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. 8. 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 6.250 PLANNED UNIT DEVELOPMENT

(Adopted June 18, 2008)

Subd. 1. Purpose. The City Council of the City of Eagle Lake has determined that it is appropriate to encourage flexibility in the development of land in order to promote the most appropriate use, improve the design, character and quality standards and provide a harmonious mixture of land uses, facilitate the adequate and economic use of streets, utilities, and city services. When coordinated with the comprehensive plan, a Planned Unit Development can be an effective tool for guiding development. The City of Eagle

Lake has authorized the use of Planned Unit Developments for the following purposes:

- A. Encourage integration of new structures with existing structures;
- B. Facilitate the provision of housing, for all economic classes;
- C. Provide for improved residential environments; and
- D. Enhance the ability of the City of Eagle Lake to promote business and employment opportunities.

Planned Unit Development projects shall be developed in accordance with an overall design and an integrated development plan in accordance with the City subdivision regulations. Such

projects shall be consistent with the intent and purpose of this Ordinance and shall not adversely affect the property adjacent to the land included in the project.

Subd. 2. Public Benefit. The City Council shall review each proposed Planned Unit Development and determine whether the planned use will be for the Public Benefit. The Council shall consider the following factors in determining whether a proposed use is for the Public Benefit:

- A. Preservation and enhancement of desirable site characteristics and open space.
- B. A pattern of development which preserves natural vegetation, topographic and geological features.
- C. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the City.
- D. Use of design, landscape, or architectural features to create a pleasing environment or other special development features.
- E. Provision of a variety of housing types in accordance with the City's housing goals.
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
- G. Business and commercial development to enhance the local economy and strengthen the tax base.
- H. The efficient use of land resulting in more economic networks of utilities, streets, schools, public grounds, buildings, and other facilities.

To approve a proposed Planned Unit Development, the Council must find that the proposed use meets one or more of these requirements.

Subd. 3. Procedure. The following procedures shall govern application for Planned Unit Developments:

- A. An Application for Planned Unit Development and the development plan must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- B. Upon the receipt of an application and preliminary plan for the establishment of a Planned Unit Development district, the Planning Commission shall review the application and preliminary plan and advise the City Council if the preliminary plan meets the specifications of this ordinance. The recommendations will then be sent to the City

Council for its review.

- C. Within sixty days of receiving the application, the City Council shall hold one or more public hearings on such proposed preliminary plan and amendment. Notice of the public hearing will be published in the general newspaper at least ten calendar days in advance of the hearing. All adjoining property owners shall be given notice of the time and date of the hearing. The proposed preliminary plan for the Planned Unit Development shall be made available for the public to review prior to the time and date of the hearing, at the Office of the City Administrator, and will be available at the public hearing.
- D. After holding the public hearing, the City Council shall act to approve, approve the modifications and/or conditions, or deny the application. If the Council requests modifications, the applicant shall make the revisions to the plan and resubmit the matter to the Planning Commission, who will then review the proposed changes.
- E. A final Planned Unit Development plan shall be submitted to the City Council for its approval or denial.

Subd. 4. Time Limit on Approved Planned Unit Development. No Planned Unit Development plan approval shall be valid for a period longer than one (1) year unless a building permit is issued. However, upon written request of the applicant, the one (1) year period may be extended by the City Council for up to one (1) year, without a new application being submitted.

Subd. 5. Regulations During and Following Completion of Development. Following approval of the Planned Unit Development, the development site plan, including any modifications thereof, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the property, and no use, building or development, other than home occupations and temporary uses not allowed by the development site plan, shall be permitted within the area of the Planned Unit Development.

Subd. 6. Adjustments to the Development Site Plan. Adjustments to the development site plan shall be in accordance with the requirements set forth below.

- A. New Application Required. No alteration or amendment shall be made in the construction, development, or use without a new application under the provisions of this section. However, minor alterations may be made subject to the written approval of the Zoning Administrator.
- B. Minor Adjustments. During build-out of the Planned Unit Development, the Zoning Administrator may authorize minor adjustments to approved development Site plans when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements:
 - 1. Adjusting the distance as shown on the approved development site plan between any one (1) structure or group of structures, or any vehicle circulation element or any

boundary of the site, as long as the adjustments do not require a variance. If a variance is required, the property owner must follow the applicable procedure.

2. Adjusting the location of any open space.
3. Adjusting the final grade.
4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

Such minor adjustments shall be consistent with the intent and purpose of the Ordinance and development plans approved pursuant to this section shall be the minimum necessary.

Subd. 7. Standards.

- A. A Planned Unit Development may be established for any parcel or tract of land under single ownership or control. The property included in the Planned Unit Development shall be planned and developed or redeveloped as a single unit and in a manner consistent with the intent and purpose for which a Planned Unit Development may be permitted.
- B. The Planning Commission shall not recommend approval of, nor shall the City Council approve, a Planned Unit Development unless each shall make written findings of fact that the Planned Unit Development satisfies the intent of this ordinance and/or does not jeopardize the public health, safety, or welfare.
- C. The development of the Planned Unit Development shall conform to the approved development plan; including all proposed covenants, easements, conditions of approval, and other provisions relating to the bulk, location, and density of permitted structures, accessory structures, parking, and other public facilities.
- D. All land shown on the approved development plan as common open space must be conveyed to the City of Eagle Lake for the maintenance of the Planned Unit Development.
- E. Planned Unit Developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land provided they are allowable per underlying district(s) standards.
- F. Specific allowed uses and performance standards for each Planned Unit Development shall be delineated in a development plan as approved by the City Council. The Planned Unit Development plan shall identify all the proposed land uses and those uses shall become permitted uses within the Planned Unit Development with the acceptance of the development plan. Any change in the uses presented in the development plan shall require the approval of an amendment to the Planned Unit Development by the City Council in the manner prescribed by this Chapter.
- G. The Planning Unit Development adheres to additional requirements, including but not limited to tree, water and woodland preservation, surface water, home occupation, parking,

sign, and general district provisions as set forth within the appropriate chapters of the Ordinance, as may be amended.

Subd. 8. Design Standards.

- A. The number of principal use structures which may be constructed within the Planned Unit Development may be determined by dividing the net acreage by the required lot area per unit that is required in the district in which the Planned Unit Development is located. The net acreage shall be defined as the project area less the land dedicated for public streets or other public purposes. The project area includes all the land within the Planned Unit Development that is allocated for residential, institutional, commercial, or industrial uses, and for the common space required.
The City Council of the City of Eagle Lake may waive this requirement upon finding that these standards will hinder the purposes of the proposed Planned Unit Development and the standards are not necessary for the project to provide a public benefit to the City.
- B. The development plan shall contain such proposed covenants and easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory structures, and public facilities as may be necessary for the welfare of the Planned Unit Development and the City.
- C. The common open space, and other common properties, individual properties, and all other elements of the Planned Unit Development shall be so planned that they achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
- D. Common open space within a Planned Unit Development must be used for amenity or recreational purposes. Motor vehicle parking areas and traffic corridors shall not be considered an approved use of common open space. The uses authorized for the common open space must be approved to the scale and character of the Planned Unit Development, and consider the Planned Unit Development's size, density, topography, number and type of structures to be provided.
- E. Common open space must be suitably improved for its intended use. Common open space containing natural features worthy of preservation may be left unimproved. The development plan must coordinate the improvement of the common space and the construction of the permitted structures within the Planned Unit Development.
- F. Adequate access shall be provided for fire and emergency vehicles.

SECTION 6.260 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 a 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 a building permit under this Section has been denied may request it 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 deny the license for any infraction of this Ordinance or any relevant statute of the State of Minnesota.
- C. 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.
- D. 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.

Manufactured homes shall be separated from each other by at least 20 feet. Manufactured homes placed end-to-end must have a minimum clearance of 15 feet of the end of any property line. Accessory structures may be as close to the primary dwelling as allowed by State Fire and Building Codes provided there is a minimum of 10 feet separation between any other structure.

- A. 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.
- B. Minimum lot sizes shall not be less than five thousand (5,000) square feet.
- C. 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. There shall be a minimum distance of ten (10) feet between the mobile home stand and abutting park street.
- C. 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 6.270 SHORELAND MANAGEMENT

STATUTORY AUTHORIZATION AND POLICY (ADOPTED JULY 6, 2020)

Subd. 1. Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

Subd. 2. Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Eagle Lake.

Subd. 2. General Provisions and Definitions

- A. **Jurisdiction.** The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Subd.4.A of this ordinance, and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city has, by ordinance, extended the application of its zoning regulations as provided by Minnesota Statute, Chapter 462.357 Subd 1. Pursuant to Minnesota Rules, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- B. **Enforcement.** The City of Eagle Lake's Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law). Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Subd.3.B of this ordinance.
- C. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- D. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the

extent of the inconsistency only.

- E. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.
1. Accessory structure or facility. Any building or improvement subordinate to a principal use.
 2. Animal feedlot. A facility as defined by [Minnesota Rules, part 7020.0300](#).
 3. Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope must drain toward the waterbody.
 - c. The slope rises at least 25 feet above the ordinary high-water level;
 - e. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

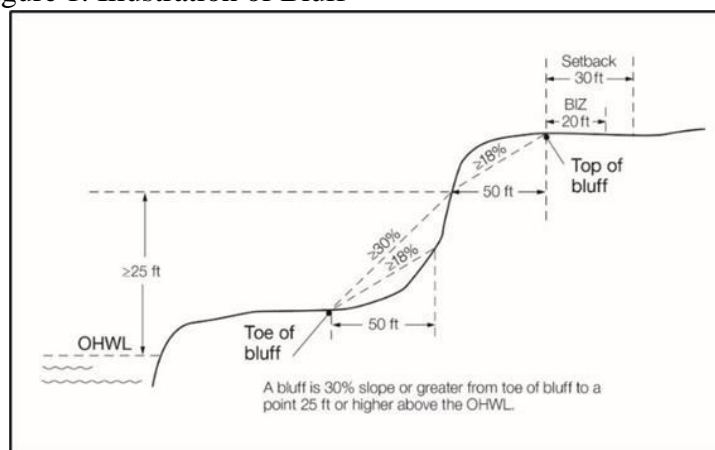
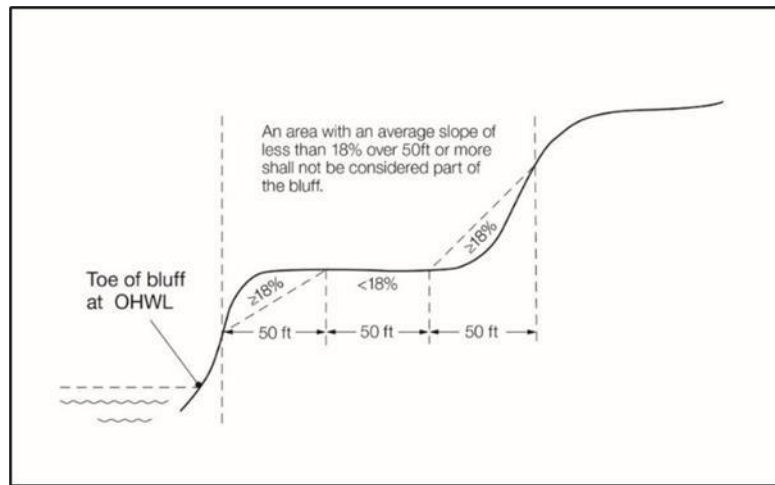


Figure 2. Exception to Bluff

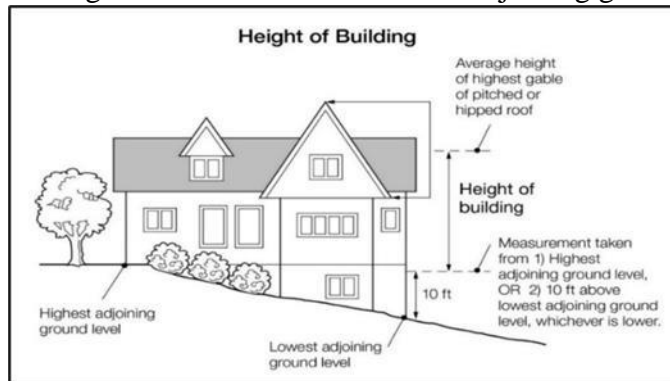


4. Bluff impact zone. A bluff and land located within 20 feet of the top of a bluff.
5. Bluff, Toe of. The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high-water level, whichever is higher.
6. Bluff, Top of. For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
7. Boathouse. A facility as defined by [Minnesota Statutes, Section 103G.245](#).
8. Buffer. A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
9. Building line. A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend.
10. Controlled access lot. A lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.
11. Commercial planned unit developments. Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
12. Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

13. Commissioner. The commissioner of the Department of Natural Resources.
14. Conditional use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
15. Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
16. Duplex, triplex, and quad. A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
17. Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
18. Dwelling unit. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
19. Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
20. Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.
21. Fuel tanks. Aboveground storage tank system" or "tank system" means any one or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, that is used to contain or dispense substances, and that is not an underground storage tank under Minnesota Statutes, section 116.46, subdivision 8. "Tank" or "aboveground storage tank" means a container, vessel, or enclosure designed to contain substances and is constructed of materials such as concrete, steel, plastic, or fiberglass reinforced plastic, provides structural support, and is located aboveground. A tank includes bladders, rail cars, and trucks. "Underground storage tank" means any one or combination of containers including tanks, vessels, enclosures, or structures and appurtenances connected to them that is used to contain or dispense regulated substances pursuant to chapter 7150, and the volume of which, including the volume of piping connected to them, is ten percent or more beneath the surface of the ground. Minnesota Administrative Rules are

applicable to provide for the protection of the public health and environment by establishing uniform performance and technical requirements for storage of fuel which may cause pollution of waters of the state. Refer to Minnesota Administrative Rules.

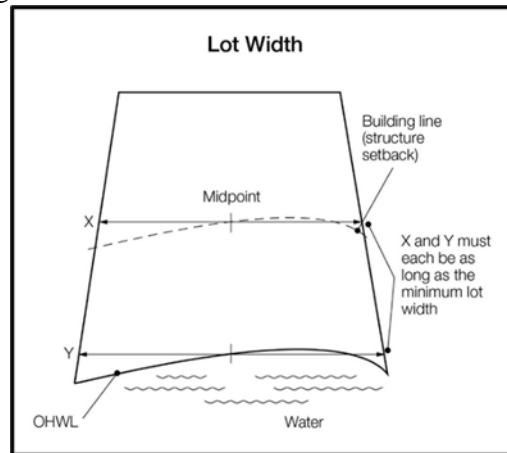
22. Guest cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
23. Height of building. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower,



and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 3).Figure 3. Height of Building

24. Impervious surface. A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.
25. Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
26. Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
27. Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
28. Lot width. The minimum distance between:
- a. Side lot lines measured at the midpoint of the building line; and Side lot lines at the ordinary high-water level, if applicable (see Figure 4).

Figure 4. Lot Width

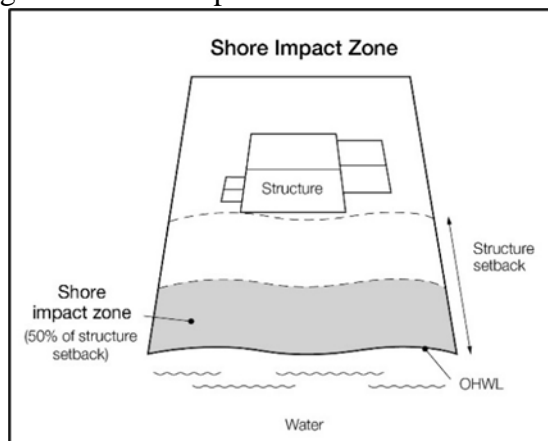


29. Metallic minerals and peat. "Metallic minerals and peat" has the meaning given under [Minnesota Statutes, Sections 93.44 to 93.51](#).
30. Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
31. Ordinary high-water level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.
32. Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
33. Public waters. Any water as defined in [Minnesota Statutes, Section 103G.005, Subd. 15, 15a](#). Residential planned unit development. A use where the nature of residency is non transient, and the major or primary focus of the development is not service-

oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

34. Resort. “Resort” has the meaning in [Minnesota Statute, Section 103F.227](#).
35. Semipublic use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
36. Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
37. Sewage treatment system. “Sewage treatment system” has the meaning given under [Minnesota Rules, part 7080.1100, Sub. 82](#).
38. Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
39. Shore impact zone. Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 5).

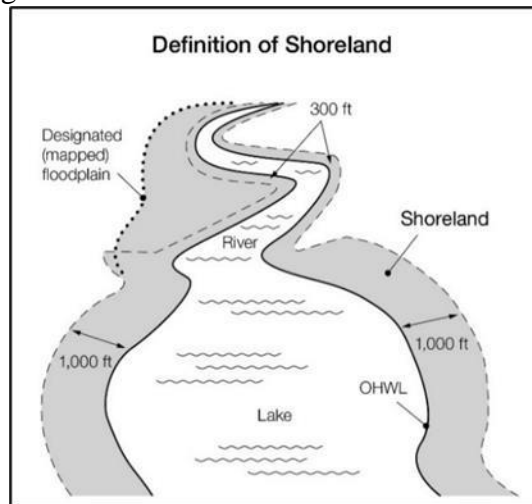
Figure 5. Shore Impact Zone



40. Shoreland. “Shoreland” means land located within the following distances from public waters:
- a. 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and
 - b. 300 feet from a river or stream, or the landward extent of a floodplain designated by

ordinance on a river or stream, whichever is greater (see Figure 6).

Figure 6. Definition of Shoreland



41. Shore recreation facilities. Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
42. Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of [Minnesota Statutes, Section 307.08](#). A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
43. Steep slope. Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
44. Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
45. Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
46. Suitability analysis. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic

sites; or any other relevant feature of the natural land.

47. Variance. “Variance” means the same as that defined in [Section 462.357 Subd. 6 \(2\)](#).

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

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

50. Wetland. “Wetland” has the meaning given under [Minnesota Rule, part 8420.0111](#).

Subd. 3. Administration.

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

B. Permits.

1. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subd.8.C of this ordinance.

2. A certificate of compliance, consistent with [Minnesota Rule Chapter 7082.0700 Subd. 3](#), is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high-water level.

C. Application materials. Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided as set forth in Chapter 6 of Eagle Lake City Code entitled “Planning and Zoning Regulations”. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.

- D. Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subd.3.B of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Subd.2.B of this ordinance.
- E. Variances. Variances may only be granted in accordance with [Section 462.357](#) and are subject to the following:
1. A variance may not circumvent the general purposes and intent of this ordinance; and
 2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with [Minnesota Rules Chapter 7082.0700 Subd. 3](#), is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high-water level.
- F. Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 2. The visibility of structures and other facilities as viewed from public waters is limited;
 3. There is adequate water supply and on-site sewage treatment; and
 4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.
- G. Mitigation.
1. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - a. Advanced storm water runoff management treatment;
 - b. Reducing impervious surfaces;
 - c. Increasing setbacks from the ordinary high-water level;

- d. Restoration of wetlands;
 - e. Limiting vegetation removal and/or riparian vegetation restoration;
 - f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - g. Other conditions the zoning authority deems necessary.
2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

H. Nonconformities.

1. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, [462.357 Subd. 1e](#) and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subdivisions 5.0 to 8.0 of this ordinance. Any deviation from these requirements must be authorized by a variance.

I. Notifications to the Department of Natural Resources.

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

the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

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

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

Subd. 4. Shoreland Classification System and Land Uses

A. Shoreland Classification System.

1. Purpose. To ensure that shoreland development on the public waters of the City of Eagle Lake is regulated consistent with the classifications assigned by the commissioner under [Minnesota Rules, part 6120.3300.](#)
2. The shoreland area for the waterbodies listed in Subd. 4.A.3 are defined in Subd. 2.A.40 and are shown on the Official Zoning Map.
3. Lakes are classified as follows:

Natural environment (NE).

Natural Environment Lake Name	DNR Public Waters I.D. #	OHWL
Eagle South	7-6002	989.40

B. Land Uses.

1. Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
2. Shoreland district land uses listed in Subd. 4.A.3 are regulated as:
 - a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
 - b. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Subd. 3.F of this ordinance and any additional conditions listed in this ordinance; and
 - c. Not permitted uses (N). These uses are prohibited.
3. Land uses for lake classifications:

Land Uses	Natural Environment
Single residential	P
Duplex, triplex, quad residential	C
Residential PUD	C
Water-dependent commercial - Accessory to residential PUD	C
Commercial	C
Commercial PUD - Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of Section 10.0 are satisfied.	C
Guest Cottages	N
Solar Power Facilities (principal land use)	C
Parks & historic sites	C
Public, semipublic	C
Industrial	N
Agricultural: cropland and pasture	P
Agricultural feedlots: New	N
Agricultural feedlots: Expansion or resumption of existing	C
Forest management	P
Forest land conversion	C

Extractive use	C
Mining of metallic minerals and peat	P

Subd. 5. Special Land Use Provisions

A. Commercial, Industrial, Public, and Semipublic Use Standards.

1. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
 - a. The use complies with provisions of Subd. 7;
 - a. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - c. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - (1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - (2) Signs placed within the shore impact zone are:
 - (a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - (3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
2. Commercial, industrial, public, and semi-public uses that are not water- dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Agriculture Use Standards.

1. Buffers.
 - a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
 - b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod

- farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.
2. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
 - a. Feedlots must be designed consistent with [Minnesota Rules, Chapter 7020](#);
 - b. Feedlots must not further encroach into the existing ordinary high-water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - c. Old feedlots not currently in operation may resume operation consistent with [Minnesota Statutes, Section 116.0711](#).

C. Forest Management Standards.

1. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
2. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

D. Extractive Use Standards. Extractive uses are conditional uses and must meet the following standards:

1. Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:
 - a. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - b. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - c. Clearly explain how the site will be rehabilitated after extractive activities end.
2. Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high-water levels and from bluffs.

E. Metallic Mining Standards. Mining of metallic minerals and peat is a permitted use provided the provisions of [Minnesota Statutes, Sections 93.44 to 93.51](#), are satisfied.

Subd. 6. Dimensional and General Performance Standards

- A. Purpose. To establish dimensional and performance standards that protect shoreland resources from impacts of development.
- B. Lot Area and Width Standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in tables in Subd.6.B.5, subject to the following standards:
1. Only lands above the ordinary high-water level can be used to meet lot area and width standards;
 2. Lot width standards must be met at both the ordinary high-water level and at the building line;
 3. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
 4. Residential subdivisions with dwelling unit densities exceeding those listed in the tables listed under 5 and 6 are allowed only if designed and approved as residential PUDs under Section 10.0 of this ordinance; and
 5. Lake Minimum Lot Area and Width Standards:

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

Natural Environment Lake – No sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

Natural Environment Lake – Sewer

C. Special Residential Lot Provisions.

1. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
 - a. Each building must be set back at least 200 feet from the ordinary high- water level;
 - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
2. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subd. 6.B.5 and 6.26, provided the following standards are met:
 - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 - c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
3. Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:
 - a. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in item D;
 - b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Ratio of lake size to shore length (acres/mile)	Required percent increase in frontage
Less than 100	25%
100 – 200	20%
201 – 300	15%
301 – 400	10%

Greater than 400

5%

- c. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
- d. Covenants or other equally effective legal instruments must be developed that:
 - (1) Specify which lot owners have authority to use the access lot;
 - (2) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
 - (3) Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
 - (4) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
 - (5) Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
- 4. Access Easements. Easements providing access to boat docking and mooring facilities to non-riparian property owners are prohibited.

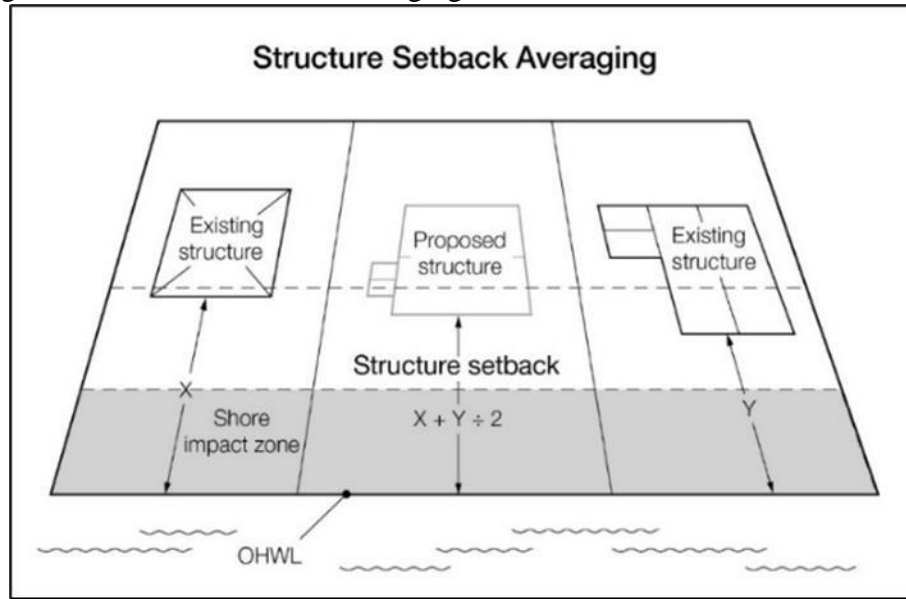
D. Placement, Height, and Design of Structures.

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

Waterbody Classification	Structures with <u>No Sewer</u>	Structures with <u>Sewer</u>	Sewage Treatment <u>Systems</u>
Natural Environment Lakes	150	150	150

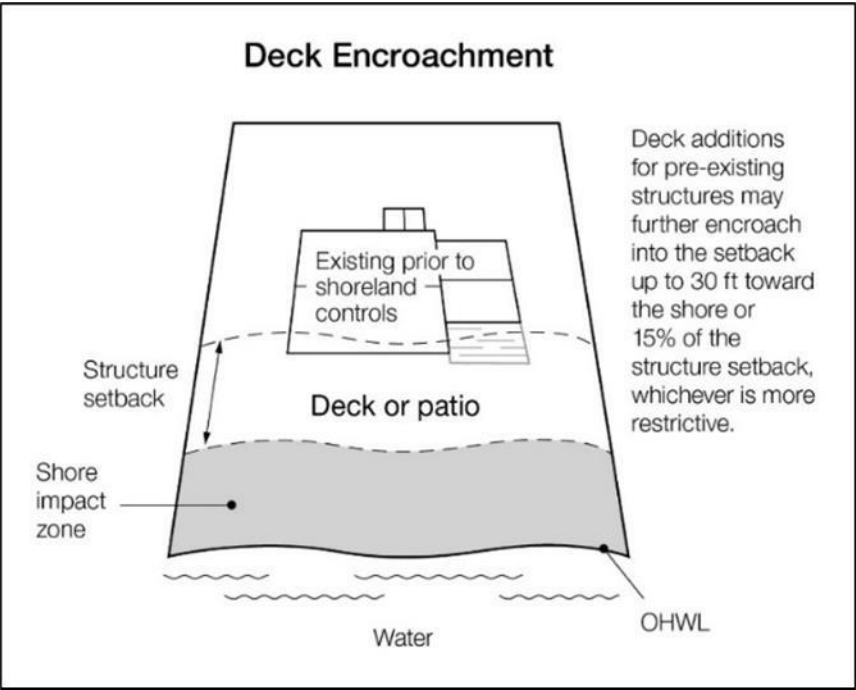
- a. OHWL Setbacks. Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Subd. 7.C of this ordinance, may be set back a minimum distance of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

Figure. 7 Structure Setback Averaging



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

Figure 8). Figure 8. Deck Encroachment



- d. Additional structure setbacks. Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

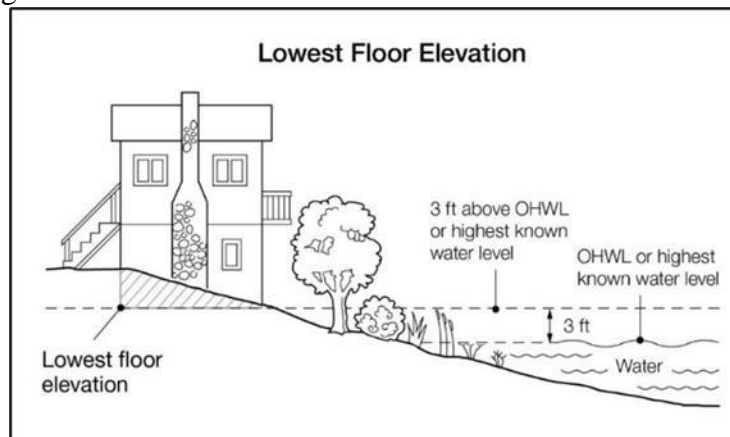
- e. Bluff Impact Zones. Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
2. Height of Structures. All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
3. Lowest Floor Elevation. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
- For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is higher (see Figure 9);
 - For rivers and streams, by placing the lowest floor at least three feet above the

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

c. Methods for placement.

- (1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part A.
- (2) If elevation methods involving fill would result in filling in the SIZ, then structures must instead be elevated through floodproofing methods in accordance with 6.43(B)(3) below;
- (3) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.

Figure 9. Lowest Floor Elevation



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

E. Water Supply and Sewage Treatment.

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

Subd. 7. Performance Standards For Public And Private Facilities

A. Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
2. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
3. Private facilities must comply with the grading and filling provisions of Subd. 8.C of this ordinance; and
4. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

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

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
3. Canopies or roofs are not allowed on stairways, lifts, or landings;
4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-

on conditions, whenever practical; and

6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of Subd. 7.B.1-5 7.21 to 7.25 and the requirements of [Minnesota Rules, Chapter 1341](#).

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

1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
2. The structure or facility is not in the Bluff Impact Zone;
3. The setback of the structure or facility from the ordinary high-water level must be at least ten feet;
4. The structure is not a boathouse or boat storage structure as defined under [Minnesota Statutes, Section 103G.245](#);
5. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
6. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
7. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
8. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
9. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Subd. 6.D.3 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and

debris.

Subd. 8. Vegetation and Land Alterations

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

B. Vegetation Management.

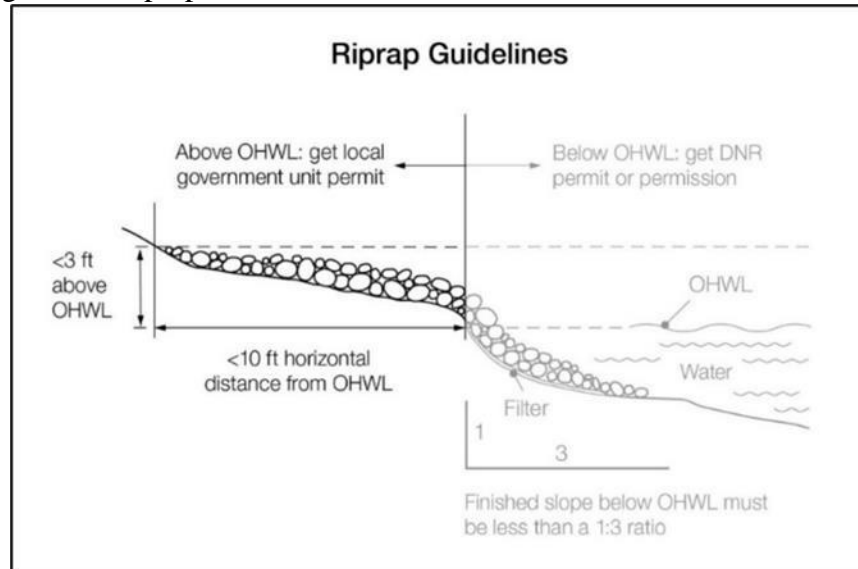
1. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
 - b. The construction of public roads and parking areas if consistent with Subd. 7.A of this ordinance;
 - c. Forest management uses consistent with Subd. 5.C of this ordinance; and
 - d. Agricultural uses consistent with Subd. 5.B of this ordinance.
2. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Subd. 5.C of this ordinance.
3. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - b. Existing shading of water surfaces along rivers is preserved.
 - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - d. Perennial ground cover is retained.
 - e. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.
4. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
5. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

C. Grading and Filling.

1. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Subd. 7.A of this ordinance.
2. Permit Requirements.
 - a. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Subs. 8.B.3 of this ordinance must be incorporated into the permit.
 - b. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
 - (1) the movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
3. Grading, filling and excavation activities must meet the following standards:
 - a. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
 - b. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - (1) Limiting the amount and time of bare ground exposure;
 - (2) Using temporary ground covers such as mulches or similar materials;
 - (3) Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
 - (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - (6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - (7) Fill or excavated material must not be placed in bluff impact zones;
 - (8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
 - (9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - (10) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - (a) the finished slope does not exceed three feet horizontal to one-foot vertical;

- (b) the landward extent of the riprap is within ten feet of the ordinary high-water level; and
- (c) the height of the riprap above the ordinary high-water level does not exceed three feet (see Figure 10).

Figure 10. Riprap Guidelines



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

D. Stormwater Management.

1. General Standards:

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

2. Specific Standards:

- a. Impervious surfaces of lots must not exceed 25 percent of the lot area.

- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.
- c. New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).

Subd. 9. Subdivision/Platting Provisions

- A. Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- B. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Subd. 10 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- C. Consistency with other controls. Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
- D. Water and Sewer Design Standards.
 - 1. A potable water supply and a sewage treatment system consistent with [Minnesota Rules, Chapters 7080 – 7081](#) must be provided for every lot.
 - 2. Each lot must include at least two soil treatment and dispersal areas that support systems described in [Minnesota Rules, parts 7080.2200 to 7080.223](#) or site conditions described in [part 7081.0270, subparts 3 to 7](#), as applicable.
 - 3. Lots that would require use of holding tanks are prohibited.
- E. Information requirements.
 - 1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;
 - 2. The surface water features required in [Minnesota Statutes, section 505.021, Subd. 1](#), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;

3. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 6. A line or contour representing the ordinary high-water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- F. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- G. Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters [462.358 Subd. 3a](#) (*cities*) and [505](#). No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.
- H. Controlled Access Lots. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Subd. 6.C.3 of this ordinance.

Subd. 10. Planned Unit Development (PUDs)

- A. Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- B. Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Subd. 6.B of this ordinance is allowed if the standards in this Section are met.
- C. Processing of PUDs. Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An

expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subd. 10.E. Approval cannot occur until all applicable environmental reviews are complete.

- D. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request:
1. Site plan and/or plat showing:
 - a. Locations of property boundaries;
 - b. Surface water features;
 - c. Existing and proposed structures and other facilities;
 - d. Land alterations;
 - e. Sewage treatment and water supply systems (where public systems will not be provided);
 - f. Topographic contours at ten-foot intervals or less; and
 - g. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
 2. A property owner's association agreement (for residential PUD's) with mandatory membership, and consistent with Subd. 10.F of this ordinance.
 3. Deed restrictions, covenants, permanent easements or other instruments that:
 - a. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.
 4. A master plan/site plan describing the project and showing floor plans for all commercial structures.
 5. Additional documents necessary to explain how the PUD will be designed and will function.
- E. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
1. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Waterbody Classification	No Sewer (ft)	Sewer (ft)
Natural Environment Lakes	400	320

2. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high-water level of public waters.
3. Step 3. Determine Base Density:
 - a. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.
 - b. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
 - (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
 - (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - (c) For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - (2) For recreational vehicles, campers or tents, use 400 sf.
 - (a) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Subd. 10.E.3.b.

Inside Living Floor Area or Dwelling Site Area (sf)	Natural Environment Lakes Remote Rivers
≤ 200	.010
300	.012
400	.014
500	.016
600	.019
700	.021
800	.023
900	.025
1,000	.027
1,100	.029
1,200	.032
1,300	.034
1,400	.036
≥ 1,500	.038

- (3) Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.
- (4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.E.3.b by the average inside living floor area for dwelling units or dwelling site area determined in Subd. 10.E.3.b.(1). This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.
- c. Allowable densities may be transferred from any tier to any other tier further from the waterbody but must not be transferred to any tier closer to the waterbody.
- d. All PUDs with densities at or below the base density must meet the design standards in Subd. 10.F.
- e. Step 4. Determine if the Site can Accommodate Increased Density:
 - (a) The following increases to the dwelling unit or dwelling site base densities determined in Subd. 10.E.3 are allowed if the design criteria in Subd. 10.F of this ordinance are satisfied as well as the standards in Subd. 10.E.3.e.(1):

Shoreland Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

- (b) Structure setbacks from the ordinary high-water level:
 - (i.) Are increased to at least 50 percent greater than the minimum setback; or
 - (ii.) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

F. Design Criteria. All PUDs must meet the following design criteria.

1. General Design Standards.

- a. All residential planned unit developments must contain at least five dwelling units or sites.
- b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Subd. 6.E of this ordinance. Sewage treatment systems must meet the setback standards of Subd. 6.D.1, item A of this ordinance.
- c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
- d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Subdivisions 6.D.1, 6.D.2, and 6.D.3:
 - (1) Shore recreation facilities:
 - (2) Must be centralized and located in areas suitable for them based on a suitability analysis.
 - (3) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).
- e. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- f. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- h. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subd. 7.C of this ordinance and are centralized.

2. Open Space Requirements.

- a. Open space must constitute at least 50 percent of the total project area and must include:
 - (1) Areas with physical characteristics unsuitable for development in their natural state;
 - (2) Areas containing significant historic sites or unplatted cemeteries;
 - (3) Portions of the shore impact zone preserved in its natural or existing state as follows:
 - (a) For existing residential PUD's, at least 50 percent of the shore impact zone
 - (i) For new residential PUDs, at least 70 percent of the shore impact zone.
 - (ii) For all commercial PUD's, at least 50 percent of the shore impact zone.
- b. Open space may include:
 - (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - (2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
 - (3) Non-public water wetlands.
- c. Open space shall not include:
 - (1) Dwelling sites or lots, unless owned in common by an owners association; Dwelling units or structures, except water-oriented accessory structures or facilities;
 - (2) Road rights-of-way or land covered by road surfaces and parking areas;
 - (3) Land below the OHWL of public waters; and
 - (4) Commercial facilities or uses.

3. Open Space Maintenance and Administration Requirements.

- a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
 - (1) Commercial uses (for residential PUD's);
 - (2) Vegetation and topographic alterations other than routine maintenance;
 - (3) Construction of additional buildings or storage of vehicles and other materials; and
 - (4) Uncontrolled beaching of watercraft.
- b. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments

must use an owners association with the following features:

- (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
- (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
- (3) Assessments must be adjustable to accommodate changing conditions; and
- (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

4. Erosion Control and Stormwater Management.

- a. Erosion control plans must be developed and must be consistent with the provisions of Subd. 8.C3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
- b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

5. For residential PUDs, impervious surface for the entire project site must not exceed 25%.

6. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area.

G. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

1. Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
 - c. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible,

to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

4. Existing dwelling unit or dwelling site densities that exceed standards in Subd. 10.E of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

SECTION 6.280 FLOODPLAIN ORDINANCE

(Adopted December 5, 2016/Amended February 5, 2024)

Subd. 1. Statutory Authorization and Purpose

- A. Statutory Authorization. This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 80; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- 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 public health, safety, and general welfare by minimizing these losses and disruptions.
 2. This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 3. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
 4. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains 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.
- C. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or private agreements. The standards in this

ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

- D. **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. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of Eagle Lake or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- E. **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.

Subd. 2. Definitions. Definitions.

- A. Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and 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. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.
 - 2. **Base Flood Elevation (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.
 - 3. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.
 - 4. **Farm Fence.** An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02 Subd. 1(a - d).
 - 5. **Flood Fringe.** The portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE, as described in Section 3.13.
 - 6. **Flood Insurance Rate Map (FIRM).** 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 beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
8. Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
9. 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.”
10. 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. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
11. Regulatory Flood Protection Elevation (RFPE). An elevation no lower than one foot above the elevation of the base flood plus any increases in water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
12. Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 4.40, shall also be considered a nonconforming structure for the purposes of this ordinance.

Subd. 3. Jurisdiction and Districts

- A. Lands to Which Ordinance Applies. This ordinance applies to all lands under the jurisdiction of the City of Eagle Lake within the Floodplain, shown as Zone A on the Flood Insurance Rate Map panels referenced in Section 3.2.
 1. The standards imposed in this overlay district are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 2. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations



3. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the city and to submit technical evidence.
- B. Incorporation of Maps by Reference. 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 Flood Insurance Study for Blue Earth County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, all dated February 22, 2024, and prepared by the Federal Emergency Management Agency.

27013C0116F
27013C0117F
27013C0119F
27013C0140F

These materials are on file at Eagle Lake City Hall.

- C. Annexations: The Flood Insurance Rate Map panels referenced in Section 3.2 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 land areas are annexed into the City of Eagle Lake 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. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 8.0.

Subd. 4. Permitted Activities and Standards in the Floodplain District

- A. Permitted Activities. A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

1. Any addition, modification, rehabilitation, repair, or alteration to a nonconforming structure as specified in Section 5.0 of this ordinance. Normal maintenance and repair also require a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in Section 2.0 of this ordinance.
 2. Any use that requires fill, excavation, storage of materials, or placement of anything that may cause a potential obstruction, as well as any other form of development as defined in Section 2.0 of this ordinance.
- B. Activities Not Requiring a Permit. Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit. A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources unless a significant area above the ordinary high water level is also to be disturbed. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- C. Minimum Development Standards.
1. All development must:
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Be constructed with materials and equipment resistant to flood damage;
 - c. Be constructed by methods and practices that minimize flood damage;
 - d. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
 - e. Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - f. Not be detrimental to uses in adjoining areas; and
 - g. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 2. Buildings and Structures. No new structures, such as buildings or accessory structures may be permitted in the regulatory floodplain.
 3. Subdivisions. All new lots must be able to accommodate for a building site with a natural grade outside of the floodplain. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE).
 4. Encroachment Analysis. Development in the following areas requires hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area).

- a. In a floodway, development may not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities.
 - b. In areas where a floodway has not been delineated, development may not allow stage increases more than one-half (0.5) foot at any point during the one-percent chance flood. This evaluation must include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.
5. Fences not meeting the definition of farm fences are not permitted.
6. Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.
7. Public Utilities. All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
8. Potential Pollutants. Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, as well as those likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited.
9. Land Alterations. In areas within 25 feet of the ordinary high-water level, land alterations shall be restricted to:
 - a. the minimum required to accommodate beach and access areas, not to exceed a volume greater than 10 cubic yards; and
 - b. the minimum required to accommodate for public utilities, roads, railroad tracks, bridges, and shoreline stabilization projects to correct an identified erosion problem, as verified by a qualified resource agency or the zoning administrator.
10. Recreational vehicles must be travel ready, meeting the following criteria:

- a. The vehicle must be fully licensed.
 - b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - c. No permanent structural type additions may be attached to the vehicle.
11. Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities shall be subject to applicable provisions detailed in Section 4.37. Replacement of on-site sewage treatment systems are to be constructed to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270. No new private service facilities may be permitted in the regulatory floodplain.

Subd. 5. 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. 6. Administration

A. Duties. A Zoning Administrator or other official must administer and enforce this ordinance.

1. Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator or his or her designee. The permit application must include the following, as applicable:
 - a. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - b. Location and detail of grading, fill, or storage of materials.
 - c. Copies of any required local, state, or federal permits or approvals.
 - d. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
2. Recordkeeping. The Zoning Administrator or his or her designee must maintain applicable records in perpetuity documenting:
 - a. Encroachment analysis, as detailed in Section 4.34.
 - b. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor, or other qualified individual, as approved by the Zoning Administrator.
 - c. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

B. Variances

1. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
2. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
3. Variances from the provisions in this ordinance may only be issued by a community upon:

- a. A showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. 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.
4. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.
6. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
7. The Zoning Administrator or his or her designee must notify the applicant for a variance that:
 - a. 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
 - b. Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- C. Notifications for Watercourse Alterations: Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator or his or her designee must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statute, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- D. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations: Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Eagle Lake must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within areas where the floodway has not been delineated, a map revision is only required if development results in stage increases greater than 0.5 feet.
- E. Notifications to the Department of Natural Resources.
 1. All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

2. A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

Subd. Penalties and Enforcement

- A. Uses in Violation of the Ordinance. Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- B. Civil Remedies. The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Eagle Lake or the Department of Natural Resources.
- C. Enforcement. Violations of the provisions of this ordinance constitute a misdemeanor and is punishable as defined by law. The Zoning Administrator 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. The City of Eagle Lake 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. 8. Amendments

- A. Ordinance Amendments. Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.
- B. Required Approval: All amendments to this ordinance must be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

ARTICLE FIVE: STANDARD OF GENERAL APPLICABILITY

SECTION 6.290: ACCESSORY USES

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.

- A. Compliance. No accessory use or structure shall be established or constructed unless in compliance with this Chapter.
- B. 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:

1. 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.
2. In Residential Districts, no sign shall be erected in connection with an accessory use or structure.

C. Accessory Structure in Easements.

1. Allowed at owner's risk:
 - a. Irrigation systems
 - b. Some types of surface landscaping
 - c. Fences in areas that do not contain underground city utilities or will not impede drainage.

Check with the city before installation.

NOTE: The City or utility company is entitled to remove any of these or similar obstructions if access is needed, at the property owner's expense.

2. Improvements not allowed:
 - a. Retaining walls or berms
 - b. Paver patio
 - c. Decks
 - d. Gazebos
 - e. Stairs
 - f. Fire pits.
 - g. Pools
 - h. Storage sheds/playhouses or similar structures

Subd. 2. General Yard, Bulk, and Height Limitations. Accessory buildings in all zoning districts must comply with the following general standards subject to additional requirements, exceptions and modifications set forth in this chapter:

A. Location of Accessory Building in Required Yards

1. Accessory buildings are prohibited in any required front yard or side yard setbacks.
2. Accessory buildings may be located in the rear yard, provided the building is located at least five (5) feet from any property line.
3. No accessory building on a corner lot shall be located in the required corner side yard.
4. An accessory building attached to a principal building, such as an attached

garage, must comply with all the setback and height requirements applicable to the principal building. Detached garages are considered an accessory (building) use.

5. Unattached garages that have an overhead door facing the alley (8-5-13) must be a minimum of twenty-five feet from any alley.
6. 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.

B. Additions and Accessory Buildings in B-1 District and Parkway District: All

Subsequent additions to the 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.

C. Maximum Ground 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. Minimum Structural Requirements. Accessory buildings in residential zoning districts shall conform to the following minimum structural requirements:

1. The roof style of the accessory building shall be similar to the roof style of the main building.
2. Corrugated metal exterior finishes are prohibited for accessory buildings that have ground coverage of greater than one hundred and twenty (120) square feet.
3. The construction shall conform to the Uniform Building Code as adopted by the City Council.
4. The building shall be constructed on a concrete slab or footing and secured down to the ground.

F. 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.

G. 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.

H. Basement Dwellings. No basement dwelling shall hereafter be permitted in any district. Existing basement dwellings shall have the status of nonconforming uses. Basement dwellings are defined in the Uniform Building Code (Chapter 12).

I. 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 one-half ($\frac{1}{2}$) the distance of the required front yard depth requirement for the lot. 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.

J. Computation of Rear Yard with Adjoining Alley. When computing the depth of a rear yard for any lot located in a Residential District where the rear lot line adjoins an alley, one-half ($\frac{1}{2}$) the width of such alley may be included as rear yard depth, provided that the rear yard depth of the lot, exclusive of the alley, shall not be less than twenty (20) feet.

K. Computation of Lot Area with Adjoining Alley. When computing the required lot area for a lot which adjoins an alley, one-half ($\frac{1}{2}$) of the width of the alley up to ten (10) feet may be included as part of the lot area.

Subd.3. Decks, Patios, Balconies, and Ramps in the R-1, R-2, R-3, and R-4, Zoning Districts.

The following regulations shall apply to accessory decks, patios, balconies, and ramps in the R-1, R-2, R-3, and R-4, 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. Attached decks may extend eight (8) feet into the required front yard setback provided that the deck is at least ten (10) feet from the property line. The height of the deck shall

not exceed the height of the front entrance of the principal building.

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

1. Uncovered ramps constructed for the purpose of providing handicap access which do not extend nearer than three (3) feet to the side lot line.

C. The following shall not be considered 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.

D. Decks and ramps shall not be included in the calculations for lot coverage.

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

Subd. 4. Sheds in the R-1, R-2, R-3, and R-4, Zoning Districts.

A. 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 structure's sidewall, defined as the vertical wall of the structure built perpendicularly to the floor of the structure.

B. 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 structure's sidewall, defined as the vertical wall of the structure built perpendicularly to the floor of the structure.

C. 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 structure's sidewall, defined as the vertical wall of the structure built perpendicularly to the floor of the structure.

Subd. 5. Obstructions. Projections of a principal or accessory structure may be located in a required yard only as indicated below. In no case shall any obstruction extend beyond the limits of the lot and adequate drainage shall be provided which is directed away from adjacent private property.

A. Air conditioners, central air outside condensing units, and window units, projecting not more than thirty-six (36) inches into the required yard.

- B. Arbors and trellises in all required yards.
- C. Architectural ornaments and projections not more than four (4) inches into a required yard.
- D. Unenclosed awnings and canopies extending not more than two and one-half (2.5) feet into front or side yards and not more than five (5) feet into rear yards. Such canopy shall be cantilevered from the principal or accessory structure and shall not contain separate ground supports.
- E. Fences and walls.
- F. Fireplaces, not more than two and one-half (2½) feet into the required side yard and/or four (4) feet into the required front or rear yards
- 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.

Subd. 6. Exceptions to District Setback and Height Restrictions.

A. Front Yard Exception. In a block where the average of the front yard of existing improved lots within a distance of one hundred (100) feet on both sides of a lot is not more than six (6) feet or not less than six (6) 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 six (6) feet or less than six (6) feet, the Zoning Administrator shall establish the required front yard.

B. 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 bulkheads elevators, water tanks or towers, and other structures for essential services, not to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than twenty-five (25) percent of the area of such roof. 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, provide the front yard depth, side yard widths, and rear yard depth shall each be increased by one (1) over and above the requirement for the district for each two (2) feet of building height above the building height limit for the zoning district.

C. Side Yard Exceptions for Attached Private Garages. For one-family dwellings with an attached private garage in existence on the effective date of this chapter, 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 twenty-four (24) feet in width on the effective date of this chapter. The addition to the attached garage shall only be allowed in conformance with the following:

1. The cumulative width of the existing garage and garage addition shall not be more than twenty-four (24) feet.
2. The building height of the garage addition shall not be greater than the building height of the existing attached garage.
3. The garage addition shall not encroach into a recorded easement.
4. The garage addition shall comply with all the other requirements of this chapter and the Uniform Building Code.
5. The existing garage and garage addition shall only be used as a private garage.
6. 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 (refer to Sections 10.02 and 10.81, Subd. 4).

Subd. 7. 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. 8. Kennel, Private. Private dog kennels in residential zoning districts shall not be allowed in the required front or side yards. Kennels may be located in the rear yard, provided all portions of the kennel are located at least three (3) feet from any property line.

Subd. 9. 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.

Exemptions for private residential pools:

- 1. In-ground private residential pool with an automatic cover that conforms with the specifications of the ASTM F 1346-91 standard. Pool covers shall be maintained in good working condition.
- 2. Above-ground private residential pool with a sidewall or other barrier of 48 inches or more above grade provided the steps, ladder, ramp, or other form of access is designed to be secured, locked, or removed to prevent access.
- 3. If a pool is the primary use of the zoning lot, the owner shall have proof of insurance.
- 4. No in-ground pool shall be constructed unless a building permit has first been obtained from the Building Official, or designee.

Subd. 10 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.

SECTION 6.300. OFF-STREET PARKING AND LOADING.

Subd. 1. Scope of Regulations. 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.

Subd. 2. Existing Parking Facilities. 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.

Subd. 3. Voluntary or Required Provision of Additional Parking Facilities. 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.

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.

Subd. 5. Parking of Commercial Vehicles or Equipment. 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.

Subd. 6. Parking and Storage of Certain Vehicles. 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.

Subd. 7. Submission of a Site Plan. 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:

- A. The applicant's name, address, and interest in the property.
- B. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the site plan.
- C. The street address and legal description of the property.
- D. The zoning classification and the required setback for the property.
- E. A complete description of the proposed use.
- F. The actual dimensions of the parking lot and exact sizes and location of all proposed buildings or other structures.
- G. The actual dimensions and location of all driveways, parking spaces, safety curbs, and loading areas.
- H. A depiction of all drainage features and any environmental features.
- I. Any other such information or documentation as the zoning administrator may deem to be necessary or appropriate to the full and proper consideration and disposition of the particular site plan.

Subd. 8. 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. 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).
- C. The paved driveway shall not exceed a width of thirty-two (32) feet measured at the curb line (08-06-2018).
- D. Not more than thirty-five percent (35%) of the 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. An approved zoning permit is required before any hard surface can be constructed.
- E. 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.

- F. 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. 9. 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. 10. 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. Design. The design of parking lots or areas shall be subject to the approval of site plan review, in accordance with standards set forth in Section 10.90 and any additional standards established by the Zoning Administrator. 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. Landscaping and Screening. Landscaping and screening shall be provided in accordance with the requirements of Section 10.88.
- C. Lighting. Reserved.
- D. Signs. Accessory signs shall be permitted in parking areas in accordance with the provisions specified in Section 10.87 of this chapter. All compact parking stalls shall be signed as such.
- E. Curb and Striping. All off-street parking areas in multiple-family, commercial, or planned industrial zones shall have a six (6) inch high non-surmountable curb around the perimeter of the parking area and driveway.

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.

Subd. 11. 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. 12. 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. 13. 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. 14. 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, 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. 15. 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. 16. 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. 17. 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 WEEKDAYS:

WEEKDAY:	12 a.m. - 7 a.m.	7 a.m. - 6 p.m.	6 p.m. - 12 a.m.
Office & Industrial	5%	100%	5%
Retail	10% (open)	100%	80%
	0% (not open)		

Restaurant	50%	70%	100%
Hotel	100%	65%	100%

GENERAL LAND USE CLASSIFICATION WEEKENDS

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

Subd. 18. 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. 19. 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. 20. 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 eight (8) feet and under.
 3. Walls that are four (4) feet and under.
 4. Decks and platforms not more than 30 inches above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route (a door access into a home) attached to another structure with frost footings.
 5. Free-standing decks that meet all of the following criteria:
 - a. The joists bear directly on precast concrete pier blocks at grade without support by beams or posts.
 - b. The area of the deck does not exceed 200 square feet.
 - c. The walking surface is not more than 20 inches above grade at any point within 36 inches measured horizontally from the edge.
- 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 6.310 SPECIAL PROVISIONS APPLICABLE TO SPECIFIC PERMITTED AND CONDITIONAL USES

Subd. 1. Home Occupations. It is the findings of the City Council that home occupations affect 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 area 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, wreathes, 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 6.320 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, vinyl, 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 so 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 6.330 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 6.340 ACCESSORY 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. 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. 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)
 6. 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. 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.
- C. Shall not exceed the maximum height permitted in the zoning district in which it is located.
- D. Must be located as to minimize glare directed toward an adjoining property or street.
- E. The property owner shall notify the electrical utility where the solar collection system is connected to the electrical utility system.
- F.
- G. 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)

Subd. 4. Permit and installation:

- A. A building permit is required and shall be obtained for any solar energy system prior to installation.
- B. If roof-mounted, documentation shall be provided verifying that the roof can safely support the proposed system.
- C. The design and installation of accessory solar energy systems shall conform to

applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), or other similar certifying organizations, and shall comply with the Municipal Building Code and with all other applicable fire and life safety requirements. The manufacture specifications shall be submitted as part of the application.

- D. All grid connected systems shall have an agreement with the relevant utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility.

Subd. 5. Abandonment. 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.

SECTION 6.350 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 omni-directional 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.

Towers are only allowed as a conditional use in the B-1 and L-1 Districts.

- A. 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.
- B. 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.

C. 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 into 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 6.360 SITE REVIEW

Subd. 1. Authority. Site plan review shall be required before Building Permits or Certificates of Occupancy may be issued. The Planning Director and Zoning Administrator shall have the authority to approve site plans upon consideration of all comments received from City departments and may waive the requirements for site plan review for additions to existing buildings, structures, or uses, if, in the Planning Director's and Zoning Administrator's opinion, such addition does not substantially affect the proposed development of adjacent properties.

Subd. 2. Purpose. The intent of these regulations is to promote the safe and efficient use of land, to contribute to an orderly and harmonious appearance in the City and to ensure compliance with the City Code. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that traffic, public safety, overcrowding, and environmental problems are minimized to the greatest extent possible. Site plan review shall include, but shall not be limited to, the following aspects of development:

- A. A project's compatibility with its environment and with other existing land uses and buildings in the surrounding area.
- B. The quantity, quality, utility, size, and type of a project's required open space and proposed landscaping improvements.
- C. The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians.
- D. The quantity, quality, utility, size, and type of a project's required community facilities.
- E. The location and adequacy of a project's provision for drainage and utilities.
- F. Security, fire protection, and life/safety issues.

Subd. 3. Scope of Application.

- A. Principal Uses. Site plan review approval shall be required as a condition to receiving a Building Permit for all permitted uses and conditional uses. Site plan review and approval shall not be required for one- and two-family dwellings, unless the establishment of the dwelling is subject to a conditional use, variance, environmental review, or a planned unit development.
- B. Accessory Uses. Site plan review shall be required for accessory uses and structures, but such uses may be reviewed in conjunction with the review of principal structures which such accessory structures are shown on the site plan.
- C. Additional Parking. Where a change of use or an increase in density of an existing structure requires additional parking, a site plan and landscape plan shall be submitted for review to ensure that the change of use can be accomplished within the purpose and intent of this chapter, except when such requirement is waived by the Zoning Administrator.

Subd. 4. Scope of Modifications Authorized. The authority of the Planning Director and Zoning Administrator through the site plan review process to require modification of a proposed site development shall be limited to the following elements in order to achieve the following objectives:

A. Traffic and Parking.

- 1. Minimizing dangerous traffic movements.
- 2. Promoting the smooth and efficient flow of traffic in accordance with standards in the Institute of Traffic Engineers' Transportation and Traffic Engineering Handbook, and other local sources of authority as adopted by resolution.
- 3. Optimizing the efficient use of property access and parking facilities through provision and requirement for adequate interior circulation, off-street parking stalls, turning lanes on the public right-of-way necessary to serve the development, and mass transit access.

B. Site Layout.

- 1. Promoting compatibility with adjacent and nearby properties.
- 2. Preserving and protecting valuable natural features and amenities to the greatest extent practical.
- 3. Promoting the efficient provision of public services.

C. Environmental Protection.

1. Preserving existing healthy and long-lived trees whenever possible.
2. Designing drainage facilities to promote the use and conservation of natural watercourse and patterns of drainage.
3. Minimizing alterations to existing topography in environmentally sensitive areas, as defined in this chapter and the City Code.

D. Landscaping.

1. Promoting the use of plant material compatible with the climate of the region and micro-climate conditions on the site.
2. Ensuring that plant material can be maintained for long-term health and continued growth.
3. Ensuring that the arrangement of required landscaping produces the desired visual effect.

E. Signage.

1. Ensuring that the location, size, and orientation of signage does not impair the visibility of or distract motorists.
2. Ensuring that the location, size, and orientation of signage minimize obstructions and hazards to pedestrians.

F. Public Safety.

1. Ensuring that adequate and unrestricted access is provided for fire and emergency vehicles.
2. Ensuring that adequate fire hydrants are provided on the premises and that access to the fire hydrants is not restricted.
3. Ensuring that adequate safety and security lighting is provided.
4. Ensuring that life safety issues have been adequately addressed.

G. General Conformance. The site plan review process shall also ensure that the proposed site development shall conform to all applicable requirements of this chapter and other applicable ordinances and regulations of the City of Eagle Lake.

Subd. 5. Site Plan Review Committee. The Planning Director shall be assisted in conducting site plan reviews by the Site Plan Review Committee which shall consist of a designated representative from each of the City departments or divisions appointed by the

City Administrator. In addition to conducting site plan reviews, the Committee will review any other proposals deemed necessary by the City Administrator. The Zoning Administrator shall serve as the Secretary of the Site Plan Review Committee and shall coordinate its review of proposals.

Subd. 6. Site Plan Content. Ten (10) copies of a site plan shall be drawn at a scale of 1:20, 1:30, 1:40, 1:50, 1:60 or 1:100. Additionally, an 11" x 17" reduction is required to be submitted. Unless the zoning administrator deems it not applicable, the following information must be included in the site plan:

A. General Information.

1. The applicant's name, address, telephone number, and interest in the property.
2. The owner's name, address, and telephone number if different than the applicant, and the owner's signed consent to the filing of the application.
3. The street address and legal description of the property.
4. The zoning classification, zoning district boundaries, and present use of the property.
5. The proposed title of the project, and the names, addresses, and telephone numbers of the architect, landscape architect, planner or engineer on the project.

B. Preliminary Development Site Plan.

1. The location, dimensions, and total area of the site.
2. The location, dimensions, floor area, type of construction, and use of each proposed building or structure.
3. Floor plan showing specific uses within the building.
4. The number, the size and type of dwelling units in each building, and the overall dwelling unit density.
5. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations.
6. Architectural graphics, including typical floor plans and elevations, profiles, and cross-sections.
7. The number, location, and dimensions of parking spaces and loading docks, with means of ingress and egress.

8. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
 9. The location of all fire hydrants on the property and the location of all fire hydrants within one-hundred fifty (150) feet of the property.
 10. The location and dimensions of all accesses for fire and emergency vehicles.
 11. Statement of whether or not the building will be sprinkled and fire flow availability for the sprinkler system and fire hydrants.
 12. The location and intensity of safety and security lighting.
 13. The location and purpose of any existing or proposed dedication or easement.
 14. The general drainage plan for the development tract.
 15. The location and dimensions of adjacent properties, abutting public rights-of-way and easements, and utilities serving the site.
 16. Significant topographical or physical features of the site, including existing trees.
 17. Wetland delineations for all wetlands present on the site.
 18. The location and proposed treatment of any historical structure or other historical design element or feature.
- C. Plat of Survey. A plat of survey of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel of land according to a registered or recorded plat of such land.
- D. A Preliminary Plat of Subdivision, If Required. A preliminary plat of subdivision depicting the development parcel is required if the development parcel is not currently a lot of record that is subdivided in accordance with Chapter 5 of the City Code. A preliminary plat shall also be required for any development which will involve a re-subdivision of an existing lot or parcel.
- E. Additional Information. The site plan shall also contain the following information and be accompanied by the following submissions, as well as such additional information, drawings, plans or documentation as may be requested by the Planning Director or Zoning Administrator, if determined necessary or appropriate for a full and proper consideration and disposition of the application:
1. A certificate of disclosure of ownership interest.

2. When a proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by an entity other than a government authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
3. Copies of any restrictive covenants that are to be recorded with respect to property in a proposed planned development or subdivision.
4. When the development is to be constructed in stages, a schedule for the development of such stages shall be submitted stating the approximate beginning and completion time for each stage. When the development provides for common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages completed or under development bear to the entire development.
5. If requested by the Director of Public Safety, a personal safety risk assessment for employees, visitors, and customers of the development.
6. A traffic study showing the impact of the development on public streets which serve the development. The study shall be undertaken by a registered traffic engineer.

Subd. 7. Effect of Approval of Site Plan. The approval of a site plan by the Site Plan Review Committee shall not authorize the establishment or extension of any 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 or approvals that may be required by the regulations of the City, including but not limited to a Building Permit, Certificate of Occupancy, subdivision approval, and conditional use approval.

The approval of a site plan by the Site Plan Review Committee shall be valid for one (1) year; provided further that the approval is valid only in terms of the safety, fire, building, and other City codes, in effect at the time of review.

Subd. 8. Appeals. Appeals shall follow the procedure outlined in Section 6.050, Subd 3 of this chapter.

Subd. 9. Fees. An applicant submitting a site plan shall pay a non-refundable fee in connection with the submittal in accordance with a fee schedule as established, from time to time, by the City Council.

SECTION 6.370 ADULT USES

Subd. 1. Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly

indicates or requires a different meaning.

- A. Adult Uses. Include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult companionship establishments, adult cabarets, adult novelty businesses, adult hotels/motels, strip clubs, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at 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.
- B. Adult Uses-Accessory. A use, business, or establishment having 10% or less of its stock in trade or floor area allocated to, or more than 15% or less of its gross receipts from movie rentals, adult novelty sales, or magazine sales.
- C. Adult Uses-Primary. A use, business, or establishment having 10% or more of its stock in trade or floor area allocated to, or more than 20% of its gross receipts derived from any adult use.
- D. Adult Use-Bookstore. A building or portion of a building used for the barter, rental, trade or sale of items consisting of printed materials, pictures, slides, records, audio tape, videotape, motion picture file, or digital 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.”
- E. 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.”
- F. 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.”
- G. Adult Use-Hotel or Motel. 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 “specified sexual activities” or “specified anatomical areas.”
- H. Adult Use-Massage Parlor. A massage parlor 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.”

I. Specified Anatomical Areas:

1. 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.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

J. Specified Sexual Activities:

1. 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, zooerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence.
3. Use of a human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
5. 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.
6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being.
7. Human erection, urination, menstruation, vaginal or anal irrigation.

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 have an adverse effect upon the use and enjoyment of adjacent areas. The nature of adult uses request 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 to the blighting or downgrading of the surrounding property and lessening of its value.

Subd. 3. General Provisions. Adult uses 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. 5² shall be classified as an adult use-principal.

Subd. 4. Adult Use-Principal.

- A. Adult Use-Principal shall be permitted in the L-I, Light Industrial District, as located criteria in Section 6.220.
- B. Adult use-principal shall be located at least 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 or similar to 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 all signing regulations under city code and in addition.
 - 1. Sign messages shall be generic in nature and shall only identify the name of the business.
- E. Adult use-principal shall be limited to the hours of 12:00 p.m. to 12:00a.m. for its hours of operation. The principal may request that the City Council approve a different time schedule, but it must be able to satisfactory show that the additional hours will not adversely impact any use or activity located with 350 feet of the business; that the additional hours will not result in increased policing or related service calls; and it is

critical to the operation of the business. The decision to allow different hours is at the discretion of the council.

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 section.

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 (15%) 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 access:

1. Movie Rentals. Display areas shall be restricted from general view and shall be under the control of the persons responsible for the operation.
2. Magazines/printed materials. Publications classes 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 this section subject to the approval of the zoning official.

C. Adult use-accessory shall be prohibited 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 January 1, 2024, shall be classified as legal nonconforming uses and may continue in accordance with the provisions of this chapter. 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 chapter. 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.
- B. If the building in which a legal nonconforming adult use is destroyed by any means to an extent of greater than 50% of its market value, or if the building in which the legally nonconforming adult use is vacant for more than 12 months, and adult use shall not be re-established unless it is in conformity with the provisions of this chapter.

Subd.7. Adult Uses

- A. Prohibition. It is unlawful for the holder of an on-sale liquor, 3.2% malt liquor, wine or bottle club licensed under the provisions of the City Code, or for any manager, officer, agent servant, or employee of such license holder to exhibit, allow or permit on the licensed premises any adult use.
- B. Exceptions. This section does not apply to any license holder that, prior to January 1, 2024, lawfully allowed adult uses on the licensed premises.

Subd. 8. Penalty.

- A. Any person violating any provision of this chapter is guilty of a misdemeanor.
- B. Any violation of this chapter 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.

ARTICLE SIX: SIGNS

SECTION 6.380 PURPOSE, INTENT, AND DEFINITION

Subd. 1. Purpose and Intent

The purpose of these regulations is to facilitate effective communications between citizens and their physical environment while protecting and enhancing the community's physical appearance; striving to prevent potentially harmful impacts to traffic and pedestrian safety, property values, business opportunities, and community appearance in a manner that recognizes the rights of property owners.

Appropriately, it is the intention of these regulations to control the location, number, size, placement, and other features of signs in the City of Eagle Lake in order to:

- A. Promote and protect the public health, safety, comfort, and convenience;
- B. Enhance the economy of Eagle Lake by assisting the reasonable, orderly, and effective promotion of Eagle Lakes' businesses to identify, inform, and communicate effectively;

- C. Promote signs that are compatible with their surroundings, appropriate to the type of activity that displays them, and modest in size and height, thereby creating an attractive visual environment in the Eagle Lake community; and
- D. Balance the community's objectives and regulatory requirements with the reasonable advertising and wayfinding needs of businesses.

Subd. 2. Definitions.

For purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. Address Sign. A sign communicating the street address and/or the name of the occupant of a property.
- B. Automobile Service Station. Any building or premises primarily used for dispensing of gasoline or diesel fuel.
- C. Balloon. A flexible, nonporous, bag inflated with either air or helium that causes it to rise and float in the atmosphere.
- D. Banners and *Pennants* means attention-getting devices which resemble flags. A temporary sign made of cloth, plastic, or vinyl materials.
- E. Bench Sign. A sign which is attached to a bench at a designated mass transit loading and unloading area.
- F. 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.
- G. Directional Sign. A sign with directional arrows or information on the location of a business or other use for the purpose of guiding vehicular and pedestrian traffic.
- H. Earth Tone Colors. Beige, tan, brown, gray, forest green, and burgundy. Black shrouding will be considered an earth tone color for monument signs.
- I. Electronic Message Sign. A sign whose message may be changed at intervals by electronic process or remote control and whose only movement is the periodic changing of information having a constant light level.
- J. Elevated Highway. A State or Federal Highway which is elevated by the use of fill or bridging at least five feet above the grade of adjacent properties.
- K. Facade. The face of a building from the lowest exposed point to the roof.
- L. Flashing Sign. Any illuminated sign that has artificial light or color which is not maintained at a constant light level intensity or color when such sign is in use.

- M. Franchise Architecture. Any franchise color schemes or other designs, symbols, or features intended to attract the attention of the viewing public and reinforce the corporate or distinct image of a given business.
- N. Ground/Pylon Sign. A freestanding sign, including the structure needed to support such sign.
- O. Joint Identification Sign. A sign which serves as common or collective identification for a group of businesses or uses operating on the same zoning lot (e.g., shopping center, office, complex, etc.). Such sign may name the individual businesses or uses in the development.
- P. Illuminated Sign. Any sign that is lighted by an exterior or interior artificial light source.
- Q. Lineal Frontage. That street frontage of a zoning lot designated by the street address for the main building.
- R. Lot, Through. A lot having front and rear lot lines abutting a public street. Alleys are not considered a public street for the purpose of this section.
- S. Low Profile Sign. Monument signs that are eight feet or less in height.
- T. Marquee, Awning and Canopy Signs. Any message or identification which is affixed to or part of a marquee, awning or canopy.
- U. Menu Sign. A sign incorporated into a drive-thru facility where products or services are offered directly to the occupant of the vehicle. A menu sign identifies only the products or services available at the drive-thru facility.
- V. Metal Shroud. A piece of metal which is used to conceal and screen the support structure of a monument sign.
- W. Monument Sign. A freestanding sign in which the entire base of the sign structure is in contact with the ground, providing a solid and continuous background for the sign face that is the same width as the sign from the ground to the top of the sign. The base of the sign shall be constructed of a permanent material such as concrete block or stone.
- X. Monument Sign Area. The advertising area of a monument sign.
- Y. Multi-Business Center. A structure which contains one or more businesses.
- Z. Nonconforming Sign. A sign which lawfully existed at the time of the adoption of this section and does not conform to the requirements thereof.
- AA. Off-premises Sign. A sign advertising a business, commodity, service, or entertainment conducted, sold, or offered elsewhere other than upon the zoning lot where the sign is maintained.
- AB. On-premises Sign. A sign which advertises the business, commodity, service, or entertainment offered upon the same zoning lot on which the sign is located.

- AC. Parapet. A low, protective wall or railing along the edge of a roof, balcony or similar structure.
- AD. Permanent Sign. Any sign which is not temporary. Banners shall not be considered to be a permanent sign.
- AE. Portable Sign. A sign designed to be moveable from one location to another or not permanently attached to the ground or to any permanent structure.
- AF. Projecting Sign. A sign, other than a wall sign, which projects from and is supported by a building.
- AG. Public Alley. Any public right-of-way whose primary function is to furnish vehicular access to the side or rear of properties having their main frontage along a street.
- AH. Reader Board Sign. A sign intended to display a message through the use of manually changed letters, that is permanently attached to a ground/pylon sign or affixed to a wall of the principal building. All other such signs shall be deemed as temporary signs.
- AI. Real Estate Sign. A sign advertising the sale, rental, or development of the premises upon which it stands, or directing attention to the opening or location of a new residential development.
- AJ. Redevelopment Construction of a new building on a zoning lot and/or a 50% expansion of an existing building floor area.
- AK. Roof Line. In structures with a flat roof, the top line of the coping or parapet; in structures with pitched roofs, the intersection of the outside wall with the roof.
- AL. Roof Sign. A sign affixed upon the roof of a building and located above the roof line.
- AM. Rotating Sign. Any sign which revolves, rotates or has any moving parts.
- AN. Searchlight. An apparatus containing a light source and a reflector for projecting a bright beam of approximately parallel rays of light.
- AO. Shared Internal Access. A driving aisle or lane that provides access to a public street for two or more businesses. The access should be dedicated in a plat or via an access easement.
- AP. Sign Setback. The required minimum horizontal distance between any part of a sign and the related front, side, or rear property lines.
- AR. Sign. Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person or persons when the same is displayed or placed out of doors in view of the general public, or inside of a building within three feet of a transparent window.
- AS. For the purpose of enforcing this ordinance, the maximum allowed sign area shall include any portion of a building or accessory structure that displays franchise color

schemes or other designs, symbols, or features intended to attract the attention of the viewing public and reinforce the corporate or distinct image of a given business.

AT. Sign Height. The vertical distance measured from the average elevation of the finished ground grade within 10 feet of the sign to the highest point of said sign.

AU. Skyline Logo. A type of roof sign consisting of a three-dimensional symbol, figure, or graphic located upon a building rooftop which may not contain any text or commercial advertising or display. An electronic or "dynamic" sign shall not be considered an eligible skyline logo.

AV. Temporary Sign. Any sign, balloon, banner, blimp, flag, free standing sign, pennant, poster, reader board or advertising display which is intended to be displayed for a limited period of time. Signs other than temporary signs shall be considered permanent signs.

AW. Wall Area. The face of a building from the lowest exposed point to the roof.

AX. Wall Sign. A sign affixed to the exterior wall of a building.

Subd. 3. Permit Generally.

A. Except as provided in subd.4, no sign or sign structure shall be erected, constructed, altered, rebuilt or relocated until a permit has first been issued by the city.

B. The following information for a sign permit shall be supplied by an applicant if requested by the city:

1. Name, address and telephone number of person making application.
2. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
3. Plans, location, specifications, materials, method of construction and attachment to the buildings or placement method in the ground.
4. Copy stress sheets and calculations.
5. Written consent of the owner or lessee of any site on which the sign is to be erected.
6. Any electrical permit is required and issued for the sign.
7. Such other information as the city shall require showing full compliance with this chapter and all other laws and ordinances of the city. Information may include such items as color and material samples.

8. Receipt of sign permit fee.
9. The planning director or coordinator, upon the filing of any application for a permit, shall examine such plans, specifications and other data. If the proposed sign complies with this article and other applicable ordinances, the city shall issue a sign permit unless city council approval is required. If city council approval is required, the matter shall be promptly referred to the council for action.

Subd.4. Signs Allowed Without Permit

The following signs are allowed without a permit:

- A. Political campaign signs. Temporary political campaign signs are permitted according to the following:
 1. The sign must contain the name of the person responsible for such sign, and that person shall be responsible for its removal.
 2. The maximum size of all signs shall be eight square feet.
 3. All signs shall be located at least five (5) feet from the property lines.
 4. Signs are not permitted in the public right-of-way, or within the sight triangle.
 5. Shall comply with the Fair Campaign Practices Act contained in M.S. § 211B.045.
 6. The city shall have the right to remove and destroy signs not conforming to this subsection.
 7. Such signs may be erected 60 days prior to the election until three days following the election.
 8. No such sign shall be located within 100 feet of any polling site.
 9. Signs shall be located on private property with the permission of the property owner.
- B. Address signs for one-or two-family dwellings identifying the occupant or street address, provided that such signs are less than one square foot in area.
- C. Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are no more than eight square feet in area and six feet in height. For a zoning lot, a maximum of one such sign shall be permitted at each access/egress point of a development.
- D. Public signs, street signs, warning signs, railroad crossing signs, or signs of public service companies for the purpose of promoting safety.

- E. Signs denoting the architect, engineer, or contractor working upon a work site and real estate signs pertaining to the sale, development or rental of the property. Such signs shall be removed within 10 days after completion of construction or the sale, lease or development of 80% of the property. No more than three such signs shall be allowed at one time. Each sign shall not exceed the following size limitations:

Project Area	Residential	Commercial/Industrial
Under one acre	8 sq. ft.	32 sq. ft.
1.01 to 10 acres	64 sq. ft.	64 sq. ft.
10.1 to 25 acres	150 sq. ft.	150 sq. ft.
25.1 plus acres	300 sq. ft.	500 sq. ft.

- F. Signs or posters attached or painted on the inside of a display window including illuminated signs, but not flashing signs. These signs shall be placed so as not to obstruct or interfere with any window, doorway, or fire escape. Such signs shall not exceed 50% of the window area or 32 square feet. Such signs shall be prohibited in residential districts.
- G. Emergency signs as required by any governmental agency.
- H. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or noncombustible material.
- I. Home occupation signs, non-illuminated, attached to the wall of a dwelling, and not exceeding one square foot in area.
- J. Signs denoting employment opportunities within a said property. Such signs shall not exceed 32 square feet.
- K. Bench signs at designated mass transit loading and unloading areas. The total area of such signs shall not exceed 32 square feet.
- L. Signs which denote the location of an office, delivery, or service area within a business, provided such signs are not greater than eight square feet.
- M. Signs which display a noncommercial message for a local festival, or an activity sponsored by a non-profit group. Such signs may be displayed no more than two weeks per calendar year.
- N. Temporary garage and estate sale signs shall conform to the following:
1. One such sign not exceeding eight square feet shall be allowed.
 2. All signs shall be located on private property where the sale is conducted setback five feet from all property lines and out of the sight triangle.
 3. Such signs may be erected for periods not exceeding three days and all signs shall be removed at the end of the sale. Not more than four such periods shall be allowed in any 12-month period.

Subd.5. Prohibited Signs.

The following signs are prohibited by this section:

- A. Signs that resemble any official marker erected by a government agency by reason of position, shape or color, which 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 governmental entities.
- C. Signs attached to rocks, trees, fences, or utility poles. Signs on fences denoting safety hazards will be allowed.
- D. Signs with rotating beam or flashing illumination.
- E. Signs advertising by letters, words or figures painted upon any sidewalk within the City.
- F. Advertising signs painted on any exterior building surface.
- G. Rotating signs.
- H. Signs painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved for a period of 48 hours or more. At all times, vehicles containing advertising and/or signage shall not be parked along the property frontage.
- I. Roof signs, except that a business sign may be placed on the roof, fascia or marquee of a building provided it does not extend above the highest elevation of the building, excluding chimneys, and provided:
 - 1. Roof signs shall be thoroughly secured and anchored to the frames of the building over which they are constructed and erected.
 - 2. No portion of roof signs shall extend beyond the periphery of the roof.
- J. Use of vehicles and/or trailers designed for and/or utilized exclusively for the purpose of mobile advertising upon public streets or other right-of-way.

Subd.6. General Location Restrictions

- A. No sign or sign structure shall be closer than ten feet to any lot line. Signs shall not be located in the sight distance triangle of any private driveway or access. Signs shall not be located in any sight distance triangle of a public intersection.
- B. Signs on nonresidential property which are immediately adjacent to residential uses or districts shall be positioned so that the copy is not visible along adjoining side and rear yard property lines.
- C. No sign, other than governmental signs, shall be erected or placed upon any public street, right-of-way, or project over public property unless approved by the city and contingent

upon an approved encroachment agreement. Temporary signs may not be erected or placed in a public easement unless approved by the city. No sign shall be placed within any drainage or utility easement without an approved encroachment agreement.

- D. Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning", unless the sign is intended to direct traffic on the premises.
- E. No signs, guys, stays or attachments shall be erected, placed, or maintained on rocks, fences or trees, nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- F. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- G. Window signs shall not cover more than 50 percent of the total window area in which they are located. The area of a window sign shall be interpreted as the total window area for that face of the building. In no case shall the total window sign area exceed the permitted wall sign area defined in this chapter for said district. Buildings with less than 32 square feet of window area are exempt from this provision. Signage visible through windows shall not blink, flash, scroll or have any but constant illumination, when illuminated, nor be excessively bright.

Subd. 7. General Requirements.

A. Construction Standards.

1. All signs shall be constructed and maintained in a manner where they will be safe to the general public. A sign shall be repainted whenever its paint begins to fade, chip or discolor and defective parts shall be replaced promptly.
2. On-premises signs shall be removed from a zoning lot by the owner of such property within 30 days after termination of the use for which the sign was used.
3. If the Zoning Administrator shall find that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this section, the Zoning Administrator shall give written notice to the property owner thereof. If the property owner fails to comply with the standards of this section within 30 days after such notice, if no appeal is taken pursuant to the provisions of Section 6.050 Subdivision 1-4, or if no owner, occupant, or agent can be found, such sign may be removed or altered by the City. The cost of such City action shall be specially assessed against the subject property.
4. All permanent signs shall be constructed to meet Uniform Building Code standards for wind resistance, dead loads, wind loads and other applicable sections of the

Uniform Building Code. Signs shall be rigidly suspended by means of fastening or support so as not to be free swinging nor a menace to persons or property. All applications for newly erected ground/pylon signs shall include a detailed footing plan which shall be approved and signed by a Registered Professional Engineer under the laws of the State of Minnesota. Before any pylon sign is erected, a footing inspection must be conducted by a City Building Inspector or the Zoning Administrator. Inspections must be scheduled at least four hours prior to the inspection.

5. All parts of a ground/pylon sign shall be located at least five feet from any property line and shall not be located in the sight triangle, which is defined by Section 6.390, Subd 5 of the City Code.
6. Projecting signs and any support mechanism of the sign shall not project more than 72 inches out from the face of the building.
7. All electrical wiring of signs shall comply with the provisions of the National Electric Code and other applicable sections of the State Building Code.
8. No sign shall be erected as to obstruct access/egress to or from fire escapes, windows, doors or exits and fire lanes.
9. The sign area is the net geometric area that encloses the display surface of the sign. Only one face of a multi-faced sign shall be considered in determining the display surface area.
10. No pylon sign or ground sign shall be erected in such a manner that projects or will project over any building.
11. Monument signs shall be constructed with the entire bottom of the sign structure in contact with the ground. The bottom two feet of such signs shall either be Kasota Stone, precast concrete, brick, or landscaping masonry blocks that are earth tone colors unless otherwise provided for. A solid continuous background area should be provided from the ground to the top of the sign via a combination of either Kasota Stone, precast concrete, brick, stone, landscaping blocks, or metal shroud which matches the appearance and color of the principal building.
12. Signage must comply with the Urban Design Framework Manual.

B. Auto Service Stations/Repair.

1. Auto service stations shall conform to the following and all sign areas shall be applied to the maximum allowable sign area.
2. Auto service stations shall be allowed a maximum of four signs.

3. Signs on gas pump island canopies shall be included as one of the four total allowable signs. The area of signs and franchise architecture on canopies shall not exceed 10% of the canopy face.
4. Signage on each gas pump island shall be limited to six square feet. Such signs will not be applied toward one of the four total allowable signs.
6. Sign groupings above service bays shall be counted as one of the four total allowable signs.

C. Drive-Thru Facilities.

1. Establishments may have one canopy sign at the location of drive-thru facilities and automatic teller machines (ATM). The area of the sign shall not be counted towards the maximum allowable signage.
2. One menu sign may be permitted per drive-thru service facility including banks, photography drop-offs, restaurants, or pharmacies. The sign may be free standing or attached to the building. The sign shall be located in such a way that the operator of a motor vehicle can read the menu sign from the vehicle and have a two-way communication with the service attendant. Menu signs shall be at least five feet from the property line, shall have only one face, shall not exceed 50 square feet in sign area, and shall not exceed eight feet in height. The area of such signs shall not be counted towards the maximum allowable signage.

D. Search Lights.

1. Revolving beacons and search lights may be permitted for special events in industrial and commercial properties. They shall be permitted no more than six days of a calendar year and shall be directed away from residential areas and public streets. A temporary sign permit (no fee) is required from the Zoning Administrator.

E. Temporary Signs. Temporary use of portable or moveable signs shall be allowed in excess of and in addition to the sign limitations of this section.

1. General Provisions.

- a. A permit is required prior to the placement or installation of temporary signage.
- b. A permit shall be obtained from the Zoning Administrator for each location and time period for placement of such signs. A fee may be established by Council resolution. A permit shall be valid for a period of eight (8) consecutive days and signage shall be removed upon expiration of the permit.
- c. All requests for temporary signage shall be applied for by the property owner/manager.

- d. No business shall be allowed more than eight (8) such periods in any 12-month period. Multi-tenant business centers may have eight (8) such periods in any 12-month period per business which has an exclusive exterior entrance. Businesses within multi-tenant centers may transfer unused permits to other businesses on the same subject property.
- e. Such signs shall be limited to 32 square feet in area.
- f. Such signs shall only be permitted in B-1 zoning districts.
- g. Temporary ground signs shall be set back a minimum of five feet from property lines. Temporary signs shall not encroach into the required sight triangle as defined by Chapter 3, Section 3.010.
- h. Temporary signs shall be located on the property which the advertising pertains to.
- i. All temporary signs must be maintained and not frayed, torn or tattered.
- j. Temporary signage shall adhere to the regulations set forth in Section 6.240, Subdivision 5.

F. Franchise Architecture.

- 1. Ten percent of the front building facade and 5% of side and rear sides of the building facades may contain contrasting colors, excluding signage. Contrasting colors shall be the colors not defined as earth tones colors. Earth tone colors include brown, gray, tan, beige, forest green, and burgundy.
- 2. Franchise architecture must be distributed uniformly on the building and be architecturally harmonious with the building design.

Subd. 8. Administration and Enforcement.

- A. This section shall be enforced pertinent to Section 6.050 of the Eagle Lake City Code.
- B. The Zoning Administrator may grant administrative variances from the monument sign requirements for uses in existence on the effective date of this ordinance if a valid hardship is constituted by Section 6.080 of the Eagle Lake City Code. The Zoning Administrator's decision may be appealed to the City Council.

Subd.9. Legal Action

If the city planning director or an administrative officer finds that any sign regulated by this division is prohibited as to size, location, content, type, number, height or method of construction; or erected without a permit first being granted to the installer of the sign to the owner of the property upon which the sign has been erected or is improperly maintained, or is in violation of any other provision of this chapter, he shall give written notice of such violation

to the owner or permittee thereof. If the permittee or owner fails to remove or alter the sign so as to comply with the provisions set forth in this chapter within ten calendar days following receipt of said notice:

- A. Such permittee or owner may be prosecuted for violating this chapter and if convicted shall be guilty of a misdemeanor. Each day a violation exists shall constitute a separate offense.

Subd. 10. Nonconforming Signs.

- A. Any sign legally existing on the effective date of this section which does not conform to the requirements set forth in this section shall be considered a nonconforming sign.

Nonconforming signs shall comply with the following requirements:

1. Normal maintenance of signs shall be allowed including the repair, replacement, and repainting of a sign face, lettering, or other sign materials, so long as the location, configuration, and sign area of the sign remain the same. Existing signs painted directly on an exterior building as an off-premise advertising sign, deemed by the Council as having historical or cultural value, may be restored to its original condition in repainting.
3. Nonconforming ground/pylon signs or pylon sign structures may continue to be used for signage until the business operating the principal use of the property changes and sign changes are proposed or redevelopment of the property occurs, unless otherwise provided for in the B-1 zoning district.

Subd. 11. Landscaping Requirements.

- A. The ground area around the base or the base of the sign of the monument and ground/pylon signs shall be landscaped with shrubs and ground cover equal to the area of the 50% of sign face. The landscaping shall consist of shrubs and ground covers that can withstand the environment.

SECTION 6.390 DISTRICT PERMITTED ON-PREMISES SIGNS.

A. RT, Residential Transition Districts.

1. One nameplate or professional identification of not more than one square foot in size identifying the owner or occupant.

B. R-1, R-2, R-3, and R-4 Dwelling Districts.

1. One nameplate or professional identification sign or not more than one square foot in size in identifying the owner or occupant.
2. Religious uses, fraternal or civic uses, public institutions, nonresidential, or residential development uses identification signs not exceeding 32 square feet in area.

Such identification signs may be wall or ground mounted or combination thereof. A monument sign shall not exceed eight feet in height. There may be a second sign if the use abuts two or more public streets.

3. A landscaping area shall be provided around the base of the sign in accordance with Subdivision 9 of this section.

C. B-1, Community Business District:

The maximum total signage area of all signs and franchise architecture should not exceed more than two times the front lineal frontage of the lot.

1. Monument Signs.

- a. Monument signs greater than eight feet in height shall be constructed with the entire bottom of the sign structure in contact with the ground. The bottom two feet of such signs shall be Kasota Stone, precast concrete, brick, or landscaping masonry blocks that are earth tone colors. A solid continuous background area should be provided from the ground to the top of the sign with either a combination of Kasota Stone, precast concrete, brick, stone, landscaping blocks, or metal shroud which matches the appearance and color of the principal building.
- b. Monument sign height may be 10% of the front lineal frontage of a lot with not less than 10 feet required or more than 15 feet permitted.
- c. No more than one monument sign shall be permitted per zoning lot.
- d. The square foot area of such signs shall not exceed the front lineal frontage of the zoning lot.
- e. The sign face shall occupy at least 50% of the monument sign.
- f. A landscaping area shall be provided around the base of the sign in accordance with Subdivision 9 of this section.
- g. Signs should exhibit a sense of continuity through the use of a uniform color of the metal surrounding. Monument signs should be required to be constructed of materials of either the same as the principal structure or appear the same. The use of Kasota Stone or matching precast concrete is encouraged within the composition of the sign and implementing such materials will reduce the landscaping requirements of Subdivision 9 of this section by 50%.
- h. Monument signs shall be set back a minimum of five feet from property lines.
- i. Multi-tenant business centers will be allowed to have one joint identification monument sign.

- j. Ground signs in existence on the effective date of the ordinance that are greater than eight feet in height shall conform to the following upon the occurrence of a change in the business operating the principal use and sign changes are proposed:
 - (1) The support of the sign shall provide a continuous background of at least $\frac{1}{3}$ of the sign width, accomplished by a metal shroud or another approved means.
 - (2) The base of the signs must consist of a raised planting bed or planter made of brick, stone, landscaping masonry blocks.
 - (3) The sign shall conform to the height standards of this district. Upon the redevelopment of any property, the ground sign shall conform with monument sign requirements of this section.
- k. Wall signs.
 - (1) Total wall signage on any wall of any building shall not exceed 10% of the respective wall area.
 - (2) Wall signs may be located on each wall of a building. Signs facing residential zoning districts shall be non-illuminated.
 - (3) Wall signs shall not project above the roof level.
 - (4) Wall signs shall not project in excess of 12 inches with the exception of canopies or awnings that do not overhang the public right-of-way.

D. L-1 Light Industrial, and H-1 Heavy Industrial Districts.

The maximum total signage area of all signs and franchise architecture should not exceed more than two times the front lineal frontage of the lot.

A. Monument Signs.

- 1. Monument signs greater than eight feet in height shall be constructed with the entire bottom of the sign structure in contact with the ground. The bottom two feet of such signs shall be Kasota Stone, precast concrete, brick, or landscaping masonry blocks that are earth tone colors. A solid continuous background area should be provided from the ground to the top of the sign with a combination of either Kasota Stone, precast concrete, brick, stone, landscaping blocks, or metal shroud which matches the appearance and color of the principal building.
- 2. Monument signs may not exceed more than 15 feet.
- 3. No more than one monument sign shall be permitted per zoning lot.

4. The square foot area of such signs shall not exceed the front lineal frontage of the zoning lot.
5. The sign face shall occupy at least 50% of the monument sign area.
6. A landscaping area shall be provided around the base of the sign in accordance with Subdivision 9 of this section.
7. Signs should exhibit a sense of continuity through the use of a uniform color of the metal surround. Monument signs should be required to be constructed of materials of either the same as the principal structure or appear the same. The use of Kasota Stone or matching precast concrete is encouraged within the composition of the sign and implementing such materials will reduce the landscaping requirements of Subdivision 9 of this section by 50%.
8. Monument signs shall be set back a minimum of five feet from property lines.
9. Multi-tenant business centers will be allowed to have one joint identification monument sign.

B. Wall signs.

1. Total wall signage on any wall of any building shall not exceed 10% of the respective wall area.
2. Wall signs may be located on each wall of a building. Signs facing residential zoning districts shall be non-illuminated.
3. Wall signs shall not project above the roof level.
4. Wall signs shall not project in excess of 12 inches with the exception of canopies or awnings that do not overhang the public right-of-way.

SECTION 6.400 OFF-PREMISES SIGNS (OUTDOOR ADVERTISING).

- A. Off-premises signs shall be permitted in the L-1, Light Industrial and H-1, Heavy Industrial zoning district located along designated state and federal highways provided that the standards in Letter C of this section are met.
- B. Existing off-premise signs located within the L-1 Light Industrial, and H-1, Heavy Industrial zoning districts may be moved or reconstructed pursuant to a conditional use permit and provided that the new sign would be located along the same right-of-way, is located within the continuous zoning district as the existing sign and complies with Subpart C of this section.
- C. Off-premise signage shall meet the following standards:

1. Shall be located on a platted lot and considered to be the principal use of the property.
 2. Shall be allowed only in areas adjacent to a state or federal highway.
 3. Shall not be allowed within 1,000 feet of the middle of intersecting rights-of-way of principal arterials and 300 feet from the middle of other intersecting roadways.
 4. Shall not exceed 700 square feet in total area. Maximum allowable signage shall be computed on the basis of one side of any double-faced sign.
 5. Shall not exceed 30 feet in height. Sign height shall be measured from ground grade elevation to the highest point of said sign. Signs abutting an elevated highway may exceed the maximum height requirement provided that the top of the sign shall not exceed 15 feet above the grade elevation of such elevated four lane highway directly adjacent to such property on which the sign is positioned.
 6. Shall not be within 200 feet of a residential zoning district, park, playground, school, or building used for religious purposes.
 7. Signs on the same side of the highway shall have a minimum separation of 1,500 lineal feet. This may be reduced to 1,000 feet if an existing nonconforming off-premise sign located within the City is removed.
 8. Shall be set back from all street right-of-way lines a minimum of 20 feet, except as provided in number 9 below.
 9. When a sign is to be located along a designated highway, where such sign is not adjacent to a front property line, there shall be a minimum setback of five feet.
 10. The area around a ground/pylon-mounted off-premise sign shall be appropriately landscaped in accordance with Section 10 of this ordinance.
 11. All ground/pylon support structures shall be monopole design and shall meet appropriate building codes pertaining to the general provisions of this section. The exposed upright or superstructure shall be painted a neutral color.
 12. Lighting for such signs shall comply with Section 6.240 Subd. 6 of the Eagle Lake City Code.
 13. Off-premises signs located on a roof shall not be permitted.
- D. Off-Premise Signs for Neighboring Businesses. Off-premise ground signs for businesses that are adjacent to one another may be permissible with the following conditions:

1. The sign height of a ground sign may be 125% of the maximum sign height for the zoning district.
2. The sign area for the signs may be the cumulative area of the allowable signage for all businesses.
3. The design and setbacks of such signs must conform with the other provisions of the ordinance.
4. The sign will count as the ground sign for each property.

ARTICLE SEVEN: WETLANDS

SECTION 6.410. PURPOSE

For the purpose of 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.

(Code amended 01-08-2024)