

This section has been affected by a recently passed ordinance, 89 - TEMPORARY FAMILY HEALTH CARE DWELLINGS. [Go to new ordinance.](#)

Chapter 11 LAND USE REGULATIONS (ZONING)

11.01: PURPOSE:

These zoning provisions are adopted for the purpose of: a) protecting the public health, safety, morals, comfort, convenience and general welfare; b) dividing the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land; c) promoting orderly development of the residential, business, industrial, recreational and public areas; d) providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of buildings in relation to surrounding properties; e) limiting congestion in the public rights of way; f) providing for the compatibility of different land uses and the most appropriate use of land throughout the city; g) providing for the administration of this chapter and amendments thereto; h) defining the powers and duties of the administrative officers and bodies as provided hereinafter; and i) prescribing penalties for the violation of the provisions of this chapter thereto. (Ord. 34, 2nd Series, eff. 3-15-1979)

11.02: DEFINITIONS:

Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purpose of this chapter, shall have the meanings and inclusions subjoined to them:

ACCESSORY USE: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

ADMINISTRATOR: The person appointed as zoning administrator by the council, as provided by this chapter.

ADULT USES: Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas", which are capable of being seen by members of the public. Activities classified as "obscene", as defined by Minnesota Statutes Annotated section 617.241, are not included.

ADULT USES - PRINCIPAL: The offering of goods and/or services which are classified as adult uses as a primary or major activity of a business or establishment and include, but are not limited to, the following:

Adult Use - Body Painting Studio: An establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas".

Adult Use - Bookstore: A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape or motion picture film, if such building or portion of a building is not open to the public generally but only to one or more classes of the public, excluding 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".

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".

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".

Adult Use - Conversation/Rap Parlor: A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Adult Use - Health/Sport Club: A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

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 matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult Use - Massage Parlor, Health Club: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Adult Use - Mini-Motion Picture Theater: A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Use - Modeling Studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" which being observed, painted, sketched, drawn, sculptured, photographed or otherwise depicted by such

customers.

Adult Use - Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated, or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Use - Motion Picture Theater: A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material, if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Use - Novelty Business: A business which has as a principal activity the sale of devices which stimulate human genitals, or devices which are designed for sexual stimulation.

Adult Use - Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heated bathing room used for the purpose of bathing, relaxation or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Adult Use - Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heated bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age, or if the service provided by the steam room/bathhouse facilities is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

AGRICULTURAL, RURAL: A. "Agricultural, Rural": An area in excess of ten (10) contiguous acres which is used for the production of farm crops, such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising thereon of farm poultry, domestic pets and domestic farm animals. The term "farming" includes the operating of such area for one or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the farming activity; and provided, further, that farming does not include commercial pen feeding (feedlots) or the commercial feeding of garbage to swine or other animals.

B. "Conditional Agricultural, Rural": An area five (5) to ten (10) contiguous acres which is used for the production of farm crops, such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for raising thereon of farm poultry, domestic pets and domestic farm animals under a conditional use permit. The term "farming" is defined in this section.

AGRICULTURAL, URBAN: An area less than ten (10) contiguous acres, which is used for the purpose of growing produce, including crops, fruit trees, shrubs, plants and flowers, vegetables and the like, provided such produce is intended solely for the use of residents on the property or sale away from the property. It may include the raising of domestic pets. It shall not include a roadside stand for sale of products processing or packaging operations, or similar uses.

AIRPORT OR HELIPORT: Any land or structure, which is used or intended for use, for the landing and takeoff of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights of way.

ALLEY: A public right of way which affords secondary means of access to abutting property.

ANIMALS: A. Domestic Pets: Fish, dogs, cats, birds and similar animals.

B. Domestic Farm Animals: Cattle, hogs, horses, bees, sheep, goats, chickens and other commonly known farm animals.

APARTMENT: A room or suite of rooms with cooking facilities available, which is occupied as a residence by a single family, and including buildings with three (3) or more dwelling units.

AUTO OR MOTOR VEHICLE REDUCTION YARD: A lot or yard where one or more licensed motor vehicles, or the remains thereof, are kept for more than seven (7) days for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

AUTOMOBILE REPAIR, MAJOR: The general repairable building or reconditioning of engines, motor vehicles or trailers, including bodywork, framework, welding and major painting service.

AUTOMOBILE REPAIR, MINOR: The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstery service when said service above stated is applied to passenger automobiles and trucks not in excess of seven thousand (7,000) pounds gross vehicle weight.

BASEMENT: A portion of a building located partly underground and having one-half ($1/2$) or less of its floor to ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST: An owner-occupied residence where, for compensation, lodging and certain meals are provided to overnight guests.

BEST MANAGEMENT PRACTICES (BMPs): Erosion and sediment control and water quality best management practices that are the most effective and practical means of controlling, preventing and minimizing degradation of surface water including avoidance of impacts, construction phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area wide planning agencies. Best management practices referenced in this chapter are from the "Minnesota Storm Water Manual", version 1.1, and as amended from time to time, published by the Minnesota pollution control agency.

BLUFF: A topographic feature such as a hill, cliff or embankment, having all the following characteristics: a) part or all of the feature is in a shoreland area; b) the slope rises at least twenty five feet (25') above the ordinary high water level of the water body; c) the grade of the slope from the toe of the bluff to a point twenty five feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater; and d) the slope drains toward the water body.

BLUFF IMPACT ZONE: A bluff and land located within thirty feet (30') from the top of the bluff.

BOARDING HOUSE: A building, other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed eight (8) persons.

BUFFER STRIP: Land area used to visibly separate one use from another, or to shield or block structures, noise, lights or other potential nuisances.

BUILDING: Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel. When said structure is divided by party walls, without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING HEIGHT: The vertical distance from: a) the average elevation of the adjoining ground level; or b) the established grade adjacent to the building, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the highest gable on a pitched or hip roof.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

CARPORT: An automobile shelter having one or more sides open.

CELLAR: That portion of a building having more than one-half ($1/2$) of the floor to ceiling height below the average grade of the adjoining ground.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

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

COMMERCIAL FEEDLOT: An area where fifteen (15) or more animals per acre are fed solely for purpose of wholesale or retail sale.

COMMERCIAL KENNEL: Any premises where three (3) or more dogs, at any one time, over six (6) months of age, are owned, boarded, bred or offered for sale.

COMMERCIAL RECREATION: Bowling alley, cart track, jump center, golf, pool hall, vehicle racing for amusement, dance hall, skating, tavern, theater, firearms range and similar uses.

COMMISSION: The planning commission of the city.

COMPREHENSIVE PLAN: Unless otherwise stated, the general plan for land use, transportation and community facilities prepared and maintained by the planning commission.

CONDITIONAL USE: The occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning use district, which for their respective conduct, exercise or performance in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications or regulations in such use districts for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the city, and therefor may be permitted in such use district only by a conditional use permit.

CONDITIONAL USE PERMIT: A permit specially and individually granted by the council after review and recommendation by the commission for any conditional use so permitted in any use district.

CONSTRUCTION OFFICE: The principal place of business used by a company or individual engaged in building or road construction, including on site fabrication of components, on site storage and maintenance of equipment.

CURB LEVEL: The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this chapter.

DAYCARE FACILITY: Any facility, public or private, which for gain regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to, family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, development achievement centers, day treatment centers, adult daycare centers and day services.

DECK: A horizontal, unenclosed platform with or without attached railing, seats, trellises or other features, attached or functionally related to a principal use or site.

DETENTION FACILITY: A permanent natural or manmade structure, including wetlands, for the temporary storage of runoff which contains a permanent or semipermanent pool of water.

DEWATERING: Removal of water for construction activities.

DWELLING: A building, or one or more portions thereof, occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes or boarding houses, nor trailers, tents, cabins or trailer coaches. A "dwelling" shall be interpreted to include lodging rooms.

DWELLING, ATTACHED: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED: A dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE: A building having accommodations for and occupied exclusively by more than two (2) families.

DWELLING, TOWNHOUSE: A single-family building having one or more walls in common with another single-family building, oriented so as to have all

exits directly to the out of doors.

ESSENTIAL SERVICES: Underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

FAMILY: An individual, or two (2) or more persons each related by blood, marriage or adoption living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household.

FENCE: Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

FINAL STABILIZATION: All soil disturbing activity is completed and exposed soils have been stabilized with a vegetative cover with a density of seventy percent (70%) over the entire site.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements and attached accessory buildings, excepting that area primarily devoted to window display, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off street parking or loading space.

FLOOR AREA RATIO: The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located.

FORESTRY: The management, including growing or harvesting of a forest, woodland or plantation, including the construction, alteration or maintenance of woods, roads and landings, and related research and educational activities.

FRONT YARD: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line to a depth required in the yard regulations for the district in which such lot is located.

GARAGE, PRIVATE: A detached accessory building, or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of ten thousand (10,000) pounds gross vehicle weight.

GARAGE, PUBLIC: A building, or portion of a building, except any herein defined as "private garage", or as a "repair garage", used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire in which any sale of gasoline, oil and accessories is only incidental to the principal use.

GARAGE, REPAIR: A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

GENERAL FLOOR PLANS: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

HOBBY: An activity or interest pursued outside of one's regular work primarily for pleasure.

HOME OCCUPATION: The accessory use of a home for a business or commercial enterprise, engaged in by the person residing in that unit. The use must be incidental and secondary to the principal residential use of the dwelling unit and must not change the residential character of the dwelling unit or adversely affect the character of the surrounding neighborhood. "Home occupation" does not refer to a hobby.

HOTEL: A building having provision for nine (9) or more guests in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guestroom, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

HOUSE/BUILDING NUMBERS: A set of a minimum height of four inch (4") numbers or letters that are visible from across the street or avenue that specifies the street address of that house or building.

HYDRIC OR HYDROPHILIC SOILS: Soils which have an affinity for water or swell and are not easily coagulated, such as colloids.

HYDROPHYTIC VEGETATION: Vegetation which has an affinity to thrive under saturated or nearly saturated conditions.

INTENSIVE VEGETATION CLEARING: The substantial removal of more than twenty five percent (25%) of trees or shrubs in a contiguous patch, strip, row or block within one hundred feet (100') of the ordinary high water mark of the Mississippi River.

JUNKYARD: An area where used, wasted, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and used building materials. Storage of such material in conjunction with permitted manufacturing process when within an enclosed area or building shall not be included. Such use shall not include organic waste or material.

LAND DISTURBING ACTIVITY: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the city of Little Falls' jurisdiction including construction, clearing, grubbing, grading, excavating, transporting and filling of land.

LANDINGS: A flat area of a stairway, and does not include boat landings.

LANDSCAPING: Plantings, such as trees, grass and shrubs.

LIFTS: A mechanical conveyance for access up and down a slope, and does not mean boat lift.

LOT: A parcel of land occupied or used or intended for occupancy or used by a use permitted in this chapter, abutting on a public street, and of sufficient size to provide the yards required by this chapter.

LOT AREA: The area of lot in a horizontal plane bounded by the lot lines.

LOT CORNER: A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty five degrees (135°).

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The property line bounding a lot, except that where any portion of a lot extends into the public right of way or a proposed public right of way, the line of such public right of way shall be the lot line for applying this chapter.

LOT LINE, FRONT: That boundary of a lot which abuts an existing or dedicated public street and, in case of a corner lot, it shall be the shortest dimension on a public street, except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets.

LOT LINE, REAR: The boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD: A parcel of real property in separate ownership as shown by the real estate records of the Morrison County recorder as of January 1, 1981.

LOT, THROUGH: A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this chapter.

LOT WIDTH: The horizontal distance between the side lot lines of a lot measured parallel to the front lines of the lot at the front building setback line.

MPCA: Minnesota pollution control agency.

MANUFACTURING, HEAVY: All manufacture, pounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to, the following: sawmill, papermills, boat manufacturing, refineries, commercial feedlots, acid, cement, explosives, flour, feed and grain milling or storage, meatpacking, slaughterhouses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of paris, tanneries, automobile parts, paper and paper products, glass, chemicals, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junkyard, auto reduction yard, foundry, machine shop, forge, casting of metal products, rock, stone and cement products, and including all uses permitted in the I-2 district.

MANUFACTURING, LIGHT: All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations or other objectionable influences that extend beyond the lot on which the use is located. Generally, these are industries dependent upon raw materials refined elsewhere. Such uses include, but are not limited to, the following: lumberyards, machine shops, products assembly, sheet metal shops, plastics, electronics, general vehicle repair, bodywork and painting, contractors' shops and storage yard, food and nonalcoholic beverages, signs and displays, printing, publishing, fabricated metal parts, appliances, clothing, textiles, and used auto parts.

MISSISSIPPI HEADWATERS CORRIDOR: Any property annexed to the city which, prior to the annexation, was subject to the Morrison County Mississippi headwaters ordinance.

MOBILE HOME: A manufactured home used for living purposes that is transportable in one or more sections, and is less than twenty four feet (24') in width, with or without a permanent foundation.

MOBILE HOME PARK (TRAILER PARK): Any premises on which are parked two (2) or more occupied mobile homes, or any premises used or held out for the purpose of supplying to the public a parking space for two (2) or more such trailers; does not include sales lots on which automobiles or unoccupied trailers, new or used, are parked for purposes of inspection or sale.

MOTOR COURT, MOTEL HOTEL OR MOTEL: A building or group of buildings, other than a hotel, used primarily as a temporary residence of a motorist.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is transferred and stored for movement in intrastate or interstate shipment by motor truck.

MOTOR FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sales of petroleum products, sales and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

MOTOR FUEL STATION CONVENIENCE STORE: A store operated in conjunction with a major motor fuel station or truck stop for the purpose of offering for sale goods not essential to the motoring public.

NPDES: National pollutant discharge elimination system.

NONCONFORMING STRUCTURE: Any structure which is existing upon the effective date hereof, which would not conform to the applicable zoning laws and restrictions if the structure were to be erected under the provisions of this chapter.

NONCONFORMING USE: The use of land, buildings or structures legally existing at the time of adoption of this chapter, which does not comply with all the regulations of this chapter, or any amendments hereto, governing the zoning district in which such use is located.

NOXIOUS MATTER OR MATERIALS: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well being of individuals.

NURSERY, DAY: A use where care is provided for pay for three (3) or more children under kindergarten age for periods of four (4) hours or more per day.

NURSERY, LANDSCAPE: A business growing and selling trees, flowering and decorative plants and shrubs, and which may be conducted within a building or without.

NURSING HOME: A private home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders. Such a home does not

contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities.

OPEN SALES LOT: Land devoted to the display of goods for sale, rent, lease or trade, where such goods are not enclosed within a building.

OPEN STORAGE: Storage of any material outside of a building.

OPEN USE: The use of a lot without a building, or including a building incidental to the open use with a ground floor area equal to five percent (5%) or less of the area of the lot.

ORDINARY HIGH WATER LEVEL/MARK: The highest level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water level is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

OUTDOOR BOILERS: A freestanding combustion unit located outside the home or structure to be heated that consists of a firebox surrounded by a reservoir.

PARKING SPACE: A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building of sufficient size to store one standard automobile.

PARTY WALL: A wall which divides two (2) independent structures.

PERFORMANCE STANDARD: The criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards; or glare or heat generated by or inherent in uses of land or buildings.

PERMANENT COVER: Final stabilization.

PERMITTED USE: A public or private use which, of itself, conforms with the purposes and objectives of a particular district which conforms with all requirements, regulations and performance standards (if any) of such districts.

PLANNED DEVELOPMENT: An urban development having two (2) or more principal uses of structures on a single lot and developed according to an approved plan.

PORTABLE STORAGE UNIT: A storage unit designed, constructed or reconstructed so as to be capable of movement via towing, hauling or attachment to a vehicle from one site to another and designed to be used without a permanent foundation. Portable storage units shall include semitrailers and similar units which have been modified to make them unable to be readily transported from one location to another. Storage buildings constructed on skids, properly licensed fish houses and other similar structures designed for common use as residential storage structures shall not be considered portable storage units for the purposes of this chapter.

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

PROPERTY LINE: The surveyed and legal boundaries of a parcel of property, which may also coincide with a right of way line of a road, cartway and the like.

PUBLIC HEARING: A meeting where data on a particular topic is heard, and said time, date, location of meeting and topic has been advertised in the official newspaper of the city prior to hearing.

PUBLIC LAND: Land owned or operated by municipal, school district, county, state or other governmental units.

PUBLICATION: Notice placed in the official city newspaper stating time, location and date of meeting and a description of the topic.

REAR YARD: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

RECREATION EQUIPMENT (In Residential Districts): Play apparatus, such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and recreational vehicles not exceeding twenty six feet (26') in length, picnic tables, lawn chairs, barbecue stands and similar equipment or structures, but not including tree houses, swimming pools, playhouses exceeding twenty five (25) square feet of floor area, or sheds utilized for storage of equipment.

RECREATIONAL VEHICLE: Any type of structure or vehicle which can be readily adapted to or does provide facilities for a person to eat or sleep, which is mounted on wheels or has provisions for wheels, such as a motor home, travel trailer, camper or converted vehicle.

RESIDENTIAL FACILITY: Any facility, public or private, which for gain regularly provides one or more persons with a twenty four (24) hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. "Residential facilities" include, but are not limited to, state institutions under the control of the commissioner of human services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults or schools for handicapped children.

RETAIL SHOPPING: Stores and shops selling the personal services or goods over a counter. These include antiques, art and school supplies, auto accessories, bakeries, barbershops, beauty shops, bicycles, books and stationery, candy, cameras and photographic supplies, carpets and rugs, catering establishments, china and glassware, Christmas tree sales, clothes pressing, clothing and costume rental, custom dressmaking, department stores and junior department stores, drugs, dry goods, electrical and household appliances, sales and repair, florist, food, furniture, furrier shops, garden supplies (year round operation only), gifts, hardware, hats, hobby shops for retail of items to be assembled or used away from the premises, household appliances, hotel and apartment hotels, interior decorating, jewelry, including repair, laboratories, medical and dental research and testing, laundry and dry cleaning pick up, processing to be done elsewhere, laundromat, leather goods and luggage, locksmith shops, musical instruments, office supply equipment, optometrists, paint and wallpaper, phonograph records, photography studios, service station, restaurant (when no entertainment or dancing is provided), shoes, sporting goods, tailoring, theater (except open air drive-in), tobacco, toys, variety stores, wearing apparel and similar type uses.

RETENTION FACILITY: A permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent or semipermanent pool of water.

SEDIMENT CONTROL: Methods employed to prevent sediment from leaving the site.

SETBACK: The minimum horizontal distance between a building and street or property line. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground point.

SETBACK PUMP: The distance from the street right of way line to the centerline of the motor fuel station pump island measured as perpendicular distance from the right of way.

SHELTER, FALLOUT OR BLAST: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, blasts, air raids, storms or other emergencies.

SIDE YARD: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

SIGN, NAMEPLATE: Any sign which states the name or address, or both, of the business or occupation of the lot where the sign is placed, or may be a directory listing the names, address and business of occupants.

SIGNIFICANT CULTURAL SITE: Any archaeological or historic site, standing structure or any other property that: a) is listed on the national register of historic places; b) is listed in the state register of historic sites; c) is determined to meet the qualifications for listing on the national register of historic places or the state register of historic sites after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society; or d) is determined by the city council to be a significant local heritage preservation landmark.

SPECIAL USE PERMIT: A permit issued by the city of Little Falls with such limitations or conditions as are appropriate to achieve the purposes of this chapter, as adopted by the city council by resolution, or after a public hearing is held.

SPECIFIED ANATOMICAL AREAS: A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; and

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

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

B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

C. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or

D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or

F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STAIRWAYS: Any structure providing access up and down a slope.

STEEP SLOPE: Land where agricultural activity or development is not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports. Where specific information is not available, "steep slopes" are lands having average slopes over twelve percent (12%) or more, and that are not bluffs.

STORMWATER: Defined under Minnesota rules 7077.0105, subparagraph 41(b), and includes precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.

STORMWATER MANAGEMENT PLAN: The plan that a designer formulates to manage urban stormwater runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the site development grading plan; peak rates of runoff, flow duration, runoff volumes for various return frequencies; locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations, and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It is usually submitted to regulatory officials for their review for adoption.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

STREET: A public right of way not less than fifty feet (50') in width which affords a primary means of access of abutting property, and shall also include avenue, highway or road, excepting existing public rights of way of lesser width.

STREET SIDE GROUND FLOOR DWELLING UNITS: A dwelling unit contained within a larger building structure which is designed or used for purposes of permanent or temporary residency and located within the general business district B-2 whereby any part of the exterior wall of the dwelling unit is adjacent to any street, avenue or alley.

STRUCTURE: Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground. This shall include signs whose highest point is more than seven feet (7') above the adjacent ground surface.

SURFACE WATER OR WATERS: All streams, lakes, rivers, ponds, marshes, wetlands, reservoirs, springs, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.

TRUCK STOP: A motor fuel station devoted principally to the needs of tractor trailer units and trucks, and which shall include eating and/or sleeping facilities.

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

VEGETATIVE BUFFER: A strip of well rooted, natural, chemically untreated vegetation, the width of which is set forth in this chapter, consisting of a mixture of grasses, shrubs and trees, immediately adjacent to the ordinary high water level.

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

WAREHOUSING: The storage of materials or equipment within an enclosed building as a principal use.

WETLANDS: Lands in transition between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow water. "Wetlands" are characterized by hydric soils, saturated or inundated with surface water, have a frequency or duration of hydrophytic vegetation, or support a prevalence of such vegetation under normal circumstances. Wetlands may be counted toward green space in a planned unit development.

WHOLESALE: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

YARD: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

ZONING DISTRICT: An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use are uniform. (Ord. 801, eff. 6-3-1974; amd. Ord. 34, 2nd Series, eff. 3-15-1979; Ord. 132, 2nd Series, eff. 10-29-1984; Ord. 48, 3rd Series, eff. 4-18-1988; Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 61, 3rd Series, eff. 12-5-1988; Ord. 52, 4th Series, eff. 2-13-1995; Ord. 125, 4th Series, eff. 9-14-1998; Ord. 126, 4th Series, eff. 5-17-1999; Ord. 141, 4th Series, eff. 7-12-1999; Ord. 22, 5th Series, eff. 11-6-2000; Ord. 38, 5th Series, eff. 12-3-2001; Ord. 123, 5th Series, eff. 7-10-2006; Ord. 22, 6th Series, eff. 4-5-2010; Ord. 49, 6th Series, eff. 9-16-2013; Ord. 56, 6th Series, eff. 5-5-2014; Ord. 69, 6th Series, eff. 1-5-2015; Ord. 71, 6th Series, eff. 2-2-2015; Ord. 79, 6th Series, eff. 1-1-2016; Ord. 82, 6th Series, eff. 11-16-2015)

11.03: GENERAL PROVISIONS:

A. Application: In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall prevail. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose, nor in any manner, which is not in conformity with the provisions of this chapter.

B. Nonconforming Uses And Structures:

1. Any structure or use lawfully existing upon the effective date hereof may be continued at the size and in a manner of operation existing upon such date, except as hereinafter specified.
2. Nothing in this chapter shall prevent the placing of a structure in safe condition when such structure is declared unsafe by the building inspector. (Ord. 801, eff. 6-3-1974)
3. When any unlawful nonconforming structure, or use of any structure or land, in any district, is discontinued for a period of more than one year, or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this chapter.
4. When any nonconforming structure is destroyed by fire or other peril, such as collapse, explosion, public enemy, act of war or act of God to the extent of greater than fifty percent (50%) of its market value, is in need of replacement or substantial remodeling, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, in this case, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. (Ord. 124, 5th Series, eff. 7-17-2006)
5. Any lawful nonconforming use of land not involving a structure and any lawful nonconforming use involving a structure with an assessor's market valuation upon the effective date hereof of one thousand dollars (\$1,000.00), or less, may be continued for a period of thirty six (36) months after the effective date hereof, whereupon such nonconforming use shall cease. (Ord. 82, 6th Series, eff. 11-16-2015)
6. Any structure which will, under this chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date hereof, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date hereof, or amendment thereof, and continues to completion within one year. Such structure shall thereafter be a legally existing nonconforming structure. (Ord. 801, eff. 6-3-1974)
7. A lawful nonconforming use of a structure or parcel of land may be changed to a similar nonconforming use or to a less intense nonconforming use. (Ord. 124, 5th Series, eff. 7-17-2006)
8. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. (Ord. 801, eff. 6-3-1974)

9. As of the date of adoption hereof, onetime alterations and additions may be made to a building located on a nonconforming lot that contains lawful residential units when it will improve the livability thereof. A conditional use permit may be issued, provided the alterations/additions meet all of the following items, and the property owner applies for and is granted a conditional use permit:
 - a. No other owner has previously used the onetime addition. Nonconforming structures are only allowed one occasion to expand during the lifetime of the structure and not one occasion per owner.
 - b. Any alteration or addition must meet the setback requirements of the zoning district that the nonconforming lot is located in.
 - c. The nonimpervious surface percentage must be equal to or greater than the abutting property's nonimpervious surface percentage average after the completion of the addition. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.
 - d. The size of the addition is less than fifty percent (50%) of the principal structure, as measured in square feet of the outside dimensions of the principal structure.
 - e. Any alteration or addition cannot create new nonconformities or increase the parking requirements.
10. In addition to the onetime addition or alteration of the principal structure, an accessory structure may be added. A conditional use permit may be issued, provided the accessory structure meets the following items and the property owner(s) applies for and is granted a conditional use permit:
 - a. Any accessory structure must meet the setback requirements of the zoning district that the nonconforming lot is in.
 - b. The nonimpervious surface percentage must be equal to or greater than the abutting properties' nonimpervious surface percentage average, after the completion of the accessory structure. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.
 - c. The type of accessory structure must match the style, type and appearance of the principal structure located on the lot.
 - d. The enlargement or replacement does not create new nonconformities or increase in parking requirements. (Ord. 151, 5th Series, eff. 12-3-2007)

C. Lot Provisions:

1. A lot of record existing upon the effective date hereof in an R residential district, which does not meet the requirements of this chapter as to area or width, may be utilized for single-family detached dwelling purposes, provided the measurements of such area and width are within seventy percent (70%) of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter. (Ord. 801, eff. 6-3-1974)
2. Except in the case of planned unit developments as provided for herein, or in zoning district B-3 noncentral business district by conditional use permit, not more than one principal building shall be located on a zoning lot. (Ord. 117, 5th Series, eff. 2-13-2006)

D. Accessory Buildings:

1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
2. No accessory building shall exceed the height of the principal building. However, in no case shall such accessory building exceed eighteen feet (18') in height in any residential (R) district.
3. In all residential (R) districts no accessory building or buildings shall exceed one thousand four hundred (1,400) square feet of combined floor area, except by conditional use permit.
4. No detached garages or other accessory buildings shall be located other than within the principal or accessory setback within any residential (R) district.
5. All accessory buildings on through lots located in all residential (R) districts shall require a conditional use permit.
6. No cellar, basement, tent, recreational vehicle, mobile home or accessory building shall at any time be used as an occupied dwelling, except mobile homes located in an approved mobile home park.
7. Accessory buildings in the limited business district B-1, general business district B-2, noncentral business district B-3, industrial district I-1 (light) and industrial district I-2 (heavy), may be located any place to the rear of the principal building, subject to the building code and the fire zone regulations. Accessory buildings in the noncentral business district B-3 may be located beside or in front of the principal building by conditional use permit.
8. In all residential (R) districts accessory structures or buildings of a factory painted or vinyl coated corrugated metal siding and/or roofing are permitted, but shall include boxed eaves.

E. Required Yards And Open Space:

1. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
2. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirement for any other building.
3. The following shall not be considered to be encroachments on yard requirements:
 - a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet ($2\frac{1}{2}'$), and off street parking, except as hereinafter regulated.

- b. Yard lights and nameplate signs for one- and two-family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right of way or adjacent residential property, may be located to within five feet (5') of the front lot line. (Ord. 56, 6th Series, eff. 5-5-2014)
 - c. Terraces, steps, uncovered porches, decks, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and maintain a two foot (2') minimum side yard and fifteen foot (15') street or avenue setback.
 - d. In side or rear yards only, bays not to exceed a depth of two feet (2') nor contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three feet (3') and open off street parking. (Ord. 67, 6th Series, eff. 11-17-2014)
 - e. Rear yard only, balconies, accessory structures, except that no structure shall be closer than ten feet (10') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.
 - f. In side yards only, accessory structures, except that no accessory structure shall be closer than five feet (5') from any interior side lot line and on a corner lot in all residential (R) districts, shall not be closer than fifteen feet (15') from a side lot line adjacent to a street or avenue.
4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet (2¹/₂') and ten feet (10') above the centerline grades of the intersecting streets within twenty five feet (25') of the street intersecting right of way lines.
 5. In no event shall off street parking spaces, structures of any type, buildings or other features cover more than seventy five percent (75%) of the lot area resulting in less than twenty five percent (25%) landscaped area in residential districts.
 6. In rear yards, recreational and laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms and outdoor eating facilities provided these are not less than two feet (2') from any lot line.
 7. Height limitations shall not apply to barns, silos and other structures on farms, to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flagpoles, public facilities and public utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennas, and parapet walls extending not more than four feet (4') above the limiting height of the building, except as hereinafter provided. (Ord. 56, 6th Series, eff. 5-5-2014)
- F. Annexed Territory: No annexation petition shall be considered unless and until a hearing has been petitioned for placing the annexed territory in a zoning district or districts. In the event of an involuntary annexation, the council or the planning commission shall commence proceedings for placing the annexed territory in a zoning district or districts before the annexation becomes final, and call for a hearing thereon. In the event of an orderly annexation agreement, the council may zone the entire designated area subject to the orderly annexation after execution of said agreement and a zoning public hearing is held on the same. No building permits shall be issued in annexed territory until such hearing has been held and the territory assigned in a zoning district or districts. (Ord. 75, 5th Series, eff. 7-21-2003)
- G. Farming Operations: All farms currently in existence will be permitted to continue operation, subject to the following conditions:
1. Agriculture, excepting commercial animal farms, fur farms, kennels and poultry farms, but including truck gardening and other horticultural uses, is a permitted use in the district in which an existing operation is located; provided, that any new private stable or other new building in which farm animals are kept shall be a distance of sixty feet (60') or more from any other lot in an R district.
 2. Limited sales of products produced may be conducted on the premises from a roadside stand, but such stand shall not exceed twelve feet (12') in height or five hundred (500) square feet in floor area, and no portion of any such stand shall be located or erected nearer than forty feet (40') from any street line.
 3. The council may require any farm operation to secure a conditional use permit to continue said operation in the event the farming operations are so intensive as to constitute a feedlot or an industrial type use consisting of the compounding, processing and packaging of products for wholesale or retail trade; and further, that such operations may tend to become permanent industrial type operations that cannot be terminated as can a normal farming operation.
- H. Land Reclamation: Under this chapter, land reclamation is the reclaiming of land by depositing of material so as to elevate the grade. Land reclamation shall be permitted only by conditional use permit in all districts. Any lot or parcel upon which four hundred (400) cubic yards or more of fill is to be deposited shall be land reclamation. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land, and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of materials disburshed by wind or hauling of materials to or from the site.
- I. Mining: The extraction of sand, gravel or other material from the land in the amount of four hundred (400) cubic yards or more and removal thereof from the site without processing shall be mining. In all districts, the conduct of mining shall be permitted only upon issuance of a conditional use permit. Such permit shall include as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted and the route of trucks moving to and from the sites.
- J. Soil Processing: The processing of sand, gravel or other material mined from the land shall be permitted only by conditional use permit. Such conditional permit shall include a site plan where the processing is to be done, showing the route of trucks moving to and from the site in removing processed material from the site, the condition in which the site shall be left upon completion, and such permit shall not be granted for a period of longer than twelve (12) months.
- K. Vacated Streets: Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such processing. (Ord. 801, eff. 6-3-1974)

L. Dwelling Units Prohibited: No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building, shall at any time be used as a dwelling unit, except trailers located in an approved mobile home park. The basement portion of a finished home or apartment building may be used for normal eating and sleeping purposes, provided it is properly dampproofed, has suitable fire protection and exits, and is otherwise approved by the building inspector.

A recreational vehicle shall not be considered a dwelling unit if it is located on a property that contains a primary dwelling (or where a dwelling is under active construction) for fourteen (14) days or less and is road ready and currently licensed. This time frame may be extended up to one hundred eighty (180) days between April 1 and October 31 upon approval by the zoning administrator after a written request by the property owner has been made. (Ord. 86, 6th Series, eff. 6-6-2016)

M. Relocated Structures: Before any house or other structure is moved onto a vacant lot, the zoning administrator shall report to the council whether the structure will be compatible with other development in the area. If the council concurs with the decision of the zoning administrator that a structure would depreciate the area into which it is to be moved, it may withhold issuance of a permit for such relocation. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved and photos of the lot on which the structure is to be located, together with adjacent lots and structures. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for eighteen (18) months or less. (Ord. 801, eff. 6-3-1974)

N. Planned Unit Developments: Planned developments shall include all developments having two (2) or more principal uses or structures on a single parcel of land and may include townhouses, apartment projects involving more than one building, residential subdivision submitted under "density zoning" provisions, multiuse structures such as an apartment building with retail at ground floor level, all development located within the planned unit development district (PUD district) and similar projects. Such developments may be excluded from certain requirements of this chapter, provided the development meets the requirements of subsection [11.07D](#) of this chapter.

1. A complete detailed plan is submitted to the zoning administrator showing the location of all proposed structures, driveways, landscaping, parking, screening, sidewalks, access drives, land uses and such other information as may be requested. It is the intent of this subsection to provide a means to allow design flexibility by substantial variances from the provisions of this chapter, including uses, setbacks, height and similar regulations, but not including parking requirements, off street loading, necessary screening and the like. Variances may be granted for planned unit developments (PUDs) provided:

- a. Certain regulations contained in this chapter do not realistically apply to the proposed development due to the unique nature of the proposed development.
 - b. The variances, if granted, would be fully consistent with the general intent and purpose of this chapter.
 - c. The planned unit development (PUD) would produce urban development and an urban environment of equal or superior quality to that which would result from strict adherence to the provisions of this chapter.
 - d. The variances will not constitute a threat to the property values, safety, health or general welfare of the owners or occupants of adjacent or nearby land nor be detrimental to the health, safety, morals or general welfare of the people. The proposed development is of such a unique nature as to require consideration under conditions of a planned unit development (PUD). It shall be determined that the variances are required for reasonable and practicable physical development according to a plan and are not required solely on the basis of financial consideration.
2. The council, upon review and recommendations of the planning commission, shall find that the proposed development is fully consistent with the purposes of this chapter and in conformity to the comprehensive plan.
3. A special use permit is granted. (Ord. 116, 3rd Series, eff. 3-23-1992)

O. Townhouses: Townhouses are attached dwelling units each with a separate entrance to front and rear yards. Townhouses may be permitted in any R-3 district; provided, that each dwelling unit has at least three thousand six hundred (3,600) square feet of lot area; and provided, that the following minimum specifications are met:

1. Front yard setback of thirty feet (30');
2. Rear yard setback of thirty feet (30');
3. Interior side yard setback of zero feet (0');
4. Corner side yard setback of fifteen feet (15');
5. Exterior side yard setback of five feet (5');
6. Floor area per unit of eight hundred sixteen (816) square feet; and
7. Lot width of twenty four feet (24'). (Ord. 72, 2nd Series, eff. 1-24-1983)

P. Single-Family Homes: Single-family homes may be excluded from lot area and setback requirements, provided a special use permit is issued under terms of the "planned development" provisions of this chapter. Density zoning shall be interpreted to mean the permission of lower density (lot area) standards under conditions whereby the number of dwelling units permitted is not greater than permitted by the application of the regular provision of the district, but with all land excluded from the lot area requirements added onto public open space (park, playground, school site, walkway or other approved open green space). (Ord. 801, eff. 6-3-1974)

Q. Fences: Fences shall be permitted in all yards, subject to the following:

1. Fences in residential districts must comply with the height and setback requirements as listed below:

FENCE HEIGHT IN RESIDENTIAL DISTRICTS

Location	Maximum Height (As Measured From 6" Above The Adjacent Ground Level)	Distance From Lot Line
Front yard	4' (perpendicular to street) 4' (parallel to street)	2', unless fence can be maintained entirely from 1 side, then 0'
Interior or street side yard	6'	2', unless fence can be maintained entirely from 1 side, then 0'
Rear yard (nonshoreland)	6', unless the rear yard is common with the front yard of an abutting lot, then 4'	2', unless fence can be maintained entirely from 1 side, then 0'. If the property abuts an alley, then 8'
Shoreland	6' (perpendicular to shore) 4' (parallel to shore) Not allowed (in floodplain)	No setback required to riverbank, except that fences shall not all be allowed within a floodplain, unless they are farm fences which do not obstruct debris or water
Buildable area	8'	Not applicable
Any property line adjoining a business or industrial zoned property	6', unless otherwise allowed by conditional use permit	2', unless fence can be maintained entirely from 1 side, then 0'

2. Fences in business and industrial districts must comply with the height and setback requirements as listed below:

FENCE HEIGHT IN BUSINESS AND INDUSTRIAL DISTRICTS

Location	Maximum Height (As Measured From 6" Above The Adjacent Ground Level)	Distance From Lot Line
Any lot line	6', unless otherwise allowed by conditional use	2', unless fence can be maintained entirely from 1 side, then 0'

3. Fences shall require a permit approved by the zoning administrator regardless of where on a property they are located, except that temporary fencing not exceeding six feet (6') in height may be installed to secure the perimeter of a construction site, provided that any such fencing is removed upon completion of the construction project. Such fencing shall not be limited to the approved fencing materials noted below.
4. Approved fencing materials include stone, brick, finished wood, rigid plastic, chainlink, split rail fences or other materials commonly used for fencing. Other materials may only be approved by conditional use permit, except that the following types of fences are prohibited unless specifically allowed otherwise: barbed wire, electrical fencing, razor wire, creosote lumber, chicken wire (unless used for the enclosure of gardens), concrete block or poured concrete, plastic webbing, plywood or pressed wood. Notwithstanding the above prohibitions, commercially available snow fencing may be allowed between November 1 and March 15 of each calendar year.
5. No fence may be erected on either street side of a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic, subject to the provisions of subsection E4 of this section.
6. No fence shall be erected where it will impede, in the opinion of the city engineer or their designee, the flow of water across or through a drainageway, drainage easement, wetland or a required stormwater management facility (i.e., water quality/detention pond, rain garden, etc.).
7. Notwithstanding height limitations elsewhere in this subsection Q, fences enclosing or adjacent to sport courts or fields, in any zoning district, may be up to twelve feet (12') in height with a minimum ten foot (10') setback from any property line. Such fences shall not exceed twenty five percent (25%) opacity.
8. Prior to issuance of a fence permit, a certificate of survey may be required by the zoning administrator for all fences, except for hedges and plantings, or walls to be constructed on a property line or when the fence is not clearly entirely on the subject property. This requirement for a certificate of survey may be waived if: a) stakes from a previously completed survey are in place and marked and the property line can be reasonably determined from those stakes; or b) if a signed, written statement from the neighboring property owner is submitted indicating that they do not dispute the location of the fence.
9. That side of the fence considered to be the face, the side not attached to the primary structural supports, shall face the abutting property or street right of way.
10. Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
11. No barbed wire shall be used for fencing, except that it may be used on security fences on business or industrial zoned properties which are at least six feet (6') high, exclusive of the barbed wire or in the maintenance of existing barbed wire fences presently used in farming operations. All other barbed wire fences shall be removed before April 1, 1982.
12. Fence height shall be determined by the body of the fence, starting no greater than six inches (6") above the natural grade. Fence posts may extend a maximum of twelve inches (12") above the body of the fence. (Ord. 67, 6th Series, eff. 11-17-2014)

- R. Bulk Storage (Liquid): All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a special use permit in order that the council may have assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. All existing aboveground liquid storage tanks having a capacity in excess of two hundred (200) gallons shall secure a special use permit within twelve (12) months following enactment of this chapter; the governing body may require the development of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred fifteen percent (115%) of the tank capacity. Any existing storage tank that, in the opinion of the council, constitutes a hazard to the public safety, shall discontinue operations within five (5) years following enactment of this chapter.
- S. Zoning And Comprehensive Plan: Any change in zoning granted by the council shall automatically amend the comprehensive plan in accordance with said zoning change.
- T. Apartments: In recommending the granting of special use permits for structures containing three (3) or more dwelling units, the council shall find that the proposed development plan is in substantial compliance with the apartment policy statements on file with the planning commission as approved. (Ord. 801, eff. 6-3-1974)
- U. (Rep. by Ord. 47B, 2nd Series, eff. 4-7-1980)
- V. Residential Structures: Unless located in a mobile home park, all residential dwelling structures used for living purposes shall be at least twenty four feet (24') in width and at least thirty feet (30') long, and placed on a permanent foundation. (Ord. 132, 2nd Series, eff. 10-29-1984)
- W. Building Numbers: One principal building on each property shall display numbers on the street or avenue side of the building according to their address and shall be readable from the street or avenue by emergency vehicles. Numbers shall be a minimum of four inches (4") in height. (Ord. 22, 5th Series, eff. 11-6-2000)

11.04: ADMINISTRATION AND ENFORCEMENT:

- A. Administrator: Zoning provisions of this chapter shall be administered and enforced by the zoning administrator, who shall be appointed by the council, and may have other municipal duties. His duties, among others, shall be to:
1. Determine that all building permits comply with the terms of this chapter.
 2. Conduct inspections of buildings and use of land to determine compliance with the terms of this chapter.
 3. Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments and special uses, variances, appeals and applications therefor.
 4. Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
 5. Serve as an ex officio nonvoting member of the planning commission.
- B. Appeals:
1. The planning commission is constituted the board of zoning appeals and shall determine, in harmony with the general purpose of this chapter and the comprehensive guide plan, by resolution, all appeals from any order, requirement, permit or decision made by the zoning administrator under this chapter, and from any interpretation of the text of this chapter, or any determination by the zoning administrator as to the location of the boundary of a zoning district as shown on the zoning map.
 2. At any time within ninety (90) days after the decision of the zoning administrator under the provisions of this chapter, except in connection with prosecutions for violations thereof, the applicant or other person or officers of the city affected thereby may appeal to the planning commission by filing a written notice stating the grounds appealed from and stating the specific grounds upon which the appeal is made.
 3. The planning commission, as the board of appeals, may conduct such hearings as it may deem advisable and shall prescribe what notice, if any, shall be given of such hearing.
 4. The council may review and revise any decision of the board of zoning appeals. In reviewing such decisions, the council shall set a date for hearing thereon, not earlier than seven (7) days after nor more than thirty (30) days after the decision is made by the board of zoning appeals.
 5. Notice of the hearing before the council shall be mailed to all appellants. In all cases involving determination of district boundary lines, or interpretation of district boundary lines, or interpretation of the text of this chapter, ten (10) days' published notice of hearing in the official newspaper shall be given. (Ord. 801, eff. 6-3-1974)
- C. Variances:
1. Times Lines For Requests: The time lines for variance requests shall be governed by Minnesota statutes 15.99, as amended.

2. Processing: The processing of variances shall be governed by Minnesota statutes 462.357, as amended.
3. Erection Or Alteration Of Building: The erection or alteration of a building pursuant to a granted variance shall be completed within six (6) months of the date the variance was granted, unless a building permit has been issued and the construction actually has begun within the six (6) month period, and is thereafter diligently pursued. Failure to comply will leave the variance subject to revocation as set forth herein.
4. Revocation: A variance may be revoked, suspended, or amended by following the requirements and procedures in subsection H of this section.

D. Conditional Uses:

1. Purpose: In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the comprehensive guide plan, in certain districts conditional uses are permitted, subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required.
2. Application, Referral To Planning Commission, Planning Commission Recommendation And Council Action: Except as otherwise noted in this subsection, the application and presentation requirements for conditional permits shall be the same as those for variances as provided in subsection C of this section.
3. Revocation: A conditional use permit may be revoked, suspended, or amended by following the requirements and procedures in subsection H of this section.
4. Use Of Permit: If the conditional use authorized by said conditional use permit has not been completed, or the use granted has been discontinued for a continuous one year period after grant of the permit, then the conditional use permit shall be subject to revocation, suspension, or amendment as set forth in subsection H of this section. (Ord. 59, 6th Series, eff. 7-21-2014)

E. Amendments:

1. Amended According To City Charter: This chapter may be amended according to the provisions of the city charter.
2. Initiation: Proceedings for amendment of this chapter shall be initiated by: a) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; b) a recommendation of the planning commission; or c) by action of the council.
3. Application: All applications for amendment which are initiated by the petition of the owners of property shall be filed in the office of the zoning administrator and shall be accompanied by six (6) copies of a set of plans and graphics containing the following information and folded, where necessary, to the size of eight and one-half inches by eleven inches (8¹/₂" x 11"):
 - a. A generalized location map showing the location of the proposed site in relation to the city.
 - b. A scaled plot plan, with north indicated, of the proposed site showing all site dimensions.
 - c. All types of proposed uses.
 - d. Location of all buildings and structures on and within three hundred feet (300') of the proposed site.
 - e. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
 - f. Any plans for the modification of standards set by this chapter or any other provisions of this code.
 - g. Location and size of all required parking spaces.
 - h. Landscaping plan, including location, size and type of all proposed planting materials.
 - i. General floor plans of all proposed buildings and structures.
 - j. Indication of location, size and type of storage facilities for the storage of trash and waste materials.
 - k. Design layout and size of all proposed signs.
 - l. Drainage plan of the proposed site and location and size of existing and proposed utilities.
4. Action By Planning Commission: Within sixty (60) days after the date or receipt of the petition by the zoning administrator, the planning commission shall make a written report to the council stating its findings and recommendations, unless the applicant, in writing, requests an extension of time.
5. Action By Council: On receipt of the written report from the planning commission, the council shall hold a hearing within thirty (30) days after the receipt of the report and recommendations from the planning commission. If the planning commission fails to make a report within sixty (60) days after receipt of the application, then the council shall hold a public hearing within thirty (30) days after the expiration of said sixty (60) day period, unless the applicant, in writing, requests an extension of time. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceedings or actions of the council. The council shall give not less than ten (10) days' nor more than thirty (30) days' notice of time and place of such hearing published in the designated legal newspaper, and such notice shall contain a description of the land and the proposed change in zoning. At least ten (10) days before the hearing, the council shall order the zoning administrator to mail an identical notice to the owner and to each of the property owners within three hundred feet (300') of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings. At the time of hearing, the council may take final action upon the application or it may continue the hearing from time to time for further investigation and hearing. The council may also request further information and report from the planning commission.
6. Referral To Planning Commission: The council shall not rezone any land or area in any zoning district or make any other proposed amendment to this chapter without having first referred it to the planning commission for their consideration and recommendation.

7. Effect Of Denial: Rezoning applications may be denied by motion of the council and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest for the physical development of the city. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission. (Ord. 801, eff. 6-3-1974)

F. Fees: The fees for each application shall be adopted by resolution of the council, which may be amended from time to time. Fees shall be payable at the time applications are filed with the zoning administrator and are not refundable unless application is withdrawn prior to referral to the planning commission. There shall be no fee in the case of application filed in the public interest by the council or by the planning commission. (Ord. 132, 2nd Series, eff. 10-29-1984)

G. Conditional Use Permits And Variances Recorded: A certified copy of every conditional use permit and variance granted shall be recorded with the county recorder.

H. Revocation, Suspension Or Amendment Of Previously Approved Variances And Conditional Use Permits:

1. Jurisdiction: Upon obtaining information that indicates a basis for revocation, suspension or amendment, the zoning administrator or his/her designee may initiate proceedings for revocation, suspension, or amendment if a warning or other corrective action is deemed to be inappropriate or ineffective. If so, the matter shall be heard by the authority that originally granted the applicable variance or permit. A decision on whether to revoke, suspend or amend a permit that was originally issued by the zoning administrator shall be made by the zoning administrator. All other revocations, suspensions or amendments shall be submitted for hearing as indicated herein.
2. Hearing: The issuing authority shall establish a time, date and location for a hearing for revocation, suspension, or amendment, at the request of the zoning administrator or the administrator's designee. The administrator or designee shall serve notice of the date of the hearing to the permit or variance holder no less than ten (10) days prior to the date of the hearing using the same process as is required for civil actions at law. Other interested parties may be notified by first class mail or other appropriate means. At the hearing, the issuing entity will take such evidence as it deems appropriate. In all cases, the holder shall be entitled to present such evidence as that party deems appropriate either personally or through an attorney. Should the holder fail to appear in person or through counsel, the issuing entity shall still have the authority to take evidence and make a decision upon the request for revocation, suspension or amendment.
3. Findings At Hearing: Should the issuing authority find, by a preponderance of the evidence, that the holder has failed to comply with the conditions set forth on the variance or permit, the issuing party shall make that finding and state the reasons for its determination.
4. Remedies: Upon finding that the holder has failed to comply with the conditions set forth in the variance, conditional use permit or other permit, the issuing entity may then determine appropriate sanctions, if any, to impose. Sanctions may include, but not be limited to, revocation, suspension or amendment to the previously imposed conditions. A variance, conditional use permit or other permit may be suspended until such time as the holder comes into compliance with the terms of their original approval. The criteria for determining the appropriate sanctions shall include, but are not limited to, the length of time of the violation, the severity of the violation, and risk to the health, welfare, and safety of the neighboring residents and/or community as a whole. (Ord. 59, 6th Series, eff. 7-21-2014)

11.05: ZONING DISTRICTS AND MAP:

A. Districts: For the purpose of this chapter, the city is hereby divided into the following use districts and groups of use districts:

1. Residential Districts:

R-1	One- and two-family residential district
R-1C	Country homes, one- and two-family residential district
R-2	One- and two-family residential district
R-3	Multiple-family residential district
R-4	Mobile homes residential district

(Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Business Districts:

B-1	Limited business district
B-2	General business district
B-3	Noncentral business district

(Ord. 801, eff. 6-3-1974; amd. Ord. 57, 3rd Series, eff. 6-12-1989)

3. Industrial Districts:

I-1	Industrial district (light)
I-2	Industrial district (heavy)

(Ord. 801, eff. 6-3-1974)

4. PUD District: Planned unit development district (PUD district). (Ord. 116, 3rd Series, eff. 3-23-1992)

5. R-1.M District: Mississippi headwaters corridor; one- and two-family residential district, R-1.M.

6. R-2.M District: Mississippi headwaters corridor; one- and two-family residential district, R-2.M.

7. R-3.M District: Mississippi headwaters corridor; multiple-family residential district, R-3.M.

8. PUD.M District: Mississippi headwaters corridor; planned unit development district, PUD.M. (Ord. 126, 4th Series, eff. 5-17-1999)

9. PUD-CH District: Planned unit development; country homes, PUD-CH. (Ord. 80, 5th Series, eff. 8-18-2003)

B. Map: The boundaries of the zoning districts are hereby established as shown on that certain map entitled "zoning districts of the city of Little Falls", dated May 1989, which map is properly approved and filed, hereinafter referred to as the "zoning map". Said map, and all of the notations, references and other information shown thereon, shall have the same force and effect as if fully set down herein and are hereby incorporated by reference and made a part of this chapter. All amendments to the zoning map are on file in the city office. (Ord. 57, 3rd Series, eff. 6-12-1989)

C. Boundaries: Where any uncertainty exists as to the exact location of a boundary line, as shown on said zoning map, the location of such line shall be determined by the council. District boundary lines as indicated on said map follow lot lines, the centerline of streets or alleys, the centerlines of streets or alleys projected, the center of watercourses or the corporate limit lines, all as they exist upon the effective date hereof. If district boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the zoning map. (Ord. 801, eff. 6-3-1974)

D. R-1 One- And Two-Family Residential District:

1. Permitted Uses Within Any R-1 One- And Two-Family Residential District: No structure or land shall be used, except for one or more of the following uses:

- a. One- and two-family dwellings.
- b. Rural and urban agriculture, market gardens, nurseries or greenhouses, including the sale of products raised on the premises; provided, that no products are exhibited for sale within fifteen feet (15') of any street right of way line.
- c. Public parks, playgrounds and other uses of a supporting nature to such parks and playgrounds.
- d. Essential services, buildings and structures.
- e. The renting of rooms or the furnishing of table board in a dwelling occupied as a private residence when in compliance with the building code and approved by permit from the zoning administrator.
- f. A residential facility serving six (6) or fewer persons and licensed by the state department of human services.
- g. A daycare facility servicing fourteen (14) or fewer persons and licensed, if necessary, by the state department of human services.
- h. A home occupation upon issuance of a home occupation permit. All home occupation permits must meet the following criteria:
 - (1) The home occupation shall be engaged in only by persons residing within the dwelling or building within which the home occupation is conducted;
 - (2) The home occupation shall be conducted within the principal residence, within a designated area, not comprising more than ten percent (10%), or one room, of the total floor area of the residence;
 - (3) There shall be no evidence of the home occupation, other than signs permitted under section [5.30](#) of this code, visible outside the structures;
 - (4) The home occupation shall not include over the counter, retail sales of merchandise produced off the property;
 - (5) No more than three (3) parking spaces shall be used by the persons conducting the home occupation and customers at any one time;
 - (6) The home occupation shall not generate additional motor vehicle or pedestrian traffic beyond normal residential use;
 - (7) No equipment or process shall be used in the home occupation which generates noise, vibration, glare, dust, fumes, odors, or creates visual or electrical interference with radio or television reception outside the home;
 - (8) No materials, supplies or stock in trade will be stored outside of the area designated for the home occupation;
 - (9) The occupation shall not involve materials or mechanical equipment which are not part of normal residential use;
 - (10) The home occupation shall not involve commercial delivery service other than parcel service and U.S. mail;

- (11) The home occupation shall not involve the use of explosives or highly combustible materials or the storage of hazardous materials;
- (12) Home occupation permits are not transferable;
- (13) No home occupation shall be operated from an accessory structure or garage, except by conditional use;
- (14) Home occupation permits are subject to review for compliance with this chapter. Should a violation occur, the permit is subject to revocation. (Ord. 801, eff. 6-3-1974; amd. Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 125, 4th Series, eff. 9-14-1998; Ord. 82, 6th Series, eff. 11-16-2015)
2. Conditional Uses In Any R-1 One- And Two-Family Residential District: No structure or land shall be used for the following uses, except by conditional use permit:
- a. Public and private schools.
- b. Churches, parish houses and other structures located on the same site which are integral parts of the church proper.
- c. Buildings used exclusively for government purposes, whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted.
- d. Home occupations by conditional use permit;
- (1) A home occupation which does not meet the criteria in subsection D1h of this section may be conducted following the issuance of a conditional use permit for a home occupation.
- (2) In reviewing an application for a conditional use permit for a home occupation, the city shall consider the impact of the proposed home occupation on the character of the neighborhood, and shall impose such conditions as shall limit or eliminate such impact. In reviewing the impact of the proposed home occupation, the city shall consider such issues as the amount of space devoted to the occupation, the number of individuals participating in the occupation, the noise, glare and/or odor produced by the occupation, the street and/or pedestrian traffic generated by the occupation, and any other factors which impact on the residential character of the neighborhood. In the event that the city determines that the adverse impact cannot be limited or eliminated, the city shall deny the conditional use permit.
- (3) Conditional use permits for home occupations are not transferable and are subject to revocation in the event that the permit holder conducts the home occupation contrary to the conditions placed on it in the conditional use permit.
- e. Hospitals, nursing homes, homes for the aged (including assisted living, memory care or similar), and medical clinics; provided, that no building shall be located within fifty feet (50') of any property line.
- f. Multiple dwellings; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home, or a medical clinic.
- g. Professional offices and offices or services of a general nature, including, but not limited to, doctors, dentists, lawyers, architects, engineers, accountants, insurance, real estate, government and nonprofit organizations, but not including operations involving more than ancillary retail sales related to the primary use, wholesale, or warehousing; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home or a medical clinic.
- h. Conditional agricultural, rural.
- i. Golf course and country club, including buildings for clubhouses, pro shop, vehicle storage, equipment storage or repair shall be permitted on parcels of forty (40) acres or more.
- j. Bed and breakfasts are allowed by conditional use permit in an R-1 zoning district as regulated in this section, subject to the following conditions:
- (1) Parking must meet the requirements of section [11.07](#) of this chapter.
- (2) All guestrooms must be contained in the principal building.
- (3) Dining facilities are not open to the public but limited to residents, employees and registered guests.
- (4) The facility must be licensed by Morrison County public health and/or the Minnesota department of health.
- (5) Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks).
- (6) The facility must be inspected by the state fire marshal and the city building inspector every three (3) years at the time of license renewal by the Minnesota department of health.
- (7) The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use except for signage as allowed in [chapter 5](#) of this code.
- (8) The conditional use permit shall be transferable with the property pursuant to subsection [11.04D](#) of this chapter.
- k. Bed and breakfasts with additional food service are allowed by conditional use permit in an R-1 zoning district as regulated in this section, subject to the following conditions:
- (1) Parking must meet the requirements of section [11.07](#) of this chapter.
- (2) All guestrooms must be contained in the principal building.
- (3) Dining facilities are not open to the public but limited to residents, employees and registered guests or dining guests by appointment only.
- (4) Hours for dining by appointment will be limited to eight o'clock (8:00) A.M. to four o'clock (4:00) P.M.
- (5) Dining will be limited to ten (10) persons or less.

- (6) The facility must be licensed by Morrison County public health and/or the Minnesota department of health.
 - (7) Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks).
 - (8) The facility must be inspected by the state fire marshal and the city building inspector every three (3) years at the time of license renewal by the Minnesota department of health.
 - (9) The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use.
 - (10) The conditional use permit shall be transferable with the property pursuant to subsection [11.04D](#) of this chapter.
- I. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 48, 3rd Series, eff. 4-18-1988; amd. Ord. 103, 3rd Series, eff. 3-11-1991; Ord. 125, 4th Series, eff. 9-14-1998; Ord. 49, 6th Series, eff. 9-16-2013; Ord. 80, 6th Series, eff. 11-2-2015; Ord. 82, 6th Series, eff. 11-16-2015; Ord. 86, 6th Series, eff. 6-6-2016)
3. Permitted Accessory Uses In Any R-1 One- And Two-Family Residential District: No accessory structure or use of land shall be permitted, except for one or more of the following:
- a. Private garages and parking spaces.
 - b. Signs as regulated in [chapter 5](#) of this code.
 - c. Private swimming pool, tennis court or other recreational activity intended for the private use of the occupants of the dwellings located on the same site as the recreational use.
 - d. Buildings temporarily located for the purpose of construction on the premises for a period not to exceed the time necessary for completion of said construction.
 - e. Any other use customarily considered to be accessory to the foregoing permitted uses. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002)
4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:
- a. No structure or building shall exceed three (3) stories or forty feet (40') in height, except as provided for in this chapter.
 - b. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Size		Lot Width		Front Yard	Rear Yard	Side Yard	
Interior	Corner	Interior	Corner			Interior	Corner
11,000 square feet	12,000 square feet	80 feet	80 feet	30 feet	35 feet	10 feet	15 feet

Minimum floor area for single-family dwelling: One thousand (1,000) square feet.

Minimum floor area for two-family dwelling: One thousand six hundred (1,600) square feet.

- c. All habitable dwellings shall have a minimum width and length of twenty four feet (24') and a permanent foundation meeting latest edition of the Minnesota state building code. (Ord. 78, 2nd Series, eff. 1-24-1983)

E. R-1C Country Homes, One- And Two-Family Residential District:

- 1. Permitted Uses: Any use permitted in the R-1 one- and two-family residential district.
- 2. Conditional Uses: Any use permitted as a conditional use in the R-1 one- and two-family residential district.
- 3. Permitted Accessory Uses: Any accessory use permitted in the R-1 one- and two-family residential district.
- 4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:
 - a. No structure or building shall exceed three (3) stories or forty feet (40') in height, except as provided for in this chapter.
 - b. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard Interior
16,000 square feet	100 feet	20 feet	10 feet	15 feet

c. Minimum floor area for single-family dwelling:

- (1) One-story, single-family dwelling: One thousand (1,000) square feet.

- (2) One-story, two-family dwelling: One thousand six hundred (1,600) square feet.
- (3) Split level or two-story dwellings: Eight hundred sixty four (864) square feet per level.
- d. All habitable buildings shall have a minimum width and length of twenty four feet (24') and permanent foundations meeting the latest edition of the Minnesota state building code at the time of construction.
- e. Notwithstanding the foregoing, a lot shall be considered conforming, provided:
 - (1) The lot is at least twelve thousand (12,000) square feet in area; and
 - (2) The lot was a recorded lot of record in separate ownership on or before September 1, 2003, or with its incorporation into the city; and
 - (3) The lot was in compliance with applicable zoning ordinances at the time of its creation; and
 - (4) Any new structures will meet applicable setbacks. (Ord. 80, 5th Series, eff. 8-18-2003)

F. R-2 One- And Two-Family Residential District:

- 1. Permitted Uses:
 - a. Any use permitted in the R-1 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)
- 2. Conditional Uses:
 - a. Any use permitted as conditional in the R-1 district.
 - b. Multiple dwellings containing not more than four (4) dwelling units; provided, however, that the building to be used was in existence on the effective date hereof, and will provide a gross floor area of at least five hundred (500) square feet per dwelling unit and the city council finds that by reason of its size and design or lack of demand, it cannot be beneficially used for any of the purposes for which buildings may lawfully be used under the provisions of this subsection and that when altered, in order to adopt it to the new use, the building will conform in character and type to other residences in the immediate neighborhood; and further provided, that the house to be converted is located on a lot with an area of at least nine thousand (9,000) square feet, plus six hundred fifty (650) square feet for each dwelling unit.
 - c. Heliports.
 - d. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 801, eff. 6-3-1974; amd. Ord. 68, 3rd Series, eff. 7-10-1989; Ord. 80, 5th Series, eff. 8-18-2003; Ord. 86, 6th Series, eff. 6-6-2016)
- 3. Permitted Accessory Uses:
 - a. Any use permitted as accessory in the R-1 district.
- 4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements: All uses in the R-2 district shall comply with the requirements of the R-1 district of this section, except as hereinafter modified:

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard	
				Interior	Corner
One- and two-family 9,000 square feet	60 feet	30 feet	30 feet	5 feet	15 feet

(Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

- a. Floor area per dwelling unit shall be as follows: for one-story dwellings, at least one thousand (1,000) square feet; for split level dwellings, minimum floor area per floor shall be eight hundred sixty four (864) square feet; for two-story dwellings, at least eight hundred sixty four (864) square feet. For two-family dwellings, the minimum floor area per dwelling unit shall be eight hundred (800) square feet. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)

G. R-3 Multiple-Family Residential District:

- 1. Permitted Uses:
 - a. Any use permitted in the R-2 district.
 - b. Multiple dwellings. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)
- 2. Conditional Uses:
 - a. Any use permitted as conditional in the R-2 district.
 - b. Commercial, retail and service facilities of an ancillary nature, housed within a multiple dwelling complex, hospital, nursing home, or home for the aged (including assisted living, memory care or similar).

c. Motels.

d. A residential facility serving seven (7) through sixteen (16) persons and licensed by the state department of human services.

e. A daycare facility serving fifteen (15) through twenty five (25) persons and licensed by the state department of human services.

f. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 801, eff. 6-3-1974; amd. Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 80, 5th Series, eff. 8-18-2003; Ord. 86, 6th Series, eff. 6-6-2016)

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the R-2 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

a. There shall be no height restriction on buildings in the R-3 district, except that any structure exceeding three (3) stories or forty five feet (45') shall be set back from the nearest property line a distance equal to one-half ($\frac{1}{2}$) the building height.

b. A side yard abutting a street shall not be less than thirty feet (30') in width.

c. The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:

	Minimum Yard
Lot Area Per Dwelling Unit:	
One-family structure	9,000 square feet
Two-family structure	4,600 square feet
Three-family structure	4,000 square feet
Four-family structure	3,000 square feet
Multiple Dwellings With 5 Or More Units:	
Efficiency units	1,500 square feet
1 bedroom units	2,000 square feet
2 bedroom units	2,500 square feet

For each parking space provided within or under a multiple dwelling structure, subtract three hundred twenty five (325) square feet per unit from the minimum lot area requirements.

Floor Area Per Dwelling Unit:	
One-family structure	1,000 square feet
Two-family structure	600 square feet
Three-family or more structures:	
Efficiency units	500 square feet
1 bedroom units	600 square feet
2 bedroom units	750 square feet
Lot width at front setback line	60 feet
Front yard setback	30 feet
Side yard setback - interior	5 feet
Side yard setback - corner	15 feet
Rear yard setback	30 feet

d. All habitable dwellings shall have a minimum width and length of twenty four feet (24') and a permanent foundation meeting the latest edition of the Minnesota state building code. (Ord. 49, 3rd Series, eff. 5-30-1988; amd. Ord. 80, 5th Series, eff. 8-18-2003)

H. R-4 Mobile Homes Residential District:

1. Permitted Uses:

- a. Any use permitted in the R-3 district.
- b. "Mobile homes", as defined in section [11.02](#) of this chapter.
- c. Motels. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Recreational vehicles and mobile home sales.
- b. Retail or service outlets intended to serve occupants of the permitted uses.
- c. Any use permitted as conditional in the R-3 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 72, 3rd Series, eff. 9-11-1989; Ord. 80, 5th Series, eff. 8-18-2003)

3. Permitted Accessory Uses:

- a. Administrative offices, recreation buildings and facilities, laundry and other uses of a supporting nature to a mobile home park.
- b. Temporary parking of recreational vehicles for occupancy; provided, that recreational vehicles shall be parked in a designated recreational camping area as defined in Minnesota Statutes Annotated 327.14, subdivision 8.
- c. Signs as regulated in [chapter 5](#) of this code. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

- a. No structure or building shall exceed two (2) stories or thirty feet (30') in height, except as provided in this chapter.
- b. The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:
 - (1) Minnesota health department mobile home and recreational camping area law, chapter 327, sections 327.10-327.28.
 - (2) Minnesota health department regulations no. 152 governing mobile home parks and recreational camping areas.

I. B-1 Limited Business District:

1. Permitted Uses:

- a. Any uses permitted in the R-3 district.
- b. Municipal buildings, essential services, buildings and structures.
- c. Professional offices, including, but not limited to, doctors, dentists, lawyers, architects, engineers and accountants.
- d. Offices of a general nature where the employment within the building does not exceed fifty (50) persons and the operations do not include retail sales or warehousing from the site.
- e. Clinics for human care.
- f. Colleges, universities and professional and vocational institutes, schools, churches.
- g. Research centers.
- h. Antique or gift shop, appliances store, art and school supply store, auto accessory store, bakery goods sales and baking of goods for retail sales on premises, bank, barbershop, beauty shop, bicycle sales and repair, book office supply and stationery store, business office, candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop but not of the drive-in type, camera and photographic supply and processing store, delicatessen and/or dairy store, department store, dry cleaning and laundry pick up station, including incidental pressing and repair, dry goods store, five and ten store, florist, furniture, gift or novelty store, grocery, fruit or vegetable store, hardware store, hobby store including handicraft classes, interior decorating, jewelry sales and repair store, laundromat of the self-service type, library, locksmith, meat market, but not including processing for a locker, music store, newsstand, paint, wallpaper sales, photographic studio, physical culture or dance studio, pipe and tobacco shop, post office, record shop, restaurant, cafe, tearoom, shoe sales and repair, small appliance repair shop, sporting goods store, variety store, wearing apparel shop, radio and television studio, art studio, interior decorating studio, photographic studio, music studio, and other businesses of similar nature or uses. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Any use permitted as conditional in the R-3 district.
- b. Nursing homes, rest homes or retirement homes.
- c. Funeral homes and mortuaries, theaters.
- d. Private clubs and lodges.
- e. Multiple dwellings as permitted and regulated herein.
- f. Tavern or liquor store.
- g. Theaters, but not of the drive-in type.

- h. A residential facility serving seventeen (17) persons or more and licensed by the state department of services.
- i. A daycare facility serving twenty five (25) persons or more and licensed by the state department of human services.
- j. Construction offices.
- k. Exterior storage of functional equipment, components or inventory used in the trade or business of any permitted or conditional use.
- l. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 801, eff. 6-3-1974; amd. Ord. 61, 3rd Series, eff. 12-5-1988; Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 80, 5th Series, eff. 8-18-2003; Ord. 86, 6th Series, eff. 6-6-2016)

3. Permitted Accessory Uses:

- a. Private garages, off street parking and loading spaces as regulated in this chapter.
- b. Signs as regulated in [chapter 5](#) of this code.
- c. Buildings temporarily located for purpose of construction on the premises for a period not to exceed time necessary to complete said construction.
- d. Decorative landscape features.
- e. Any incidental repair or processing necessary to conduct a permitted principal use.
- f. Public telephone booths. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

- a. There shall be no height restrictions on buildings in the B-1 district, except that any structure exceeding three (3) stories or forty five feet (45') shall be set back from the nearest property line a distance equal to one-half (1/2) the building height. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)
- b. Multiple dwellings in the B-1 district shall conform to the requirements set forth in the R-3 district. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)
- c. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Side Yard Adjacent To R
10,000 square feet	75 feet	30 feet	30 feet	10 feet	30 feet	25 feet

(Ord. 64, 4th Series, eff. 10-23-1995; amd. Ord. 80, 5th Series, eff. 8-18-2003)

J. B-2 General Business District:

1. Permitted Uses:

- a. Any permitted or conditional use in the B-1 district, except as limited in this section.
- b. Automobile and truck sales, auto repair, boats and marine equipment sales, building material and lumberyards, commercial greenhouses, garden supply stores, motels, motor hotels and hotels, newspaper printing and publishing, other printing and publishing, furniture and home furnishing stores, farm equipment sales, wholesale businesses including warehousing, retail shipping centers.
- c. Electrical service, heating, plumbing, appliance, upholstery, or air condition service shop. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 115, 3rd Series, eff. 11-11-1991; Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Armories, convention halls, sport arenas and stadiums.
- b. Bowling alleys, billiard and pool rooms, drive-in theaters, skating rinks, dance halls, gymnasiums, YMCA, YWCA, nightclubs, liquor stores, fraternal organizations and similar uses.
- c. Bus terminals.
- d. Business or trade school when conducted entirely within a building.
- e. Drive-in business.
- f. Stone and monument sales.
- g. Animal hospital or clinic, kennel.
- h. Accessory structure or uses other than those listed as permitted.
- i. Motor fuel stations.

j. Open sales or storage lots.

k. Commercial uses on lots under one-half (1/2) acre in size if parking requirements cannot be met on the lot itself, or if a change in use, if the required number of parking spaces would increase over the previous use by more than four (4) spaces.

l. Light assembly or light manufacturing.

m. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 115, 3rd Series, eff. 11-11-1991; Ord. 22, 5th Series, eff. 11-6-2000; Ord. 80, 5th Series, eff. 8-18-2003; Ord. 86, 6th Series, eff. 6-6-2016)

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the B-1 district as regulated herein.

4. Lot Area, Height, Lot Width And Yard Requirements:

a. No front or side yard setback or height restrictions shall be required.

b. All development uses in the B-2 district shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.

K. B-3 Noncentral Business District:

1. Permitted Uses:

a. Any permitted use in the B-2 district, except as limited herein.

2. Conditional Uses:

a. Any conditional use in the B-2 district, except as limited herein.

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the B-2 district as regulated herein.

4. Lot Area, Height, Lot Width And Area Requirements:

a. Minimum Requirements: The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter. (Ord. 57, 3rd Series, 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

b. Requirements Of Uses:

(1) Commercial uses shall be governed by the following setbacks and lot areas, unless a conditional use permit is issued:

Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Side Yard Adjacent To R District Or Existing Residential Use
1 acre, excluding road right of way	150 feet	50 feet	40 feet	10 feet	50 feet	40 feet

(Ord. 64, 4th Series, eff. 10-23-1995; amd. Ord. 80, 5th Series, eff. 8-18-2003)

(2) Residential uses shall be governed by lot size and setback requirements as provided in R-2 districts. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

(3) Businesses within a B-3 district may construct an overhead canopy or structure for weather protection, attached or freestanding, as long as the structure maintains a ten foot (10') setback from the street right of way line and a twenty foot (20') setback from an adjacent property line. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)

c. Height Restrictions: There shall be no height restrictions on buildings in the B-3 district, except that for every foot that a building exceeds thirty feet (30'), an additional foot of setback shall be provided from the nearest property line.

d. Architectural Design: All development uses in the B-3 district shall be architecturally designed so as to be compatible as possible with the general architectural intent of the area in which it is located.

e. Landscaping For Commercial Uses:

(1) Each site shall have a front yard not less than twenty feet (20') in depth across the entire frontage; this yard shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site.

(2) A minimum of five feet (5') of the side yard setback shall be landscaped and maintained as green space along the total length of the side property lines.

(3) All areas shall be landscaped in accordance with a landscaping plan. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

L. I-1 Industrial District (Light):

1. Permitted Uses:

- a. Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, including any of the following or similar uses meeting the performance standards applicable to the I-1 district; provided, that all development uses in the I-1 district are conducted wholly within a building. Any uses permitted in the B-3 district.
- b. Machine shops.
- c. Paper products from previously processed paper.
- d. Radio and television studios.
- e. Research laboratories.
- f. Electronics assembly and testing.
- g. Warehousing and wholesaling. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Any use permitted as conditional in the B-3 district.
- b. Trucking and freight terminals.
- c. Motor fuel stations.
- d. Open sales lot, provided that all open storage be screened by a fence or compact evergreen hedge at least fifty percent (50%) opaque and at least six feet (6') high.
- e. Any accessory structures or uses other than those listed as permitted.
- f. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003; Ord. 86, 6th Series, eff. 6-6-2016)

3. Permitted Accessory Uses:

- a. Off street parking and loading as regulated in this chapter.
- b. Signs as regulated in [chapter 5](#) of this code.
- c. Residence for night watchman or other security personnel. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)

4. Lot Area, Height, Lot Width, And Yard Requirements:

- a. The following minimum requirements shall be observed subject to minimum requirements, exceptions and modifications contained in this chapter:

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Adjacent To R
24,000 square feet	100 feet	40 feet	30 feet	10 percent of lot width	40 feet	40 feet

- b. There shall be no height restrictions on buildings in the I-1 district, except that for every foot that a building exceeds thirty feet (30'), an additional foot of setback shall be provided from the nearest property line.

M. I-2 Industrial District (Heavy):

1. Permitted Uses:

- a. Any use permitted in the I-1 district regulated herein.
- b. The manufacturing, compounding, assembly, packaging, treatment or storage of the following products or materials not likely to meet the performance standards outlined in this chapter.
- c. Brewing, fiberglass, cement, stonecutting, brick, glass, batteries, ceramic products, millworking, metal polishing and plating, paint (pigment manufacturing), boat manufacturing, vinegar works, rubber products, plastics, meatpacking, flour, feed and grain milling, vegetable canning and processing, lime, gypsum and plaster of Paris, and similar uses. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Coal, tar, creosote or asphalt processing or distillation.
- b. Acid manufacture.
- c. Storage, utilization or manufacture of material or products which could decompose by detonation, including, but not limited to, dynamite, trinitrotoluene (TNT), nitroglycerin, guncotton, blasting caps and cartridge primers.
- d. Auto wrecking or salvage yard, junkyard, used auto parts and similar uses; provided, that the use is screened by a fence or compact evergreen hedge which is at least fifty percent (50%) opaque and at least six feet (6') high.
- e. Incineration or reduction of waste material other than customarily incidental to a principal use.
- f. Kilns or other heat processes fired by means other than electricity.
- g. Commercial stockyards and slaughtering of animals.
- h. Crude oil, gasoline, liquid fertilizer or other liquid storage tanks containing hazardous, flammable or otherwise potentially dangerous liquids or gases.
- i. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003; Ord. 86, 6th Series, eff. 6-6-2016)

3. Permitted Accessory Uses:

- a. Any use permitted as accessory in the I-1 district as regulated herein.

4. Lot Area, Height, Lot Width And Yard Requirements:

- a. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Size	Lot Width	Front Yard	Rear Yard	Rear Yard Adjacent To R	Side Yard		Adjacent To R
					Interior	Corner	
1 acre	150 feet	40 feet	30 feet	70 feet	10 percent of lot width	40 feet	70 feet

- b. There shall be no height restriction on buildings in the I-2 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

N. Planned Unit Development District (PUD District):

- 1. Purpose: This mixed use district is created specifically to protect existing landscape features, to preserve open space, to sensitively integrate development with the natural landscape, to appropriately space accesses to public street systems and to require the planning of an entire land ownership as a unit rather than permit piecemeal or scattered development on a lot by lot basis. (Ord. 116, 3rd Series, eff. 3-23-1992; amd. Ord. 80, 5th Series, eff. 8-18-2003)
- 2. Uses Permitted By Planned Unit Development (PUD): Within the planned unit development district (PUD district), no structures or land shall be used except for one or more of the following uses, which uses shall be permitted only by planned unit development (PUD) procedures and subject to all stated conditions:
 - a. Golf courses which include the following customary accessory uses, activities and facilities:
 - (1) Commercial recreation.
 - (2) Food and drink concessions, etc.
 - (3) Maintenance, storage and equipment facilities.
 - (4) Off street parking.
 - (5) Private clubs.
 - (6) Signage.
 - b. Clubs and lodges including fraternal organizations, YMCAs and YWCAs, health and athletic clubs.
 - c. Minor commercial recreation, including, but not limited to, the following:
 - (1) Bowling alleys.
 - (2) Miniature golf courses.
 - (3) Roller skating rinks.
 - (4) Ice skating rinks and hockey facilities.
 - (5) Campgrounds and recreational vehicle parks.

- d. Community park, recreation and open space uses which do not conflict with racetrack operations.
- e. Essential services.
- f. Horse care uses, including boarding, training, showing, grooming and veterinary clinic facilities.
- g. Hotels, motels and conference centers, including such customary accessory uses as internalized retail and entertainment facilities, provided such uses:
 - (1) Are an integral part of the principal use;
 - (2) Have no entrance except from within the principal building;
 - (3) Display all internal signage on the ground floor level of the building; and
 - (4) Occupy not more than twenty five percent (25%) of the ground floor area.
- h. Light industrial uses, but specifically limited to office showroom, corporate offices, research and development laboratories, warehousing and light assembly type maintenance.
- i. Offices: business, corporate and professional.
- j. Public buildings.
- k. Public or private utility facilities, including, but not limited to, buildings, structures and equipment.
- l. Restaurants, excluding fast food and drive-in restaurants.
- m. Rural agriculture.
- n. Signage as permitted by section [5.30](#) of this code.
- o. Fairgrounds, including facilities for temporary amusement parks, exhibitions and contests.
- p. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the city council. In making its determination, the city council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 116, 3rd Series, eff. 3-23-1992; Ord. 80, 5th Series, eff. 8-18-2003; Ord. 86, 6th Series, eff. 6-6-2016)

3. Lot Area, Width And Coverage; Building Height, Yard And Access Spacing Requirements:

Minimum lot size	1 acre
Minimum lot width	300 feet
Minimum yards:	
Front	50 feet
Side	25 feet
Rear	30 feet (50 feet when abutting a residential zone)
Maximum hard surface:	
Lot coverage	80 percent

(Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)

4. Performance Standards:

- a. Acceptable Building Materials: Exterior building materials should be incorporated into an architectural design which is consistent with the standards developed in the planned unit development district (PUD district). (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 116, 3rd Series, eff. 3-23-1992; Ord. 80, 5th Series, eff. 8-18-2003)
- b. Minimum Landscape Requirements:
 - (1) Plantings shall be required in an amount equal to one caliper inch per five hundred (500) square feet of building gross floor area. Credit may be given for existing quality trees using the same formula.
 - (2) Landscape plans shall be required and shall be prepared by or under the supervision of a landscape architect. They shall show types, common and botanical names, sizes, number and location of all plant materials.
- c. Screening: The following must be screened: 1) rooftop facilities; 2) parking areas; and 3) loading and service areas. One or any combination of the following elements may be used to meet the screening requirements: site design, building design, grade separation, berming, landscaping, fences, walls or other landscape features.
 - (1) Rooftop Facilities:

(A) All rooftop facilities shall be either:

- (i) Totally screened from the eye level view from adjacent parcels and existing and planned public streets;
- (ii) Painted to match or complement;
- (iii) Incorporated into an architectural design which is aesthetically compatible with the principal structure.

(B) All materials used to screen rooftop facilities shall be aesthetically compatible with the exterior building materials of the principal structure.

(2) Parking Areas: All parking which occurs within the required front yard shall be screened to at least the height of the headlights of the parked vehicles or three feet (3').

(3) Loading And Service Areas: Loading and service areas shall not face directly on a public street. Maneuvering and truck loading areas shall be at least fifty percent (50%) screened, to a height of four feet (4') from the eye level from all roadways. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)

d. Existing Landscape Features: No live tree removal for site development of any kind shall be permitted in the planned unit development district (PUD district) until a final development plan has been approved by the city council. Grading shall be permitted only upon issuance of a grading or building permit by the building official. (Ord. 116, 3rd Series, eff. 3-23-1992; amd. Ord. 80, 5th Series, eff. 8-18-2003)

5. Variances: Variances may be negotiated within this district. Variances from subsection N4 of this section shall not be negotiated. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 80, 5th Series, eff. 8-18-2003)

O. Planned Unit Development - Country Homes, PUD-CH:

1. Purpose: This mixed use district is a planned unit development district with specific performance standards. It is the intention of this zoning classification to protect existing landscape features, plan for integration of new development into existing neighborhoods and allow the integrated development of undeveloped areas with adjoining developed areas. Administration and development within an area zoned planned unit development - country homes, shall be as a planned unit development, subject to the specific performance standards set out herein. Any proposed development shall meet the general performance standards outlined in subsection N, "Planned Unit Development District (PUD District)", of this section, and such additional performance standards as the city may impose in the development and approval of a master plan for development.

2. Uses Permitted: Within the planned unit development - country homes area, no structures or land shall be used, except for one or more of the following uses, which uses shall be permitted only by planned unit development procedures and subject to all stated procedures: permitted, conditional and accessory uses within country homes, one- and two-family residential, R-1C.

3. Lot Area, Width And Coverage; Building Height, Yard And Access Spacing Requirements:

a. Except as provided by this chapter, or within the planned unit development - country homes' master plan, lot area, width and coverage, building height, yard and access requirements shall be as provided for country homes, one- and two-family residential, R-1C.

b. In order to assure integration into existing development, lot sizes shall be set according to their tier (row of lots) from existing development. The first tier of development is adjacent to existing development, even if separated by a street. The first tier shall be at least ninety percent (90%) of the size of adjoining platted lots, but need not exceed twenty thousand (20,000) square feet. Placement of lots shall be staggered wherever possible with existing homes. Minimum lot size permitted is sixteen thousand (16,000) square feet.

c. Lot sizes in subsequent tiers may be two thousand feet (2,000') smaller than the minimum lot size permitted in the preceding tier until the minimum lot size of sixteen thousand (16,000) square feet is reached.

4. Performance Standards:

a. All construction shall reflect previously existing development and shall be in character with the surrounding neighborhood as provided by the planned unit development - country homes' master plan.

b. Existing drainageways must be located and preserved. All development shall be placed in such a way as to not block or fill existing drainageways. Existing drainageways shall be shown on the master plan. Restrictions or easements to preserve drainageways shall be incorporated into the planned unit development - country homes' master plan.

c. The developer will be responsible for planting trees along the street or adjacent thereto every thirty feet (30'), selected from a list of trees approved by the city, excluding footage for perpendicular sidewalks and driveways.

d. All other performance standards shall be in accordance with country homes, one- and two-family residential district, R-1C.

5. Modification Of Performance Standards: The city council shall review proposals for development in accordance with the procedures for review of planned unit development generally. The council may vary performance standards if it finds that the purposes of this subsection are achieved by the proposed plat. (Ord. 83, 5th Series, eff. 9-22-2003)

P. Mississippi Headwaters Corridor Districts:

1. Purpose; Scope; Applicability:

a. This subsection is intended to control development along the Mississippi River in areas which, prior to their annexation, were subject to the Morrison County Mississippi headwaters ordinance. This subsection is intended to regulate the area of lot, length of lot, width of lot at the water line, setback of structures, sanitary waste treatment systems, structure height, and to protect the quality of the Mississippi River and shorelines, its vegetation, soils, water quality, floodplain areas and geology; and to regulate alterations of the shoreland vegetation and topography; maintain property values and prevent uncontrolled or poorly planned development; maintain property values and sustainable development; prevent pollution and overcrowding; protect and conserve the historic, recreational, archaeological, cultural, fish and wildlife resources of the Mississippi River and adjacent lands. This subsection is also intended to comply with Minnesota statutes section 103F.221, "Municipal Shoreland Management", and regulations promulgated pursuant thereto, and intended to comply with Minnesota statutes sections 103F.361 to 103F.377.

b. Property within the Mississippi headwaters corridor may be designated Mississippi headwaters corridor - one- and two-family residential district, R-1.M, or Mississippi headwaters corridor - one- and two-family residential district, R-2.M, or Mississippi headwaters corridor - multiple-family residential district, R-3.M, or Mississippi headwaters corridor - planned unit development district, PUD.M.

c. In any case where there is a conflict between the requirements of this subsection and the general zoning ordinances of the city, the most restrictive provision shall apply.

2. Compliance With Minnesota Laws And Regulations For Mississippi Headwaters Corridor: The use of lands within the Mississippi headwaters corridor, the size and shape of the lot, the type, dimensions and location of structures on the lot, the installation and maintenance of water supply and waste treatment facilities, the filling, grading, lagooning or dredging of any Mississippi River area, the cutting of shoreland vegetation and the subdivision of lots shall all be in full compliance with the terms of this subsection, Minnesota rules, parts 7080.0010 through 7080.0210, as promulgated by the Minnesota pollution control agency and Minnesota rules, chapter 4720, promulgated by the Minnesota department of health, as presently adopted or hereafter amended. The use of shorelands shall be in substantial compliance with Minnesota rules, chapter 6120, as presently adopted and hereafter amended. These regulations are hereby adopted and made a part of this subsection by reference.

3. Permitted And Conditional Uses Within Mississippi Headwaters Corridor:

a. No structure or land shall be used within lands zoned Mississippi headwaters corridor - one- and two-family residential district, R-1.M, except those uses and accessory uses permitted within the one- and two-family residential district, R-1. No structure or land shall be used within lands zoned Mississippi headwaters corridor - one- and two-family residential district, R-2.M, except those uses and accessory uses permitted within the one- and two-family residential district, R-2. No structure or land shall be used within lands zoned Mississippi headwaters corridor - multiple-family residential district, R-3.M, except those uses and accessory uses permitted within multiple-family residential district, R-3. Conditional uses allowed within the R-1, R-2 and R-3 zoning districts shall be allowed within the corresponding Mississippi headwaters corridor zones, upon the issuance of a conditional use permit. Unless varied by this subsection, the setback and building standards for their zoning or use as set forth in the city code shall apply.

b. No structure or land shall be used within lands zoned Mississippi headwaters corridor - planned unit development district, PUD.M, except upon submission and approval of a planned unit development plan for a use permitted within: limited business district, B-1; general business district, B-2; noncentral business district, B-3; planned unit developments, PUD, within lands zoned Mississippi headwaters corridor - planned unit development district, PUD.M, and may include residential development.

4. Building Standards For Mississippi Headwaters Corridor For Lots Of Record In Office Of Morrison County Recorder As Of January 1, 1981, Which Are Less Than One Acre In Area:

a. Minimum Setbacks And Lot Widths For Lots Of Record In Office Of Morrison County Recorder As Of January 1, 1981, Within Any Zoning Classification In Mississippi Headwaters Corridor:

(1) Lot Size, Lot Width, Structure Setback And Other Requirements: Unless varied by the following table, minimum standards for lot size, lot width, structure setback and other requirements shall be as follows: a) Mississippi headwaters corridor - one- and two-family residential district, R-1.M, shall be as established in the one- and two-family residential district, R-1; b) Mississippi headwaters corridor - one- and two-family residential district, R-2.M, shall be as established in one- and two-family residential district, R-2; c) Mississippi headwaters corridor - multiple-family residential district, R-3.M, shall be as established in multiple-family residential district, R-3. For structures within Mississippi headwaters corridor - planned unit development district, PUD.M, minimum standards not defined by the following table will be governed by the most restrictive minimum standards required in the zoning district such use would fall under, unless modified by the planned unit development.

(2) Structure Setback From Ordinary High Water Mark: One hundred feet (100').

(3) Structure Setback From Top Of Bluff: Thirty feet (30'), unless a greater setback is imposed by the Minnesota department of natural resources. (Ord. 126, 4th Series, eff. 5-17-1999; amd. Ord. 80, 5th Series, eff. 8-18-2003; Ord. 83, 5th Series, eff. 9-22-2003)

(4) Maximum Structure Height, Except For Churches: Thirty five feet (35'). (Ord. 129, 5th Series, eff. 9-11-2006)

(5) Lot Width Standards: The lot width standards for single, duplex, triplex, and quad residential developments are:

	No Municipal Sewer	Municipal Sewer
Single	150 feet	150 feet
Duplex	150 feet	150 feet
Triplex	200 feet	150 feet
Quad	250 feet	190 feet

(6) Annexed Property: Annexed property shall be serviced by municipal sewer as soon as practical.

(7) Conflict: Where there is a conflict between setbacks in this section, the most restrictive setback shall control.

b. Conditional Use Permits For Substandard Lots Of Record As Of January 1, 1981, In Any Zoning District In Mississippi Headwaters Corridor: Lots of record in the office of the Morrison County recorder as of January 1, 1981, which do not meet the requirements of this subsection, may be allowed as building sites: if the use is allowed within the zoning district; the lot has been in separate ownership from abutting lands at all times since January 1, 1981; was created compliant with official controls in effect at the time; and sewage treatment and setback requirements of shoreland control were met. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this section. Additions to structures on substandard lots of record in the office of the Morrison County recorder as of January 1, 1981, may be permitted under a conditional use permit. Substandard lots may be used as a building site under a conditional use permit. In granting the conditional use permit, the city council shall consider whether any detrimental impacts to water quality and the environment can be mitigated. In considering mitigation, the council shall consider such factors as the direction of gutters to storm sewers or away from the river, limitation of direct drainage into the Mississippi River, side yard plantings, reduction of tree removal, correction of a failing individual sewage treatment system, preparation of a natural landscape protection plan, preparation of a stormwater management plan, decrease in impervious area on site, shoreline maintenance pursuant to

a plan approved by the department of natural resources or plantings approved by the department of natural resources to improve fish or wildlife habitat. In granting a conditional use permit, a primary consideration shall be maximization of structure setback from the ordinary high water mark and connection with municipal sewer and water service.

c. Minimum Standards For New Plats Or Subdivisions Of Existing Lots Of Record In Office Of Morrison County Recorder As Of January 1, 1981:

- (1) Minimum Lot Size: The minimum lot size for a new plat or subdivision of an existing lot of record in the office of the Morrison County recorder as of January 1, 1981, other than for a planned unit development, shall be one acre, excluding wetlands.
- (2) Clustering And Planned Unit Development: The minimum lot size for new construction planned unit development shall be one principal use allowed per 0.75 acre, consistent with the zoning district. Planned unit developments shall emphasize clustering of development and preservation of natural areas to preserve the quality of the Mississippi River.
- (3) Setbacks, Lot Widths And Structure Heights:
 - (A) Structure Setback From Top Of Bluff: Thirty feet (30'), unless a greater setback is imposed by the Minnesota department of natural resources.
 - (B) Maximum Structure Height, Except For Churches: Twenty five feet (25').
 - (C) Lot Width Standards: The lot width standards for single, duplex, triplex, and quad residential developments are:

	Municipal Sewer
Single	150 feet
Duplex	150 feet
Triplex	150 feet
Quad	190 feet

- (D) New developments: New developments shall be serviced by municipal sewer.
- (E) Setback Conflicts: Where there is a conflict between setbacks in this section, the most restrictive setback shall control.

(4) Landscape Protection And Stormwater Management: A natural landscape protection plan and stormwater management plan must be prepared and approved in connection with any new development.

d. Minimum Standards For All Mississippi Headwaters Corridor Zoning Districts:

- (1) Natural Landscape Protection Plan: Before issuing a permit for expansion of a structure or new construction, a natural landscape protection plan shall be submitted to and approved by the city in compliance with this subsection.
- (2) Significant Cultural Sites:
 - (A) Unplatted Cemetery: No structure shall be placed nearer than fifty feet (50') from the boundary of an unplatted cemetery protected under Minnesota statutes section 307.08, unless approval is obtained from the city or from the state archaeologist office.
 - (B) Significant Cultural Sites: No structure shall be placed on a significant cultural site in a manner that affects the value of the site, unless adequate information about the site has been recovered and documented in a public repository as determined by the city.
 - (C) Review For Presence Of Significant Cultural Sites: All zoning actions within headwaters corridor districts will be reviewed for the presence of significant cultural sites.
 - (D) Notice Of Development Near Sites: Thirty (30) days' notice will be made to the state archaeologist office of pending development on or near significant cultural sites.
- (3) Bluff Impact Zone: Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.
- (4) Steep Slopes: Before issuing a permit for the construction of roads, driveways, structures or other improvements on steep slopes, the slope must be evaluated for possible soil erosion impacts and development visibility from public waters. If necessary, the city shall impose conditions to prevent erosion, preserve existing vegetative screening of structures, assuming summer, leaf-on vegetation. No excavation shall be made between the building line and the water.
- (5) Stairways, Lifts And Landings:
 - (A) Stairway And Lift Width: Stairways and lifts shall not exceed four feet (4') in width on residential lots. Wider stairways may be used for resort properties, public open space, recreational properties and planned unit developments.
 - (B) Landing Area: Landings for stairways and lifts on residential lots must not exceed thirty two (32) square feet in area.
 - (C) Construction Requirements: 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.
 - (D) Visibility Minimized: Stairways, lifts and landings must be located to minimize visibility from the public water, assuming summer, leaf-on conditions.
 - (E) Canopies Or Roofs: Canopies or roofs are not allowed on stairways, lifts or landings.
 - (F) Access Facilities: Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas; provided, that dimensional and performance standards are complied with.

- (6) Decks: Decks not meeting the minimum structure setback requirement existing on January 1, 1981, may be added to, provided the following criteria are met:
- (A) The deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) of the existing shoreline setback from the ordinary high water level, or does not encroach closer than thirty feet (30'), whichever is more restrictive; and
 - (B) The deck is constructed primarily of untreated wood and is not roofed or screened.
- (7) Commercial And Industrial Uses:
- (A) No new commercial, business or industrial uses shall be permitted within any Mississippi headwaters zoning district, except for home occupations permitted by conditional use permit, and congregate living or foster care homes permitted by law.
 - (B) Nonconforming commercial, business or industrial uses in existence prior to their incorporation into any Mississippi headwaters zoning district may be continued. No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity, except by conditional use permit. In granting the conditional use permit, the city council shall consider whether any detrimental impacts to water quality and the environment can be mitigated. In considering mitigation, the council shall consider such factors as the direction of gutters to storm sewers, limitation of direct drainage into the Mississippi River, side yard plantings, reduction of tree removal, correction of a failing individual sewage treatment system, decrease in impervious area on site, shoreline maintenance pursuant to a plan approved by the department of natural resources or plantings approved by the department of natural resources to improve fish or wildlife habitat.
- (8) Municipal Services City Code Provisions: All lands within any Mississippi headwaters zoning district shall be subject to the city code provisions relating to the public water service and public sewerage service and shall be serviced by public water service and public sewerage service as soon as reasonably practical.
- (9) Docks: Docks may be built in compliance with Minnesota department of natural resources regulations.

5. Natural Landscape Protection Plan:

- a. Requirement: If necessary to protect water quality and prevent shoreline erosion and agreed to by the property owner, and the Morrison County soil and water conservation district office staff, a natural landscape protection plan shall be completed and reviewed, consistent with the provisions of this subsection.
- b. Purpose: The purpose of a natural landscape protection plan is to:
- (1) Retain or recreate original hydrologic conditions by minimizing use of pavements and impervious surfaces and retaining original runoff volume and velocities;
 - (2) Confine development and construction activities to the least critical areas by avoiding critical areas such as long, steep slopes, erodible soils, and fragile vegetation;
 - (3) Fit development to terrain;
 - (4) Preserve and utilize the natural drainage system; and
 - (5) Maintain a minimum twenty five foot (25') chemically untreated vegetative buffer zone at the water's edge, as required in this section.

Alteration of vegetation and topography should be limited to prevention of erosion into public waters, fixation of nutrients, stabilization of shorelines, preservation of historic, archeological or cultural values, prevention of bank slumping, protection of fish and wildlife habitat and conservation of natural resources.

The landscape plan should 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 and protected as soon as possible and facilities or methods used to retain sediment on site.

- c. Issues To Be Addressed: In achieving its purpose, the natural landscape protection plan shall address the following issues:

- (1) Topography: A topographic map showing the existing contour elevations at intervals of ten feet (10') is the basis of the natural landscape protection plan. It is important to note slope steepness and slope length on this map. The longer and the steeper the slope, the greater the erosion potential;
- (2) Drainage Patterns: Locate and clearly mark all existing drainage swales and patterns on the topographic map. Consider where water will concentrate on the property. Natural drainage areas are overland flows, depressions, swales and natural watercourses. The natural drainage should be used to convey runoff on and off the site, but increase runoff should be limited so erosion does not occur;
- (3) Soils: Determine and show major soil types on the topographic map. Plot directly on the map at the same scale for ease of interpretation. Soil types should be evaluated for potential for flood hazard, natural drainage, depth to seasonal water table, permeability, shrink-swell potential, texture and erodibility;
- (4) Ground Cover: Show the existing vegetation on the topographic map. Features such as tree clusters, grassy areas and unique vegetation should be shown on the map. Any denuded or exposed soil areas should also be shown on the topographic map. If at all possible, existing vegetation should be maintained to minimize erosion. If existing vegetation cannot be maintained, then construction should be staged (one site completed before the second is begun) to minimize erosion. Alternatives are temporary seeding, mulching or temporary structure controls, such as settling basins, silt fences or bale dams. A vegetative buffer of natural grasses, shrubs and trees should be maintained for at least twenty five feet (25') at the water's edge. This buffer zone helps protect water quality, provide habitat for wildlife and maintains the natural aesthetics of the shoreline; and
- (5) Adjacent Areas: Delineate areas adjacent to the site on the topographic map. Such features as streams, roads, houses or other buildings and wooded areas should be shown. Streams which will receive runoff from the site should be noted. Consider the potential for increased runoff during the construction and where the runoff will go.

6. Accessory Uses Within Mississippi Headwaters Corridor: All accessory uses must meet or exceed structure setback standards. The term "accessory uses", as used herein, does not include stairways, lifts and docks. Each residential lot may have one water oriented accessory use if all of the

following standards are met:

- a. The structure or facility must not exceed ten feet (10') in height, exclusive of safety rails. The structure or facility cannot occupy an area greater than two hundred fifty (250) square feet, or, if used solely for watercraft storage, including storage of related boating and water oriented sporting equipment, may occupy an area up to four hundred (400) square feet, provided the maximum width of the structure is twenty feet (20') as measured parallel to the configuration of the shoreline. Detached decks must not exceed eight feet (8') above grade at any point.
- b. The setback of the structure or facility from the ordinary high water mark shall not be less than the setback of the primary building, except by conditional use permit.
- c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means.
- d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
- e. The accessory use must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

7. Stormwater Management Plans In Mississippi Headwaters Corridor:

- a. Consideration: Proper stormwater management must be considered in all reviews, approvals and permits related to this section. A stormwater management plan shall be submitted with any application.
- b. Review Provisions: The following provisions shall be considered in reviewing proper stormwater management:
 - (1) Natural Features To Be Used: Existing natural drainageways, wetlands and vegetated soils must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 - (2) Constructed Facilities May Be Used: When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and manmade materials and facilities.
 - (3) Minimize Disturbance: 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 and protected as soon as possible and facilities or methods used to retain sediment on site.
 - (4) New Development Or Expanded Development: New development must meet the following standards:
 - (A) Impervious surface coverage of the lot must not exceed twenty five percent (25%) of total area;
 - (B) Facilities constructed for stormwater management must be consistent with the field office technical guide of the Morrison County soil and water conservation district;
 - (C) Stormwater outfalls to the Mississippi River must provide for filtering or settling of suspended solids and skimming of surface debris before discharge; and
 - (D) A natural landscape protection site plan must be prepared to guide construction and lot development in accordance with this section.

8. Shoreland Alteration Within Mississippi Headwaters Corridor:

- a. Purpose: Alterations of vegetation and topography will be regulated to prevent erosion to public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, preserve a corridor for movement of wildlife, protect fish and wildlife habitat, conserve cultural resources, and to preserve the scenic and aesthetic character of the shoreland within the Mississippi headwaters corridor.
- b. Vegetative Management Provisions:
 - (1) Intensive Vegetation Clearing: Intensive vegetation clearing within the setback and bluff impact zones and on steep slopes is not allowed.
 - (2) Limited Clearing: In setback areas and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, landings and access paths; provided, that:
 - (A) The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is maintained;
 - (B) Shading of water surfaces is maintained; and
 - (C) The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased, or pose safety hazards.
 - (3) Shoreland Alteration: Shoreland alteration should avoid negative impacts, such as use of steep slopes; increased soil erosion; development visibility; preservation of existing vegetative screening from the Mississippi River, assuming summer, leaf-on conditions; avoidance of wetlands; avoidance of excavation between the building line and the Mississippi River, avoidance of intensive vegetative clearing within the setback; shading of water surfaces should be maintained or enhanced; limitation of impermeable material to no more than twenty five percent (25%) of the building site; management of long lived species along the river front shall be directed toward promotion of large sized trees by using rotations based on biological age rather than economic age; cuttings shall be conducted in compliance with a natural landscape protection plan and best management practices.

9. Grading, Filling, Alterations In Bed Of Public Waters Within Mississippi Headwaters Corridor:

- a. Permit Required: Any grading or filling work done within the Mississippi headwaters corridor districts, controlled by this subsection, shall require a permit and shall comply with the following:
 - (1) Grading and filling of the natural topography which is not accessory to a permitted or conditional use may be permitted if consistent with the natural landscape protection plan;

(2) Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit. A grading and filling permit may be issued only if the following conditions of subsection P9b of this section are met. Grading and filling shall be performed in a manner which minimizes earthmoving, erosion, stormwater runoff, tree clearing and the destruction of natural amenities. Excavation on lots abutting the Mississippi River shall not be permitted between the building line and the ordinary high water mark.

b. Standards: Grading and filling of the natural topography shall also meet the following standards:

- (1) The smallest amount of bare ground is exposed for as short a time as feasible;
- (2) Temporary ground cover, such as mulch, is used until a permanent ground cover, such as sod, is planted;
- (3) Methods to prevent erosion and to trap sediment are employed;
- (4) Fill is stabilized to accepted engineering standards;
- (5) Fill or excavated material is not placed in a manner that creates an unstable slope;
- (6) Plans to place fill or excavated material on steep slopes is reviewed by a licensed engineer for continued slope stability and in no case may create finished slopes of thirty percent (30%) or greater;
- (7) Fill or excavated materials are not placed in bluff impact zones;
- (8) Disturbed areas are restored in the same building season.

c. Altering Current Or Cross Section Of Public Waters: Excavation of material from filling in construction of any permanent structures or navigational obstructions, or any work that will change or diminish the course, current or cross section of the Mississippi River is prohibited, unless authorized by a permit from the commissioner of natural resources or the army corps of engineers.

d. Drainage Or Filling Of Wetlands: Drainage or filling in of wetlands is not allowed within the Mississippi headwaters corridor under this section, except by conditional use permit, and upon notification to and approval by the soil and water conservation district. (Ord. 126, 4th Series, eff. 5-17-1999; amd. Ord. 80, 5th Series, eff. 8-18-2003; Ord. 83, 5th Series, eff. 9-22-2003)

Q. Performance Standards And Special Provisions: All permitted uses, conditional uses and accessory uses in the residential district, the business district and the industrial districts shall also meet all of the requirements of sections [11.06](#) and [11.07](#) of this chapter. (Ord. 33, 3rd Series, eff. 9-28-1987; amd. Ord. 126, 4th Series, eff. 5-17-1999; Ord. 80, 5th Series, eff. 8-18-2003; Ord. 83, 5th Series, eff. 9-22-2003)

11.06: PERFORMANCE STANDARDS:

- A. Purpose: The guiding of urban development so as to develop a compatible relationship of uses depends upon certain standards being maintained. Uses permitted in the various districts, conditional uses and accessory uses shall conform to the following standards. These standards shall apply in all districts.
- B. Glare Or Heat: Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located. Lighting in all instances shall be diffused or directed away from R districts and public streets.
- C. Explosives: Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred feet (400') from any R district line; provided, that this subsection shall not apply to the storage or usage of liquified petroleum or natural gas for normal residential or business purposes.
- D. Screening:
1. Screening shall be required in residential zones where: a) an off street parking area contains more than four (4) parking spaces and is within thirty feet (30') of an adjoining residential lot line; and b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen feet (15') of an adjoining residential lot line.
 2. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the zoning administrator.
 3. The screening required herein shall consist of a solid fence or wall at least fifty percent (50%) opaque not less than five feet (5') nor more than six feet (6') in height, but shall not extend within fifteen feet (15') of any street or driveway opening onto a street. The screening shall be placed along the property lines, or in case of screening along a street, fifteen feet (15') from the street right of way, with landscaping (trees, shrubs, grass and other planting) between the screening and the pavement. A louvered fence shall be considered solid if it blocks direct vision. Planting of a type approved by the planning commission may also be required in addition to or in lieu of fencing.
- E. Maintenance: In all districts, all structures, required landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

- F. Exterior Storage: In all R districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used or intended for use on the premises and off street parking, except as otherwise regulated herein. Boats and unoccupied trailers, less than twenty feet (20') in length, are permissible if stored in the rear yard more than ten feet (10') distant from any property line. Existing uses shall comply with this provision within twelve (12) months following the effective date hereof.
- G. Waste Material: Waste material shall not be washed into the public storm sewer system, nor the sanitary sewer system, without first having received a permit to do so from the city. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view. In all districts, waste material, debris, refuse, garbage and materials not currently in use for construction or otherwise regulated herein shall be kept in an enclosed building or properly contained in a closed container for such purposes. The owner of vacant land shall be responsible for keeping such vacant land free of waste material and noxious weeds. Existing uses shall comply with this provision within six (6) months following the effective date hereof.
- H. Drainage: No land shall be developed and no use shall be permitted that results in water runoff causing flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility.
- I. Traffic Control: The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. Traffic into and out of all business and industrial uses or areas shall in all cases be forward moving with no backing onto streets or pedestrianways. No access drive to any lot shall be located within twenty feet (20') of any two (2) intersecting minor or collector street right of way lines, nor within forty feet (40') of any two (2) intersecting major thoroughfare street right of way lines. (Ord. 801, eff. 6-3-1974)
- J. Off Street Loading: Off street parking shall be provided for delivery or distribution of materials in connection with construction of any building or structure. Off street parking so provided shall be in accordance with this chapter. No deliveries or unloading of materials for construction shall occur between the hours of nine o'clock (9:00) P.M and six o'clock (6:00) A.M., if that noise is audible in a residential district. Any variations from this standard shall be by conditional use. (Ord. 01, 5th Series, eff. 2-28-2000)
- K. Radiation And Electrical Emissions: No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance adversely affecting the operation, at any point, of any equipment, including, but not limited to, radio and television reception, other than that of the creator of the disturbance.
- L. Other Nuisance Characteristics: No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property or violate any state statutes, codes or city ordinances. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety, nor will damage public waste transmission or disposal facilities. (Ord. 801, eff. 6-3-1974)

11.07: SPECIAL PROVISIONS:

A. Off Street Parking And Loading Spaces:

1. Purpose And Intent: Regulations of off street parking and loading spaces in this section are to alleviate or prevent congestion of the public right of way and to promote the safety and general welfare of the public by establishing minimum requirements for off street parking, loading and unloading from motor vehicles in accordance with the utilization of various parcels of land and structures.
2. Requirements: The location, design and use of off street parking, driveways and loading spaces shall be in compliance with the following requirements:
 - a. Application Of Off Street Parking Regulations: The regulations and requirements set forth in this section shall apply to the required and nonrequired off street parking facilities in all zoning districts.
 - (1) Site Plan Drawing Necessary: Applications for a change of use, new construction or expansion in all zoning districts, except one- and two-family residential zoning districts, shall be accompanied by a site plan drawn to scale and dimensioned and indicating the location of off street parking, loading spaces, driveways, and curb cuts in compliance with the requirements set forth in this section.
 - (2) Exemptions For Parking Requirements: All uses located within the "1980 parking lot district" inside the general business district B-2 zoning district shall be exempt from the following off street parking requirements of this section.
 - b. General Parking Provisions:
 - (1) Permits Prior To Effective Date: Structures or uses for which a building permit has been issued prior to the effective date hereof, but for which work has not been completed, shall be exempt from the hereinafter stated parking requirements, if the structure is completed within six (6) months after the effective date hereof.

- (2) Reduction Of Existing Off Street Parking Space: Off street parking spaces and loading spaces existing upon the effective date hereof shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use. If further development requires the removal of the minimum number of parking stalls for an existing occupancy, replacement stalls must be provided to comply with the required off street parking provisions of this section. Should a nonconforming structure be damaged or destroyed, it may be reestablished if elsewhere permitted in these zoning regulations, except that in doing so, any off street parking or loading, which existed, shall be retained.
- (3) Change Of Use Or Occupancy Of Buildings: Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.
- (4) Use Of Parking Facilities: Off street parking facilities accessory to residential use shall be utilized solely for parking of passenger automobiles, recreational vehicles, and/or one truck not to exceed twelve thousand (12,000) pounds' gross weight rating for each dwelling. No commercially licensed trailer shall be parked or stored in any residentially zoned district, except when loading, unloading or rendering a service, except that one such vehicle with trailer may be parked off the street or avenue while maintaining all off street parking setbacks at the residence of the owner or operator of said vehicle. Required off street parking in the residential zoned districts shall be on the same lot as the principal building.
- (5) Use Of Parking Area: Required off street parking space in all zoning districts shall not be utilized for open storage of goods, shipping containers or for the storage of vehicles, which are inoperable, for lease, rent or sale. Under no circumstances shall open parking facilities accessory to one- and two-family residential structures be used for more than four (4) vehicles, open area storage of commercial vehicles, or for open air parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.
- (6) Snow Removal: Within forty eight (48) hours after snow has ceased to fall, the owner, tenants or manager of any off street parking area shall clear said parking area of snow so that said parking area is available for parking the number of vehicles for which said parking area was designed.
- (7) Accessible Parking: Accessible parking spaces for the disabled shall be provided as required by the state building code.

c. Calculating Space:

- (1) Number Of Spaces: When determining the number of required off street parking spaces results in a fraction, each fraction of one-half ($1/2$) or more shall constitute another space.
- (2) Gross Floor Area: The term "gross floor area" for the purposes of calculating the number of off street parking spaces, shall be determined on the basis of the exterior floor dimensions of the building, structure, or use, times the number of floors, minus ten percent (10%).
- (3) Benches Or Similar Accommodations In Places Of Public Assembly: In stadiums, bars, restaurants, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty two inches (22") of such seating facility shall be counted as one seat for the purpose of determining required parking. (Ord. 24, 6th Series, eff. 4-4-2011)
- (4) Buildings With Two Or More Uses: Except as provided for under "joint parking facilities", should a building contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required. Warehouse areas associated with retail uses shall have parking requirements calculated separately from the retail requirements.

For home occupations and bed and breakfasts with additional food service allowed by conditional use in a residential zoning district, the zoning administrator may waive off street parking requirement for the secondary use (customers of the home occupation, dining guests for the bed and breakfast additional food service), but not for the primary use, provided that: a) an equivalent amount of on street parking spaces as would otherwise be required for off street parking are available on the same side of the street and adjacent to the property on which the home occupation or bed and breakfast with additional food service is located; and b) that the secondary use would not create a need for overnight parking. (Ord. 80, 6th Series, eff. 11-2-2015)

d. Location Of Parking Facilities:

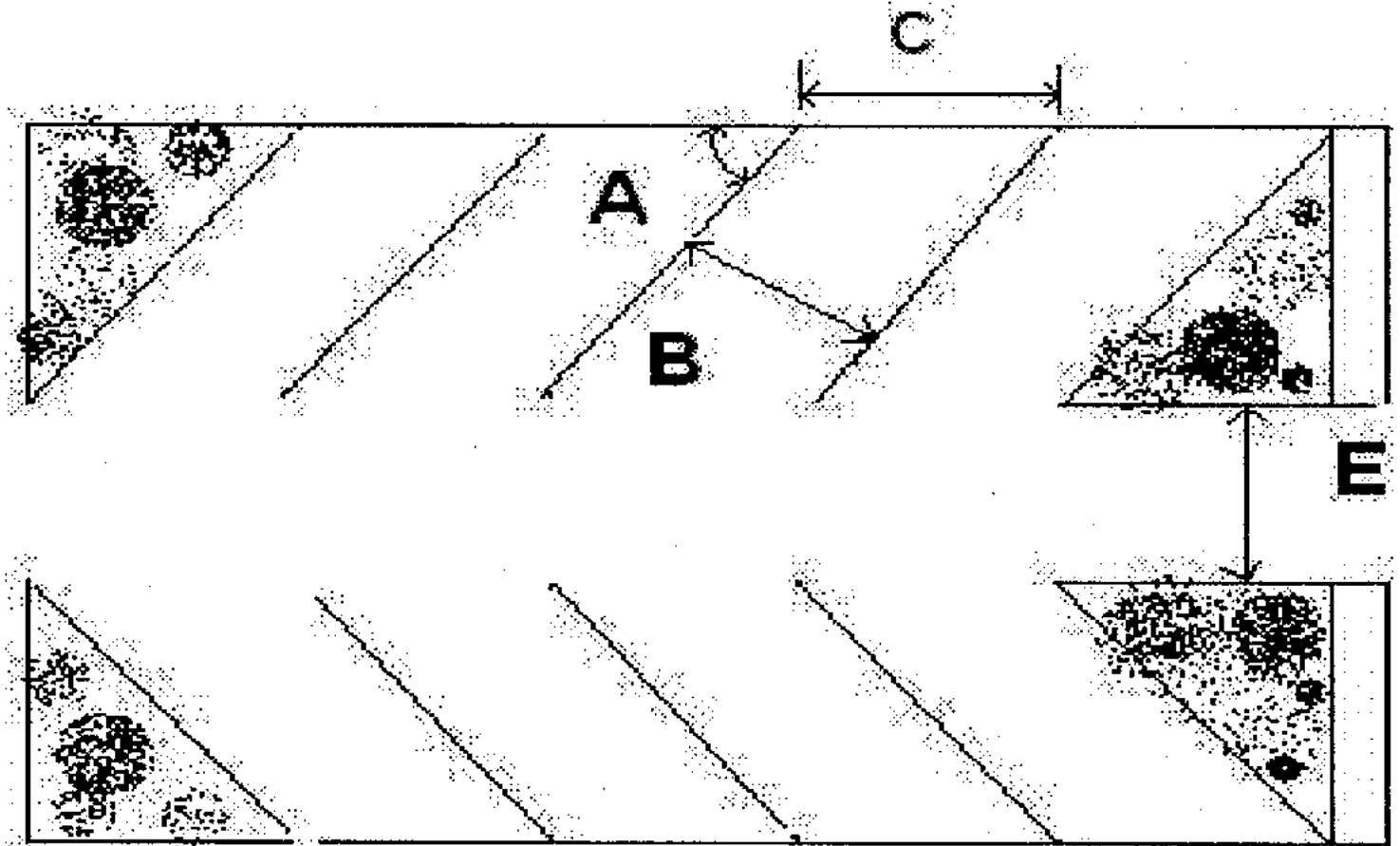
- (1) Required off street parking in all zoning districts shall meet the following setback requirements:
 - (A) Within all residential zoned districts, all vehicles normally owned or kept by the occupants on the premises must have a garage stall or open parking space on the same lot as the principal use served. Garage stalls accessory to residential structures or open parking spaces may be located anywhere on the lot other than in the required yard setback area, except that such garages or open parking spaces may be located to within ten feet (10') of a rear lot line. No accessory structure to a residential structure shall be located within the required yard area abutting a street.
 - (B) Within the limited business district B-1 and general business district B-2 zoned districts parking spaces and/or accessory structures shall be located in areas other than in the required yard setback area, except that accessory structures to the principal building or open parking spaces may be located in a rear yard to within ten feet (10') of the rear lot line and in a side yard to within five feet (5') of an interior lot line, except where a side lot line is abutting any residential zoned district; then off street parking shall not be less than ten feet (10') from said lot lines.
 - (C) Within the noncentral business B-3 zoned district, off street parking spaces shall not be less than twenty feet (20') from a street right of way line nor less than five feet (5') from any interior side lot line, nor less than ten feet (10') from any rear lot line, except where a side lot line is abutting any residential zoned district, then off street parking shall not be less than ten feet (10') from said lot lines.
 - (D) Within any industrial (light) I-1 zoned district, parking spaces shall not be less than twenty feet (20') from any street right of way line, nor less than five feet (5') from any interior side lot or rear lot line, except when a side or rear lot line is abutting any residential zoned district, then off street parking shall be not less than ten feet (10') from said lot lines.
 - (E) Within any industrial (heavy) I-2 zoned district, off street parking spaces shall be not less than ten feet (10') from any street right of way line, nor less than five feet (5') from any interior side or rear yard; except, where a front, side or rear yard is across the street from or abutting any residential zoned district, no parking shall be less than twenty feet (20') from the front lot line or lot line abutting a residential lot.

- e. Joint Parking Facilities: The joint use of off street parking areas may be authorized by conditional use permit for the following uses or activities under the following conditions:
- (1) The proposed joint parking space shall begin one hundred feet (100') from the principal use or building it serves and not more than four hundred feet (400') from principal use or building served.
 - (2) The applicant shall show that there is no conflict in the principal operating hours of the two (2) or more buildings or uses for which joint use of off street parking facilities is proposed.
 - (A) The joint use of off street parking for "nighttime" uses, such as theaters, bowling alleys, and bars or restaurants may be supplied by the parking area provided for "daytime" uses, such as banks, offices, retail and personal service establishments.
 - (B) Up to fifty percent (50%) of the off street parking for "daytime" uses may be supplied by the parking area provided for "nighttime" uses.
 - (C) Up to fifty percent (50%) of the parking for churches or auditoriums may be supplied by the parking area provided for "daytime" uses.
 - (D) When a side or rear lot line is abutting a one- and two-family residential R-1 zoned district, the joint parking facility shall be not less than ten feet (10') from said lot lines and include screening between the parking area and lot lines.
 - (E) The affected landowners or their duly authorized agents shall sign an agreement guaranteeing that joint parking will be available as long as the joint occupancies or businesses exist. All parties that lease parking spaces must provide evidence of control of required parking in the agreement. The city attorney must approve such agreement. Said agreement shall be filed and recorded in the office of the Morrison County recorder, and evidence of proper filing shall be submitted to the zoning administrator prior to the issuance of any permits or licenses.
- f. Use Of Parking Areas For Storage: Use of parking areas or required off street parking spaces, in all zoning districts, shall not be used for open storage of goods or for storage of vehicles that are inoperable, for lease, rent or sale.
- g. Design And Maintenance Of Off Street Parking Areas:
- (1) Cars Backing Into Street/Avenue: All parking areas except those serving one- and two-family residential R-1 and R-2 zoned districts, on local streets shall be designed so that cars shall not be required to back into the street/avenue. If deemed necessary for traffic safety, the city may require some one- and two-family residential R-1 and R-2 zoned districts to have turnaround areas on the property.
 - (2) Curb Cut, Driveway Access Location And Curb Cut Maximum: Access and parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Said driveway access shall not exceed thirty feet (30') in width at the public street right of way line for all zoning districts except curb cut width may be increased to a maximum of fifty feet (50') for occupancies in industrial zoned districts. All driveway access locations shall be so limited so as to cause the least interference with the traffic movement. All public parking areas shall have access off driveways and not directly off a public street. All outside parking spaces shall be clearly marked on the pavement.
 - (3) Location: The distance from a driveway to the intersection of two (2) streets shall not be less than twenty feet (20') measured from the intersection of the property or street right of way lines to the nearest edge of the curb cut; provided however that if, in the opinion of the city administrator or designee, present or future traffic conditions warrant greater or lesser distances, such greater or lesser distances shall be required subject to approval by the city council.
 - (4) Curb Cut Setback: Curb cut openings for driveways shall be located at a minimum of ten feet (10') from the side yard interior lot lines measured at the property line in all zoning districts, except one- and two-family residential R-2 and multiple-family residential R-3 zoning districts, where curb cut openings shall be a minimum of five feet (5'). The minimum distance between driveways on the same property shall be twenty feet (20') measured along the property or street right of way; provided, however, that if in the opinion of the city administrator or designee, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the city council.
 - (5) Joint Driveway: There shall be no setback requirements from a shared lot line for dwellings defined as zero foot (0') interior side yard setback for townhouses as described in section [11.03](#) of this chapter. Joint driveways for zero foot (0') interior side yard setback are permitted in all residential zoned districts if the joint driveway does not encroach within drainage and utility easements. Multiple properties in commercial, business, and industrial zoned districts may be allowed to share a driveway and the ten foot (10') setback required in this section may be reduced from each property line to zero, through a conditional use permit, provided:
 - (A) There is a reduction in the overall amount of allowed driveways for the properties served and the installation of a joint driveways and/or parking aisles will increase traffic safety.
 - (B) An access site plan for the areas to be served is provided to the city for review as part of the conditional use permit application.
 - (C) A legal instrument setting forth ownership, maintenance, etc., duly approved as to form by the city attorney, is executed and recorded by the party(ies) concerned and an attested copy filed with the city.
 - (D) The driveway or parking aisle meets all design standards set forth in this code or other design requirements as determined by the city administrator or designee.
 - (E) The design or resulting development shall not cause any conflict with safe and orderly traffic flow.
 - (F) Only one joint driveway or joint parking aisle shall serve any two (2) lots unless approved under a planned unit development.

- (G) That for a joint parking aisle, there is no practical space for the parking aisle as determined by the city and the city determines the joint parking aisle is appropriate and was not proposed just to avoid compliance with the ten foot (10') parking setback from the property line.
- (H) Joint driveways in existence prior to the adoption hereof are classified as preexisting and will not be required to obtain a conditional use permit, provided evidence of a previously recorded agreement detailing the joint driveway is submitted to the city and determined adequate by the city attorney.
- (6) Driveway Angle: The minimum driveway angle to the street shall be forty five degrees (45°), unless otherwise recommended by the city administrator or designee and approved by the city council.
- (7) Curbing: All open, off street parking areas designed to have head in parking along any lot line shall provide a tire bumper or curb of adequate height and properly located to ensure that no part of any car will project beyond the required setbacks as established in this chapter. The tire bumper or curb will be designed so as not to damage the vehicle bumpers or tires and still allow pedestrian traffic.
- (8) Size: The minimum dimensions for required parking spaces are shown in table 8-1 of this section. Minimum dimensions are exclusive of access drives or aisles, ramps or columns. In no case shall any part of the public right of way contribute toward required stall size. Ninety degree (90°) parking spaces that use a curb overhang over a landscaped area or a minimum seven foot (7') wide sidewalk may be reduced to eighteen feet (18') in depth. Parking stall dimensions are to be reviewed and approved by the city administrator or designee prior to the approval of a building permit.

TABLE 8-1
MINIMUM PARKING SPACE AND AISLE
DIMENSIONS GUIDELINES

Angle (A)	Width (B)	Curb Length (C)	Stall Depth (D)	One-Way Aisle Width (E)	Two-Way Aisle Width (F)
0° parallel	9'	20'	9'	12'	24'
45°	9'	12'8"	17'6"	12'	24'
60°	9'	10'5"	19'	16'	24'
90°	9'	9'	18'6"	26'	26'



Parking Space and Aisle Dimension

(Ord. 24, 6th Series, eff. 4-4-2011)

(9) Signs: (Rep. by Ord. 82, 6th Series, eff. 11-16-2015)

(10) Surfacing: All of the area intended to be utilized for parking space and driveways shall be hard surfaced with a material to control dust and drainage, and subject to approval of the city administrator or designee, except parking areas for less than four (4) vehicles. This requirement also applies to open sales lots. Parking areas and driveways shall be kept free of dirt, dust, and debris and the pavement shall be maintained in good condition.

(A) All commercial and industrial off street parking areas, all access drives leading to such parking areas and all other areas upon which motor vehicles may be located shall be surfaced with a dustless all weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds.

(B) Acceptable surfacing materials shall include asphalt, concrete brick, cement pavers or similar material installed and maintained per industry standards.

(C) Crushed rock shall not be considered an acceptable surfacing material on any public or employee off street parking areas, or access drives leading to such parking areas or garages, except as provided for elsewhere in this section.

(D) Within all industrial zoned districts, internal yard areas and/or loading areas are allowed to have class II (100 percent crushed) aggregate surface. Such internal yard areas shall be located to the side or rear of the principal building. The internal yard area shall be clearly separated from public areas by fencing or other acceptable means. Access drives that serve loading areas shall be hard surfaced with either bituminous or concrete within the required front or corner side building setback. A dust control plan shall be submitted and approved by the city.

(11) Lighting: Exterior lighting shall not be directed upon adjacent lands or the public right of way.

(12) Required Spaces: Parking shall be provided according to the following schedule:

Principal Use Or

Required Number Of Parking Spaces (Open Or Enclosed)

Structure Served	
Auto sales building, auto repair, bus terminals, taxi terminals, recreational vehicle sales, garden supply stores, building materials sales	1 space for each 300 square feet of gross floor area. 2 spaces per service bay (the service bay is not a parking space). 1 space per each 2,000 square feet of gross outdoor sales area
Banks or savings institutions	1 space per 250 square feet of gross floor area
Barbershop/beauty salon	2 spaces per station plus 2 per 3 employees
Bed and breakfast	At least 1 parking space per rental room, plus 2 for the owner or manager if resident on the premises
Boarding house	1 space per boarder plus 2 for owner or manager if resident on premises
Bowling alleys	5 spaces for each alley plus additional spaces as may be required herein for additional uses plus 1 space per 2 employees
Car wash	2 spaces per facility plus adequate stacking
Colleges and universities	1 space per 2 students based on the design capacity plus 1 space for each employee plus 1 space for each classroom; auditorium or event space shall be subject to separate additional calculations
Community center, post office, public and private clubs, pool halls, libraries, private clubs, lodges, museums, art galleries	1 space for each 300 square feet of gross floor area in the principal structure plus additional spaces as may be required for separate types of uses or event spaces in the primary structure
Day nurseries, commercial daycare	1 space per teacher on the largest shift plus 1 space per 10 students based on the maximum capacity of facility
Drive-in establishments	1 space per 2 seats, plus 1 space per 2 employees on largest shift
Dwelling, multi-family	2 spaces per dwelling unit
Dwelling, one- and two-family	2 spaces per dwelling unit
Efficiency units	1 space per unit
Elderly (senior citizen) housing, retirement homes, assisted living facilities	1 space per each bedroom, plus 1 space per 2 employees on largest shift
Food service, bakeries and other takeout food store	1 space per 100 square feet of customer area
Furniture store, household appliances	1 space per 400 square feet of gross sales area
Golf courses, disc golf courses, miniature golf	2 spaces per golf hole, plus additional spaces as may be required herein for related uses such as a restaurant, club rooms, bar or event spaces
Health clubs	1 space per 2 exercise stations plus 1 space per employee on largest shift
Hospitals	1 space per 2 patient beds (excluding bassinets) plus 1 space per 2 employees on largest shift including visiting doctors, plus designated parking for hospital vehicles. Loading and unloading spaces for ambulances or similar vehicles are not included in these parking requirements
Hotel, motels, tourist homes and cabins	1 space for each rental room/suite plus 1 space for each 8 units and 1 space per employee on largest shift
Liquor store, off-sale	1 space per 300 square feet of gross floor area
Manufacturing, fabrication or processing of a product or material	1 space per 12 employees on the largest shift plus 1 truck space per 7,500 square feet of gross floor area in the principal structure
Mobile home park	2 spaces per mobile home unit
Motor fuel stations and convenience stores	At least 4 spaces plus 1 space for each employee on the largest shift plus additional spaces as may be required herein for related uses such as retail sales
Nursing homes, rest home, convalescent home, memory care facility	1 space per 4 residents or patients plus 1 space per 2 employees plus 1 space for emergency vehicles
Office buildings, animal hospitals and clinics, professional offices and medical clinics	1 space per 300 square feet of gross area plus 1 space per employee on largest shift
Open sales lot	3 spaces for each 5,000 square feet of the open sales lot

Places of worship, civic centers, auditoriums, mortuaries, theaters, stadiums, sport arenas or similar uses	At least 1 parking space for each 4 seats based on design capacity of main assembly area, plus 1 space per 2 employees
Restaurants, cafes, bars, taverns and nightclubs	1 space per 3 seats plus 1 space for each 2 seats in bar area plus 1 space per employee on largest shift
Restaurants, fast food	15 spaces per 1,000 square feet of gross floor area
Retail sales	1 space per 300 square feet of gross floor area excluding public plazas, malls, pedestrian walkways for commercial structures 10,000 square feet in size or less. Structures larger than 10,000 square feet shall have 1 space per 250 square feet of floor area excluding public plazas, malls, and pedestrian walkways
Schools	Elementary and junior high, 2 spaces per classroom; high school, 1 space per teacher and staff members on largest shift, plus 1 space per 5 students
Shopping centers	6 spaces per 1,000 square feet of gross leasable floor area (exclusive of common areas)
Skating rinks and dance halls	100 spaces plus 1 per 200 square feet of gross floor area in the principal building
Swimming pool	1 space per 100 square feet of pool area
Warehousing and wholesaling	1 space per employee on largest shift plus 1 truck space per 7,500 square feet of gross principal structure
Special uses not covered above	In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses computed separately in accordance with this section. Parking facilities for 1 use shall not be considered as providing the required parking facilities for any other use except that the city administrator or designee may consider the joint use of a parking area (other than residential) where it is known that because of a time element, the parking facilities will not be needed by more than 1 of the uses thereof at 1 time
Other structures or uses	For any and all uses or structures not specifically provided for in the foregoing, such parking spaces as the city administrator or designee shall determine to be necessary, considering all the parking generating factors involved

h. Purpose Of Off Street Loading And Unloading Regulations: The regulations and requirements set forth in this section are to alleviate or prevent congestion of the public right of way so as to promote the safety and welfare of the public. This section applies to loading and unloading facilities in all districts. If, in the application of the requirements of this section, a fractional number is obtained, one loading space shall be provided for a fraction of one-half ($\frac{1}{2}$) or more, and no loading space shall be required for a fraction of less than one-half ($\frac{1}{2}$).

- (1) Location: All loading berths shall be located on the same lot as the building or use to be served. A loading berth shall be located twenty five feet (25') or more from the intersection of two (2) street right of way lines and at least twenty five feet (25') from any property line in which the abutting property is a residential use. Loading berths shall not occupy any yard requirement bordering a street.
- (2) Size: Unless otherwise specified, a required loading berth shall not be less than twelve feet (12') in width and twenty five feet (25') in length. All loading berths shall maintain a height of fourteen feet (14') or more.
- (3) Access: Each loading berth shall be located with approximate means of access to a public street or alleys in a manner, which will least interfere with traffic.
- (4) Surfacing: All loading berths and accessways shall be improved with a durable material to control dust and drainage.
- (5) Accessory Uses: Any area allocated as a required loading berth or access drive so as to comply with the terms of this chapter shall not be used for the storage of goods, inoperable vehicles nor be included as a part of the area necessary to meet the off street parking area.

i. Number Of Required Loading Berths: The city administrator or his/her designee, shall determine the number of loading spaces, if any, required for each business or structure. The following criteria shall be used to make this determination:

- (1) The size of both the building and parking areas.
- (2) The volume of materials delivered to the building.
- (3) The requirement that no delivery trucks shall need to back into or park in a public street or near pedestrian walkway or entrance.
- (4) The traffic flow both on site and in respect to adjacent public streets. (Ord. 24, 6th Series, eff. 4-4-2011)

B. Motor Fuel Stations: Motor fuel stations in all districts shall be subject to the following standards:

1. The setback of any overhead canopy or weather protection, freestanding or projecting from the station structure, shall be not less than ten feet (10') from the street right of way line, nor less than twenty feet (20') from an adjacent property line.
2. Open dead storage of motor vehicles, other than motor vehicles for rent, shall not be permitted for a period of more than seven (7) days.
3. No sales of motor vehicles or trailers or campers shall be permitted.
4. All goods for sale by a motor fuel station convenience store other than those generally required for the operation and maintenance of motor vehicles shall be displayed within the principal motor fuel station structure.
5. Each motor fuel station shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.

6. For the purpose of architectural appropriateness, each and every side of a motor fuel station shall be considered as a front face.
7. The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage, and such surfaces shall be designed to meet the requirements of a minimum four (4) ton axle load.
8. Wherever a motor fuel station abuts an R district, a fence or compact evergreen hedge not less than fifty percent (50%) opaque, nor less than six feet (6') high, shall be erected and maintained along the side and rear property line that abuts the R district. Application of this provision shall not require a fence within fifteen feet (15') of any street right of way line.
9. All trash, waste materials and obsolete automobile parts shall be stored within a separate enclosure near the principal structure of the motor fuel station.
10. All interior curbs shall be constructed within the property lines to separate driving and parking areas from landscaped area. Such curbing shall be constructed of concrete and shall be of six inch (6") nonsurmountable design.
11. All rental campers, trailers or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street. Said rentals shall not be stored within the front yard setback, nor the side yard adjacent to the street. (Ord. 801, eff. 6-3-1974)
12. All outdoor illumination shall be provided with lenses, reflectors or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light therefrom being directly visible upon any adjacent street, roadway or private property occupied for residential purposes. (Ord. 801, eff. 6-3-1974; amd. Ord. 22, 5th Series, eff. 11-6-2000)
13. (Rep. by Ord. 82, 6th Series, eff. 11-16-2015)
14. Notwithstanding anything to the contrary in other sections of this chapter, the following minimum requirements shall be observed for yards and setbacks for motor fuel stations:

	Lot Width	Front Yard	Side Yard		Rear Yard	Pump Setback
			Adjacent To Another Lot	Adjacent To Street		
Motor fuel station	150 feet	60 feet	30 feet	60 feet	30 feet	25 feet
Truck stop	200 feet	80 feet	60 feet	80 feet	60 feet	30 feet

(Ord. 801, eff. 6-3-1974; amd. Ord. 22, 5th Series, eff. 11-6-2000)

C. Drive-In Establishments: Drive-in establishments in all districts shall be subject to the following performance standards:

1. A screening fence not over six feet (6') in height nor less than four feet (4') which is at least fifty percent (50%) opaque throughout its height shall be constructed along the property line, or a planting strip not less than fifteen feet (15') in width is reserved and planted along the property line, shall be developed according to a submitted planting plan that meets the approval of the planning commission.
2. The outside lighting, if installed, shall be in accord with a plan approved by the council.
3. The entire area shall have a drainage system approved by the city engineer.
4. The entire area other than that occupied by structure or planting shall be surfaced with a material which will control dust and drainage.
5. A box curb at least six inches (6") above grade shall separate the public walk area from the lot, except at approved entrance or exit drives.
6. Should the use be a drive-in theater, a solid fence not less than eight feet (8') in height and extending at least to within two feet (2') of the ground shall be constructed around the property.
7. The lighting shall be accomplished in such a way as to have no direct source of light visible from the public right of way or adjacent land in residential use.

D. Planned Unit Development: The purpose of this subsection is to establish provisions for the granting of a conditional use permit to provide for a planned development project wherein there is more than one principal building or land use per lot, and with adequate controls to protect adjacent development and ensure high standards of development in accordance with an integrated design and coordinated physical plan which is appropriately located and in accordance with the following conditions. It is also the intent of this subsection to provide more flexible means to permit construction according to changing trends, techniques and materials in the process of urban development.

1. A complete site plan of the planned development project shall be submitted, which plan shall show proposed location of all buildings, parking areas, drives, lot lines, landscaped areas and other features, and shall be subject to approval of the council.
2. The council shall refer such plan to the planning commission for review and recommendations and such additional conditions as the council may direct to protect the general welfare may be imposed. (Ord. 801, 3rd Series, eff. 6-3-1974)
3. The tract of land for which a project is proposed and a permit requested shall be not less than one acre in area. (Ord. 33, 3rd Series, eff. 9-28-1987)
4. Uses may include only those uses generally considered associated with the general land use category shown for the area on the official land use plan of the city.
5. Where proposed private streets are determined by the council to better serve the traffic flow and the general welfare as a public street, the council may require such dedication and construction in conformance with city standards.

6. All other development regulations not specified in the "planned unit development" subdivision or specified as a condition to the conditional use permit, shall apply as regulated in the zoning district in which structure or use would be placed if the land were to be placed in a zoning district classification to permit said use of structure.
7. It is the intent of this subsection to provide a means to allow substantial variances from the provisions of this chapter, including uses, setbacks, height and similar regulations, but not including parking requirements, off street loading, necessary screening and the like. Variances may be granted for planned unit developments provided:
 - a. Certain regulations contained in this chapter do not realistically apply to the proposed development due to the unique nature of the proposed development.
 - b. The variances, if granted, would be fully consistent with the general intent and purpose of this chapter.
 - c. The planned unit development would produce urban development and an urban environment of equal or superior quality to that which would result from strict adherence to the provisions of this chapter.
 - d. The variances will not constitute a threat to the property values, safety, health or general welfare of the owners or occupants of adjacent or nearby land, nor be detrimental to the health, safety, morals or general welfare of the people of the city.
 - e. The proposed development is of such a unique nature as to require consideration under conditions of a planned unit development.
 - f. It shall be determined that the variances are required for reasonable and practicable physical development according to a plan and are not required solely on the basis of financial considerations.
 - g. Motor fuel stations granted a conditional use permit as part of a planned unit development shall be constructed concurrently with the major portion of such planned unit development. (Ord. 801, eff. 6-3-1974)
8. The council, upon review and recommendations of the planning commission, shall find that the proposed development is fully consistent with the purposes of this chapter and in conformity to the comprehensive plan, before it grants a special use permit. (Ord. 33, 3rd Series, eff. 9-28-1987)

E. Fallout And Blast Shelters:

1. The purpose of this subsection is to establish provisions to permit the construction and maintenance of fallout and blast shelters. Fallout or blast shelters are permitted as principal or accessory uses and structures in any district, subject to the yard regulations of the district. Such shelters may contain or be contained in other structures, or may be constructed separately and, in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.
2. The council may permit a fallout or blast shelter to be used also for other purposes which are permitted, conditional or accessory uses in the district in which the shelter is located, if the council finds that all of the general requirements of this chapter concerning such uses are satisfied, and in addition establishes:
 - a. The use other than as a shelter is compatible with the shelter proposed.
 - b. The function as a shelter would not be materially impaired by the proposed use.
 - c. If a conditional use permit is required, this permit would have been granted regardless of whether the shelter was involved.

F. Access Driveways:

1. The purpose of this subsection is to establish minimum standards for the design of safe ingress and egress for uses oriented to serving the motoring public, but not including parking lots.
2. The distance from a driveway to the intersection of two (2) streets shall not be less than twenty feet (20') measured along the curb line with the property line and the point of tangency of the curb lines with the curb return of the driveway; provided, however, that if, in the opinion of the city engineer, present or future traffic conditions warrant greater or lesser distances, such greater or lesser distances shall be required subject to approval by the council.
3. The minimum distance between driveways shall be twenty feet (20') measured at the property or street right of way line; provided, however, that if, in the opinion of the city engineer, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the council.
4. The minimum driveway angle to the street shall be forty five degrees (45°), unless otherwise recommended by the city engineer and approved by the council.
5. The distance from a driveway to the property line of an adjacent property shall not be less than five feet (5') measured along the curb line between the point of intersection of the curb line with the property line extended and the point of tangency of the curb line with the curb return of the driveway, unless otherwise recommended by the city engineer and approved by the council.
6. Access driveways shall be thirty feet (30') wide measured along the property line between the curb faces of the driveway, unless otherwise recommended by the city engineer and approved by the council.

G. Additional Requirements, Exceptions And Modifications: The requirements and regulations specified heretofore in this chapter shall be subject to the following:

1. Height Limitations: Height limitations set forth elsewhere in this chapter shall be increased fifty percent (50%) when applied to the following structures:

- a. Church spires.
 - b. Belfries.
 - c. Cupolas and domes which do not contain usable space.
 - d. Monuments.
 - e. Water towers.
 - f. Fire and hose towers.
 - g. Observation towers.
 - h. Flag poles.
 - i. Chimneys.
 - j. Smokestacks.
 - k. Parapet walls extending not more than three feet (3') above the limiting height of the building.
 - l. Cooling towers.
 - m. Elevators, penthouses.
 - n. Farm silos.
 - o. Heights in excess of those allowed under this subsection and other sections shall be permitted only by conditional use permit granted by resolution of the council determining that such structure would not be dangerous and would not adversely affect adjoining or adjacent property.
 - p. On any lot sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty five percent (25%) or more (measured in the general direction of the side lot lines), an additional twelve feet (12') of height may be permitted in such main building, provided the lowest floor shall not be less than ten feet (10') below the average established property line grades along the front of the lot. The floor of the basement shall be considered the lowest floor and a cellar floor shall not be counted.
2. Lot Sizes In Park Subdivisions: Where a proposed plat is submitted incorporating an extensive park area as an integral part of the subdivision and serving each lot within the plat, minimum lot area frontage and width requirements for the district in which the plat is located may be reduced subject to conditions and approval of plans by the planning commission and council.
- a. Land area taken from individual lots to create the park must be over and above the percent of total land area required for park purposes under the provisions of the subdivision chapter of this code.
 - b. The number of dwelling units created in the subdivision, excluding required park area, must not exceed the overall density requirements as specified in this chapter.
3. Yard Requirements:
- a. Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure and a conditional use permit is secured.
 - b. Required yards in the districts specified shall be subject to the following additional requirements:
 - (1) Through lots in any district shall have a required front yard on each street. (Ord. 801, eff. 6-3-1974)
 - (2) In the B and I districts, where the average depth of at least two (2) existing front yards for buildings, within the same block front of the lot in question is less or greater than the minimum front yard depth of such existing front yards, required front yards shall not be less than the average depth of such existing front yards, however, notwithstanding the foregoing, in no case shall the depth of a front yard be reduced by this section to below twenty feet (20').
 - (3) In any R district, where the average depth of at least two (2) existing front yards for buildings within the same block front of the lot in question is less or greater than the minimum front yard depth required for the district, the required front yard shall not be less than the average depth of such existing front yard, however, notwithstanding the foregoing, in no case shall the depth of a front yard be reduced by this section to below fifteen feet (15'). (Ord. 72, 4th Series, eff. 5-6-1996)

H. Outdoor Boilers:

- 1. The purpose of this subsection is to establish minimum standards for the placement and safe use of outdoor boilers.
- 2. Outdoor boilers are permitted in any zoning district, but must meet the requirements of this subsection, except they may not be placed in the following zoning districts: limited business district B-1; general business district B-2; and noncentral business district B-3.
- 3. Outdoor boilers permitted in other zoning districts must:
 - a. Be installed on a lot in area of five (5) acres or more; and
 - b. Be set back from the nearest property line by at least two hundred feet (200'); and
 - c. Burn only firewood or untreated lumber, no other biomass material is allowable; and
 - d. Be operated only between the days of October 1 and May 1; and
 - e. Be equipped with a properly functioning spark arrestor; and

f. The chimney shall extend a minimum of at least fifteen feet (15') above the ground surface, but shall also extend at least as high as the height of the roofs of residents within five hundred feet (500').

4. All outdoor boilers will require a conditional use permit before they are constructed. (Ord. 123, 5th Series, eff. 7-10-2006)

I. Street Side Ground Floor Dwelling Units:

1. A "street side ground floor dwelling unit" is defined as a dwelling unit contained within a larger building structure which is designed or used for purposes of permanent or temporary residency and is located within the general business district B-2 whereby any part of the exterior wall of the dwelling unit is adjacent to any street, avenue or alley.
2. Street side ground floor dwelling units shall not be permitted in any structure located within the historic or preservation landmark districts, attached as exhibit B to the ordinance codified herein. All street side ground floor dwelling units in existence prior to April 1, 2010, are grandfathered in and will be allowed to continue within the parameters of a legal nonconforming use.
3. Street side ground floor dwelling units shall be permitted by a conditional use permit in any general business district B-2 other than the historic or preservation landmark districts, provided:
 - a. At least one off street parking space must be provided for each dwelling unit. The parking space must be available twenty four (24) hours each day and be located on the same parcel as the dwelling unit.
 - b. Usable space in the dwelling unit shall be not less than two hundred (200) square feet in area per occupant and have one kitchen sink, one water closet, one lavatory, and one bathtub or shower. Kitchens and uninhabitable spaces shall not be used for sleeping purposes. Each sleeping area or room shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. The openings shall meet all the requirements for emergency escape and rescue openings set forth in section R310 of the current international residential code.
 - c. No less than one exit door must be provided to each dwelling unit. The exit door shall provide for direct access from the dwelling to the exterior without traveling through any other dwelling unit or occupancy. The required exterior exit door shall be a side hinged door not less than three feet (3') in width and six feet eight inches (6'8") in height.
 - d. All changes in occupancy must meet the current Minnesota building code requirements. Dwelling unit separation from all existing occupancies must be reviewed for fire resistance rated separation and opening protectives by a Minnesota licensed engineer or architect.
 - e. The exterior appearance of the building shall maintain a commercial appearance. Storefront windows shall be covered on the interior side with translucent or opaque materials that have a commercial appearance. Deliveries to street side ground floor dwelling units shall not be permitted on the exterior of the building.
 - f. There shall be no existing violations currently on file with respect to subject property, which have not been removed or remedied to the satisfaction of the zoning administrator. However, an applicant may be required by the city council to remove or remedy said violation as a condition of securing a conditional use permit.
 - g. For each block in the general business district B-2 zoning district, the maximum percentage of commercial structures which may be converted to provide residence facilities on the same floor as a commercial business is twenty percent (20%). For the purpose of this chapter, a percentage greater than the above shall be construed as detrimental and threatening to the existing character, health, safety, and welfare of the district.
 - h. The city council may impose additional reasonable conditions in order to protect the intent and purpose of this option in the general business district B-2.
 - i. All requirements, changes and conditions imposed by the city council shall be met before occupancy of the newly created residential unit is allowed. (Ord. 56, 6th Series, eff. 5-5-2014)

J. Portable Storage Units:

1. Requirements For Placement And Use Of Portable Storage Units:
 - a. No more than two (2) portable storage units may be located on a legal lot of record at any one time. For the purposes of this requirement, adjacent lots of record under common ownership shall be considered one legal lot of record.
 - b. Minimum property line setbacks for portable storage units shall be the same as requirements by this chapter for accessory structures in the zoning district where the unit is placed or five feet (5'), whichever is greater.
 - c. Portable storage units shall be placed on firm, level ground such that there is not a reasonable possibility of sliding, tipping or sinking.
 - d. Portable storage units shall not be placed:
 - (1) In a public right of way, except when on a trailer designed and maintained for the legal transport of such units;
 - (2) In a location where it would block the view of motorists at street intersections. At a minimum, units shall not be placed within twenty five feet (25') of the point where two (2) street rights of way intersect;
 - (3) In off street parking spaces, unless such spaces are unnecessary to meet the requirements of this section;
 - (4) On any residential property which does not already have a dwelling on the property, except when allowed under during active construction of a dwelling.
 - (A) This restriction shall not apply when the portable storage unit is on a property adjacent to another property under common ownership which has a dwelling.

(5) Within five feet (5') of any other portable storage unit. Units may not be stacked vertically.

e. Portable storage units shall not:

(1) Be used for human occupancy;

(2) Be connected to a power source, except temporarily by extension cord, or to sewer or to a water source;

(3) Be used for containment of solid waste or debris in an amount which may attract rodents or otherwise create a public health hazard.

f. Portable storage units shall not be counted as impervious coverage for the purposes of this chapter provided they are on a site temporarily as regulated in this subsection.

g. The applicant, as well as the supplier, shall be responsible for ensuring that the portable storage unit meets all state or federal laws which may apply and that it is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

2. Exemptions: The following portable storage units are exempt from the requirements of this subsection:

a. Portable storage units which are entirely contained within a building shall be exempted from these regulations.

b. Portable storage units which are actively being unloaded and will be located on site for sixteen (16) days or less. The city shall be notified of the presence of the portable storage unit within twenty four (24) hours of placement or by the first business day following placement of the unit.

(1) In cases of casualty damage to a property, the zoning administrator may issue a permit for the placement of a portable storage unit for periods of up to one hundred eighty (180) days. If a unit is necessary for longer than one hundred eighty (180) days due to the casualty damage, such use must be approved by the city council.

c. Portable storage units which are placed on any property which is engaged in active construction that has been authorized by a building permit or is otherwise allowed by ordinance.

d. Portable storage units for sale or rent or awaiting services which are located on premises owned or leased by a person or business legally engaged in the sale, rental or service of such units. (Ord. 79, 6th Series, eff. 1-1-2016)

11.08: MOBILE HOME REQUIREMENTS; GENERAL PROVISIONS:

A. Minimum Size: Unless located in a mobile home park, all mobile homes used for living purposes shall be at least twenty four feet (24') wide and at least thirty feet (30') long, and placed on a permanent foundation. (Ord. 132, 2nd Series, eff. 10-29-1984)

B. Prohibited Mobile Homes: Mobile homes shall be prohibited that:

1. Do not conform to the requirements of the vehicle code of the state.
2. Are in an unsanitary condition or having an exterior in bad repair.
3. Are structurally unsound and do not protect the inhabitants against all elements.

C. Maintenance: Every structure shall be developed and maintained in a safe, approved and substantial manner. The exterior of such structures shall be kept in good repair and shall be repainted or refinished when directed by the city.

D. Land Area: All land areas shall be properly maintained:

1. Adequately drained.
2. Free from dust.
3. Clean and free from refuse, garbage, rubbish or debris.

E. Tents: No tents shall be erected or occupied.

F. Outdoor Camping: There shall be no outdoor camping anywhere in the mobile home court.

G. Speaker System: No public address or loudspeaker system shall be permitted.

H. At Large Dogs And Animals: Dogs and animals shall not be permitted to run at large within the mobile home court.

- I. Access: Access to mobile home courts shall be as approved by the city. (Ord. 801, eff. 6-3-1974)
- J. Advertising: (Rep. by Ord. 82, 6th Series, eff. 11-16-2015)
- K. Registry: The operator of every mobile home court shall maintain a registry of the mobile home court showing:
1. The name and address of each guest or permanent resident.
 2. The make, type and license number of each mobile home and automobile.
- L. Map Displayed: A map of the mobile home court shall be displayed at the entrance to the court and be illuminated during all hours of darkness.
- M. Consent Required: No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a mobile home court without the written consent of the owner or operator of the mobile home court.
- N. Building Permit Required: All structures (fences, sidewalks, roads, storage space, cabana, ramada or other) shall require a building permit.
- O. Enclosed Area Under Home: The area beneath a mobile home coach shall be enclosed, except that such enclosure must be openable for inspection.
- P. Clotheslines: Laundry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose.
- Q. Transient Trailer Sites: No building, cabana, ramada, carport, awning, storage closet, cupboard or other structure shall be permitted on a transient trailer site, except plumbing and electrical service connections.
- R. Central Community Building: Where mobile home court has a central community building with the following features:
1. Laundry drying areas and machines;
 2. Laundry washing machines;
 3. Showers;
 4. Public toilets and lavatories;
- such building shall have central heating and be maintained in a safe, clean and sanitary condition.
- S. Site Plan Requirements:
1. Five (5) copies of a plot plan of the proposed mobile home court shall be submitted to the planning commission for its consideration. Said plot plan shall be drawn to scale and showing:
 - a. Legal description and size in acres of the proposed mobile home court.
 - b. Location and size of all mobile home sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites and all setback dimensions (parking spaces, exact mobile home sites, etc.).
 - c. Detailed landscaping plans and specifications.
 - d. Location and width of sidewalks.
 - e. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service and gas service.
 - f. Location, size and character of each cabana and cabana site.
 - g. Location and size of all streets abutting the mobile home court and all driveways from such streets to the mobile home court.
 - h. Road construction plans and specifications.
 - i. Plans for any and all structures.
 - j. Such other information as required or implied by these mobile home court standards or requested by public officials.

- k. Name and address of developer.
- l. Description of the method of disposing of garbage and refuse.
- m. Detailed description of maintenance procedures and grounds supervision.
- n. Description of construction plans (i.e., time involved, cost estimates, stage development, if any, and so on).

T. Design Standards:

1. Site:

- a. Each mobile home site shall contain at least four thousand (4,000) square feet of land area for the exclusive use of the occupant.
 - (1) Width: No less than forty feet (40').
 - (2) Depth: No less than one hundred feet (100').
- b. Each mobile home site shall have the following features:
 - (1) Frontage on an approved roadway.
 - (2) A sidewalk along the entire frontage with a sidewalk connecting from the mobile home entrance to the frontage sidewalk. Sidewalk shall be hard surfaced.
- c. The corners of each mobile home site shall be clearly marked and each site shall be numbered.
- d. The area occupied by a mobile home shall not exceed seventy five percent (75%) of the total area of a mobile home site; land may be occupied by a trailer, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or cupboard, or any structure; unoccupied land shall be landscaped.

2. Setbacks:

- a. No coach shall be parked closer than five feet (5') to the side lot lines, nor closer than twenty feet (20') to the front lot line, or within twenty five feet (25') of the rear lot line.
- b. There shall be an open space of at least ten feet (10') between the sides of adjacent coaches.
- c. Automobiles may park no closer than five feet (5') to the side of any coach; automobiles shall not, however, be parked nearer than five feet (5') to any side lot line.
- d. No coach, off street parking space or building shall be located within twenty feet (20') of the exterior boundary of any mobile home court.
- e. Mobile home sites with access to public streets shall conform to all setback and other requirements of the zoning district in which said site is located.
- f. No mobile home shall be closer than thirty feet (30') from the exterior property lines of any mobile home court.

3. Parking:

- a. Each mobile home site shall have a hard surfaced off street parking space for two (2) automobiles.
- b. Each mobile home court shall maintain a hard surfaced off street parking lot for guests or occupants in the amount of one space for each five (5) coach sites.
- c. All mobile home parks must have an area or areas set aside for dead storage and "overload" parking.
- d. Access drives, off roads, to all parking spaces and coach sites shall be hard surfaced.

4. Utilities:

- a. All mobile homes shall be connected to a public water and sanitary sewer system, or a water and sewer system approved by the state department of health.
- b. All plans for disposal of surface stormwater must be approved by the city.
- c. All utility connections shall be as approved by the city.
- d. The source of fuel for cooking, heating or other purposes at each mobile home site shall be as approved by the city.
- e. All utilities shall be underground; there shall be no overhead wires or supporting poles, except those essential for street or other lighting purposes.
- f. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related mobile home equipment.
- g. The proposed method of garbage, waste and trash disposal must be as approved by the city.

5. Internal Roads And Streets:

- a. Roads shall be hard surfaced as approved by the city.
- b. All roads shall have a hard surfaced (mountable roll type) curb and gutter.
- c. Rights of way shall be no less than fifty feet (50') in width.

d. All streets shall be developed as approved by the city.

6. Sidewalks:

a. There shall be a hard surfaced sidewalk across the front of each mobile home site and parallel to the street. Said sidewalk shall not be less than five feet (5') wide.

7. Recreation: All mobile home courts shall have at least ten percent (10%) of the land areas developed for recreational use (tennis courts, children's play equipment, swimming pool, golf greens, etc.), developed and maintained at the owner/operator's expense.

8. Landscaping:

a. Each site shall have a front yard not less than twenty feet (20') in depth across the entire frontage; this yard shall be landscaped, except for necessary driveway and sidewalk needs which shall not exceed one-half ($\frac{1}{2}$) the width of the site.

b. A landscaped rear yard shall be maintained to a depth of twenty five feet (25').

c. A five foot (5') landscaped side yard (both sides) shall be maintained.

d. A compact hedge, redwood fence or landscaped area shall be installed around each mobile home court and be maintained in first class condition at all times as approved.

e. All areas shall be landscaped in accordance with a landscaping plan approved by the council.

9. Lighting:

a. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.

b. The mobile home court grounds shall be lighted as approved by the city from sunset to sunrise. (Ord. 801, eff. 6-3-1974)

11.09: REGULATION OF ADULT USES:

No adult uses - principal, shall be located less than one thousand seven hundred feet (1,700') from the nearest property line of any land in any residential zone, or any public daycare, library, park, playground or other public recreational facility in any zone, or less than one thousand seven hundred feet (1,700') from the nearest property line of any religious institution, or less than one thousand seven hundred feet (1,700') from any property used as a residence. (Ord. 52, 4th Series, eff. 2-13-1995)

11.10: COMMUNICATIONS TOWERS:

A. Purpose And Intent:

1. The federal communications act of 1934, as amended by the telecommunications act of 1996 ("the act"), governs the construction, placement and modification of personal wireless facilities.
2. Consistent with the act, the general purpose of this section is to manage the placement, construction and modification of telecommunications towers and related facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless communications marketplace in the city.
3. In furtherance of the goals of the city and within the framework of the act and state law, the city will give due consideration to the city comprehensive plan, zoning districts, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas. Specifically, the purposes of this section are to:
 - a. Accommodate the communication needs of the residents and businesses.
 - b. Facilitate the provision of wireless communication facilities through careful siting and design standards.
 - c. Minimize adverse visual impacts of telecommunications towers and facilities through design, siting, landscaping and innovation camouflaging techniques.
 - d. Avoid potential damage to adjacent properties from the construction and operation of wireless communications facilities through structural standards and setback requirements; and ensuring that those structures are promptly and safely removed when no longer used or when determined to be structurally unsound.
 - e. Maximize the use of existing and approved towers, buildings or structures to accommodate new wireless communications antennas to reduce the number of towers needed to serve the industry.

B. Definitions: For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings given:

ACCESSORY FACILITY OR STRUCTURE: Any facility or structure serving or being used by or in conjunction with wireless telecommunication facilities, or support structures, including, but not limited to, utility or transmission equipment, storage sheds or cabinets.

ANS/TIA/EIA: American National Standard/Telecommunication Industry Association/Electronic Industrial Association.

ANTENNA: Any structure, device or system of electrical conductors, that transmits or receives electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

COLOCATION: The act of siting telecommunications facilities in the same location of the same support structure as other telecommunications facilities. "Colocation" also means locating telecommunications facilities on an existing structure (for example: building, water tanks, towers, utility poles, etc.), without the need to construct a new support structure.

FAA: Federal aviation administration.

FCC: Federal communications commission.

HEIGHT: The distance measured from ground level to the highest point on a tower or structure, including any antenna.

TELECOMMUNICATIONS FACILITIES: Cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure. The term does not include: 1) a satellite earth station antenna two (2) meters in diameter or less located in an industrial or commercial district; 2) a satellite earth station antenna one meter or less in diameter, wherever located; and 3) a tower.

TOWER: Any ground or roof mounted pole, spire, structure, or combination thereof, that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers and self-supporting lattice towers, including any support thereto.

TOWER ACCESSORY STRUCTURE: A structure located at the base of a tower for housing base on transmitting equipment.

WIRELESS COMMUNICATIONS: Any "personal wireless services", as defined in the federal communications act of 1996, including FCC licensed commercial wireless telecommunications services, such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communications (GSM), paging and similar services that currently exist or may be developed.

C. General Requirements:

1. All towers and antennas shall comply with all FCC and FAA rules and regulations.
2. Design and installation of all towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. Plans shall be designed, stamped and signed by a state licensed structural engineer.
3. Installation of all towers and antennas shall comply with all applicable state and local building and electrical codes.
4. For leased sites, written authorization for locating the wireless communication facilities from the property owner (fee title holder) must be provided as set forth in subsection H of this section.
5. All wireless communication facilities must be adequately insured for injury and property damage. Proof of insurance with the city named as an additional insured shall be provided.
6. All communication towers shall require a building permit before construction is allowed in any zoning district, and shall be anchored in a stationary position. Manufacturer's specifications for the antenna and supporting structure shall be attached to the building permit application.
7. Proposals to erect new towers and antennas shall be accompanied by any required federal, state or local agency licenses or applications for such licenses.
8. Only one tower is permitted on a parcel of land. Additional towers may be permitted with a conditional use permit if the additional tower is located within two hundred feet (200') of the existing tower and all other requirements of this chapter are met.
9. Tower designs are required to be an open framework or monopole configuration without the use of guy wires. The use of guy wires is prohibited in the design of new towers. Permanent platforms or structures, exclusive of antennas that serve to increase off site visibility, are prohibited.

D. Prohibitions:

1. No tower shall be over two hundred feet (200') in height.
2. All towers that exceed forty feet (40') in height shall stay a minimum of six hundred feet (600') from all residentially zoned property lines and public parks. (Ord. 9, 6th Series, eff. 3-2-2009)
3. (Rep. by Ord. 82, 6th Series, eff. 11-16-2015)
4. Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations.
5. No part of any tower, antenna or other components shall extend across or over any right of way, public street, highway, sidewalk or property.
6. No part of any tower, antenna or other components shall extend beyond the fence enclosure as required under subsection G6 of this section.
7. No temporary mobile communications sites are permitted, except in the case of equipment failure, equipment testing, equipment replacement, or in the case of an emergency situation authorized by the city council or their designated representative.

E. District Requirements, Placement, Setbacks And Height:

1. Residential Districts:

- a. Placement: Communications towers such as television antennas, HAM radio towers, etc., shall be situated in the rear or side yard without encroaching on the front yard area.
- b. Setbacks: Minimum setbacks of a tower from any lot line shall be ten feet (10'). If a tower and/or antenna are not rigidly attached to a building, then the minimum setback shall be equal to the height of the tower and/or antenna. However, if a tower and antenna are rigidly attached to a building and the tower base is on the ground, the minimum setback may be equal to the distance from the highest point of attachment to the top of the tower and/or antenna.
- c. Tower Height: The maximum height of the tower and/or antenna shall be forty feet (40') from average grade around the principal structures, or twenty feet (20') above the roof ridgeline of the principal structure on said lot. There shall be no more than one communications tower per parcel.

2. Business Districts:

- a. Placement: Towers erected in business districts shall require a conditional use permit and be situated in rear and side yards, without encroachment into front yard areas.
- b. Setbacks:
 - (1) Towers shall meet the principal structure setbacks of the underlying zoning district. Setbacks from the property line and public rights of way to base perimeter of the tower shall be one hundred twenty five percent (125%) or greater of the tower and/or antenna height. This setback may be reduced if the tower is designed to collapse half the distance of the total height of the tower through engineered design, then the tower setback will be one hundred twenty five percent (125%) of half the tower and/or antenna height to the property line and/or public rights of way and planned public rights of way. The applicant must submit a report stamped by a state licensed structural engineer registered in the state that certifies that the tower is designed and engineered to collapse half the height of the tower upon failure, if the reduction of the setback is applied. Setback requirements may be reduced to property lines abutting property that cannot be developed due to the presence of wetlands or similar limitations by variance, if the intent of this subsection would be better served thereby.
 - (2) Towers shall not encroach any easements. Towers shall not be located closer to a public street than a principal structure, with the following exceptions: a) on sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street; b) setback distances shall be measured starting from the base of the tower located nearest the property line; and c) 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 onto an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.
- c. Tower Height: The maximum height, including antenna height, shall be one hundred feet (100') from ground level. No tower height shall exceed the distance from the base of the tower to the nearest overhead electrical power line. This setback may be reduced to one-half ($1/2$) the height of the tower if the applicant submits a report stamped by a state licensed structural engineer that certified that the tower is designed and engineered to collapse upon failure within the distance from the tower to the overhead electrical power line.

3. Industrial Zones:

- a. Placement: Towers erected in industrial districts shall require a conditional use permit and be situated in rear and side yards, without encroachment into front yard areas.
- b. Setbacks:
 - (1) Towers shall meet the principal structure setbacks of the underlying zoning district. Setbacks from the property line and public rights of way to base perimeter of the tower shall be one hundred twenty five percent (125%) or greater of the tower and/or antenna height. This setback may be reduced if the tower is designed to collapse half the distance of the total height of the tower through engineered design, then the tower setback will be one hundred twenty five percent (125%) of half the tower and/or antenna height to the property line and/or public rights of way and planned public rights of way. The applicant must submit a report stamped by a state licensed structural engineer registered in the state that certifies that the tower is designed and engineered to collapse half the height of the tower upon failure, if the reduction of the setback is applied. Setback requirements may be reduced to property lines abutting property that cannot be developed due to the presence of wetlands or similar limitations by variance, if the intent of this subsection would be better served thereby.
 - (2) Towers shall not encroach upon any easements. Towers shall not be located closer to a public street than a principle structure with the following exceptions: 1) on sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street; 2) setback distances shall be measured starting from the base of the tower located nearest the property lines; and 3) 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 onto an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.
- c. Tower Height: Maximum tower height shall be two hundred feet (200') in industrial zoned areas. No tower height shall exceed the distance from the base of the tower to the nearest overhead electrical power line. This setback may be reduced to one-half ($1/2$) the height of the tower if the applicant submits a report stamped by a state licensed structural engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the tower to the overhead electrical power line.

- 4. Historical Districts: All communications towers in or near historic preservation landmarks and districts and in or near potential historic preservation landmarks and districts shall be reviewed for approval by the city heritage preservation commission and the Minnesota state historical society prior to the issuance of a conditional use permit.

F. Construction Requirements:

1. Structural Standards And Wind Loading:

- a. Residential Districts: Support structures taller than thirty five feet (35') shall be mounted in concrete and designed to withstand a wind velocity of at least seventy (70) miles per hour.
- b. Business And Industrial Districts: Each tower shall be designed and built to withstand an eighty (80) mile per hour baseline wind speed with a minimum of one-half inch ($1/2$ ") radial ice. If industry standards increase these requirements, all new or rebuilt towers shall conform to the new standards.

c. Towers: Tower designs shall conform to the latest structural standards and wind loading requirements of the most current Minnesota state building code. Support structures shall be grounded following manufacturer's specifications for grounds. Towers and antennas shall be designed to conform to accepted electrical engineering methods and practices and to comply with the most current provisions of the national electrical code. All towers shall be constructed to conform to the requirements of the occupational safety and health administration. Metal towers shall be constructed of or treated with corrosive resistant material. Wood poles shall be impregnated with decay resistant substances.

2. Antennas Mounted On Roofs, Walls And Existing Towers: The placement of a tower or antenna on roofs, walls and existing towers may be approved by building permit issuance, provided the towers or antennas meet the requirements of this chapter, after submittal of: a) a final site and building plan; and b) a report prepared by a state licensed structural engineer indicating that the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

G. General Standards And Design Requirements:

1. Colocation: A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the city council or their designated representative finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within a one mile search radius ($1/2$ mile for towers under 200 feet in height, $1/4$ mile for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

a. Structural Capacity: The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a state licensed structural engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. Interference: The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and state licensed professional engineer, and the interference cannot be prevented at a reasonable cost.

c. Height: Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and state licensed professional engineer to serve commercial and residential needs in the city corporate boundaries.

d. Other Unforeseen Reasons: Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

e. Additional Users: Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically, and all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred feet (100') in height, or for at least one additional user if the tower is over sixty feet (60') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower. The additional users shall be allowed to mount antennas upon the tower. The additional users shall be allowed to mount antennas of varying heights when the design is approved. Applicants for future antennas cannot be denied space on an existing tower unless mechanical, structural and regulatory factors prevent sharing. The tower owner and his or her successors shall allow the shared use of the tower if the additional user agrees in writing to meet reasonable terms and conditions for shared use.

2. Tower And Antenna Design Requirements:

a. Location And Design: Communication towers shall be located and designed to reduce the visual impact from adjacent properties at street level from public streets through the hue of color and camouflaging architectural treatment, except in instances where the color is dictated by federal and state authorities, such as the FAA.

b. Installation: Tower installation shall be designed to be compatible with the underlying site plan. The base of the tower and any accessory structures shall be landscaped. Accessory structures will be designed to be architecturally compatible with the principal structures on the site.

c. Alternative Design: The towers shall be freestanding, and commercial wireless communications towers in business and residential/public zones shall be of monopole design, unless the city council or their designated representative determines that an alternative design would be acceptable and blend with the surrounding environment.

3. Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights, unless the FAA, FCC or other federal or state authority for the particular tower specifically requires such lighting. When incorporated into the approved design of the tower, light fixtures used to illuminate ballfield parking lots or similar areas may be attached to the tower. (Ord. 9, 6th Series, eff. 3-2-2009)

4. Signs: The use of any portion of a tower for signs, other than those required by applicable federal, state or local law, is prohibited. No sign shall be placed on the tower, antennas or other attachments, unless required by any applicable federal, state or local law. (Ord. 82, 6th Series, eff. 11-16-2015)

5. Accessory Utility Buildings:

a. Use: Accessory structures shall enclose transmission equipment, power equipment or any equipment located on the ground near the tower.

b. Design Setbacks: All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.

6. Security Fencing:

a. Unauthorized Access: All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to twelve feet (12') aboveground shall be designed to preclude unauthorized climbing. The area on which the commercial use antenna tower is located shall have a minimum six foot (6') high chainlink fence with locked gate.

b. Security Lighting: Security lighting for on ground facilities and equipment is permitted as long as it is down shielded to keep light within the boundaries of the site.

c. Signs: Signs shall be mounted on the fenced enclosure and on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower, and identifying the leaseholder of the tower, and telephone number for

contact in case of emergency.

7. Screening And Landscaping:

- a. Tower Locations: Tower locations should provide the maximum amount of screening possible for off site views of the facility.
- b. Existing Vegetation: Existing on site vegetation shall be preserved to the maximum extent possible.
- c. Accessory Buildings; Ground Mounted Equipment: Accessory utility buildings and ground mounted equipment shall be screened from view from abutting rights of way and from abutting residentially zoned property by suitable vegetation at least five feet (5') in height, except where a design of nonvegetative screen better reflects and compliments the architectural character of the surrounding area.

8. Existing Antennas And Towers: Antennas and towers existing as of the effective date hereof, which do not conform to or comply with this chapter, may be continued, including through repair, replacement, maintenance or improvement, but not including expansion, unless: a) the nonconformity or occupancy is discontinued for a period of more than one year; or b) any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged.

9. Abandoned Or Unused Towers Or Portion Of Towers:

a. Obsolete, Unused Towers:

(1) Removal Required; Nuisance Declared: All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site, unless a time extension is approved by the city council. If a time extension is not approved, the tower may be deemed hazardous, substandard and/or a nuisance pursuant to Minnesota statutes sections 463.15, 561.01 through 561.03, 429.101, and applicable city ordinances. After the facilities are removed, the site shall be restored to its original condition or to an improved condition, and anchoring elements shall be removed from the average finish grade to a minimum of three feet (3') below ground level. The existence of the remaining footing elements, if not removed, shall be disclosed and evidenced on the deed recorded at the Morrison County recorder's office. If removal and/or restoration are not completed within ninety (90) days of the expiration of the six (6) month period specified herein, the city is authorized to complete the removal and site restorations, and the costs shall be assessed against the property as a special assessment.

(2) Abatement By City: In the event a tower is determined to be a nuisance, the city may act to abate such nuisance and require removal of the tower at the leaseholder's or property owner's expense.

b. Notice Of Intent To Cease Operations:

- (1) Notice Required: The leaseholder shall provide the city with a copy of the notice and date of the FCC's intent to cease operations and shall be given six (6) months from the date of ceasing operations to remove the obsolete tower and all accessory structures.
- (2) Multiple Users: In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of six (6) months.
- (3) Ground Equipment: The equipment on the ground is not to be removed until the tower structure has first been dismantled.
- (4) Restoration Of Site: After the facilities are removed, the site shall be restored to its original or an improved state.

H. Permit Required:

1. Construction, Installation: The construction or installation of any wireless communications facility requires a building and/or a conditional use permit under this chapter.
2. Building Permits: Use and facilities permitted under this subsection may be authorized by the city council or their designated representative upon the submittal and approval of a properly completed application for a building permit. Construction must be initiated within one hundred eighty (180) days of approval.
3. Conditional Use Permits: Use and facilities requiring a conditional use permit under this subsection shall be considered by the city council or their designated representative upon submittal and approval of the properly completed application and conditional use permit being paid.
4. Applications: In addition to the application requirements, all applications for building permits or conditional use permits for new wireless communications facilities shall include the following information:
 - a. Professional Report: A report stamped by a state licensed structural engineer and other professionals which: 1) certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report; 2) describes the tower height and design, including a cross section, elevation and foundation design; 3) certifies that facility's compliance with structural and electrical standards; 4) describes the tower's capacity, including the potential number and type of antennas that it can accommodate; 5) identifies the location of all sites that were considered as possible alternatives to the site applied for; 6) describes the lighting and/or painting to be placed on the tower if required by the FCC or FAA; 7) certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facilities and identifies both the class of the license and the license holder; and 8) describes how the requirements and standards of this chapter will be met by the proposed facilities.
 - b. Landowner Acknowledgement: Written acknowledgement by the landowner (fee title holder) is needed, of a leased site that he/she will abide by all applicable terms and reclamation requirements of this subsection. Such acknowledgement shall be applicable to all future landowners (fee title holders).
 - c. Facility Plan: Each applicant shall include a facility plan. The city will maintain an inventory of all existing and proposed wireless communications site installations and all providers shall provide the following information in each plan (the plan must be updated with each submittal as necessary): 1) written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communications services); 2) provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the city and within ten (10) miles of the city for these services to be provided; and 3) provide a map of the city and within ten (10) miles of the city which shows the geographic service areas of the existing and proposed cell sites.

d. Additional Information And Analysis:

(1) A copy of all required federal, state or local agency licenses and/or compliance approvals shall be submitted with the permit application. The city council or their designated representative may, at their discretion, require visual impact demonstrations including mock-ups and/or photographic images, screening plans, network maps, alternate site analysis, lists of other nearby wireless communications facilities or facility design alternatives for the proposed facilities.

(2) The city council or their designated representative may employ, on behalf of the city, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis.

e. Expiration Of Permit: A building permit for a telecommunications facility shall expire six (6) months after issuance, if the tower and/or supporting facilities have not been erected. An extension of time, not to exceed six (6) months per request, may be granted by the city council or their designated representative, due to unforeseen or extenuating circumstances. No fee will be charged for an extension.

f. Denial In Writing: Denial of an application for a permit shall be in writing.

I. Additional Requirements:

1. Structural Inspections:

a. The city may conduct inspections at any time upon reasonable notice to the property owner and the tower owner for the purpose of determining if it complies with the Minnesota building code and other construction standards provided for in the city code, and federal and state laws. The city's expense related to such inspection may be borne by the tower owner or property owner. Based upon the results of an inspection, the city council or their designated representative may require repair, modification or removal of a tower.

b. Deviation from original construction for which a permit is obtained constitutes a violation of this subsection.

c. Notice of violation will be sent by postal mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs.

2. Radiation Emission Inspections: The owner of a telecommunications facility shall provide the city with current, technical evidence of compliance with FCC radiation emission requirements at the city's reasonable request.

3. Maintenance: Towers and telecommunications facilities must be maintained in accordance with the following provisions:

a. Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries or nuisances to the public.

b. Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the national electrical safety code and all federal communications commission, state and local regulations, and in such a manner that they will not interfere with the use of other property.

c. Towers, telecommunications facilities and antenna support structures must be kept and maintained in good condition, order and repair.

d. Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.

e. All tenants on towers must comply with radio frequency emissions standards of the federal communications commission. (Ord. 9, 6th Series, eff. 3-2-2009)

11.11: WIND ENERGY CONVERSION SYSTEMS:

A. Purpose And Intent:

1. The purpose of this section is to establish regulations for the installation and operation of wind energy conversion systems within the city not otherwise subject to regulation and oversight by the state, to:

a. Facilitate the provision of wind energy conversion systems (WECS) and meteorological towers (MET) in locations and circumstances under which the use may be established without detriment to the public health, safety and general welfare of neighboring property owners or occupants; and

b. Minimize adverse visual impacts of these systems through careful design, siting and landscaping standards; and

c. Ensure that these systems are promptly and safely removed when no longer used or when determined to be structurally unsound.

2. The city will give due consideration to the city comprehensive plan, zoning districts, existing land uses, and environmentally sensitive areas when considering approval for the location of these systems. Permitting is subject to the regulations and requirements of this section and other provisions of this code, provided the property upon which the system is to be located is at least two and one-half (2¹/₂) acres in size. No person shall construct or operate a wind energy conversion systems without having fully complied with the provisions of this section.

B. Definitions: For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given:

AMBIENT NOISE LEVEL: The background noise level prior to installing the wind energy conversion system.

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (CWECS): A wind energy conversion system with a total nameplate generating capacity no

less than forty (40) kilowatts, but no greater than one hundred (100) kilowatts, and having a total height no higher than one hundred fifty feet (150') in any business zoned district, nor higher than two hundred feet (200') in any industrial zoned district.

FAA: The federal aviation administration.

FALL ZONE: The area, defined as the furthest distance from the wind energy conversion system base, in which the system will collapse in the event of a structural failure.

HUB HEIGHT: When referring to a wind turbine, the distance measured from ground level to the center of the turbine hub of a wind energy conversion system.

INTERIM USE: A temporary use of property to which reasonable conditions may be attached and which will expire on a certain date or after a certain event, or until zoning regulations no longer permit it.

METEOROLOGICAL TOWER (MET): A tower and associated equipment used primarily to measure wind speed and directions, plus other pertinent data relevant to siting a wind energy conversion system.

NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM (NCWECS): A wind energy conversion system no greater than forty (40) kilowatts in total nameplate generating capacity.

ROTOR DIAMETER: The diameter of the circle described by the moving rotor blades of the wind energy conversion system.

TOTAL HEIGHT: When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

TOWER: A vertical structure that supports the electrical generator, rotor blades or meteorological equipment.

TOWER HEIGHT: The total height of a wind energy conversion system exclusive of the rotor blades.

WIND ENERGY CONVERSION SYSTEM (WECS): Any device or facility, such as a wind charger, windmill or wind turbine, consisting of one or more wind turbines under common ownership or operating control, and may include power lines, transformers, substations, meteorological towers, cables/wires and other buildings accessory to such facility, whose main purpose is to convert wind energy into electrical energy to supply electricity to an off site customer or on site to an individual system owner/property owner.

WIND TURBINE: Any piece of electrical generating equipment which captures and converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any, and other related equipment.

- C. District Regulations: Wind energy conversion system and meteorological tower systems shall be considered as an accessory use and may be allowed as a permitted, temporary or conditional use, or not permitted based on the generating capacity and/or zoning district as established in the table below, subject to the requirements of this section and other provisions of this code. Minimum lot size for locating a wind energy conversion and meteorological tower is two and one-half (2¹/₂) acres.

P = Permitted

C = Conditional Use Permit

PTU = Permitted Temporary Use

NP = Not Permitted

Zoning District	NCWECS (10-40 kw)	CWECS (40-100 kw)	MET ¹
R-1, R-2, R-3, R-4	NP	NP	NP
R-1C	NP	NP	NP
B-1, B-2, B-3	C	NP	PTU
I-1, I-2	P	C	PTU
PUD-Mixed use	C	C	PTU
PUD.CH	NP	NP	NP
R-1.M, R-2.M, R-3.M	NP	NP	NP
PUD.M Res: R-1, R-2, R-3	NP	NP	NP
PUD.M ² , B-1, B-2, B-3, I-1, I-2	NP	NP	NP
FW-Residential	NP	NP	NP
FW-Other uses	C	C	PTU
FF-Residential, R-1, R-1C, R-2, R-3, R-4	NP	NP	NP
FF-Business, B-1, B-2, B-3	C	C	PTU
FF-Industrial, I-1, I-2	C	C	PTU
GFPD-Residential ³	NP	NP	NP
GFPD-Other uses ³	C	C	PTU

Notes:

1. Temporary use up to eighteen (18) months.
2. No new commercial and industrial uses are permitted, except for home occupation permitted by conditional use permit.
3. Allowable uses must have structures constructed in accordance with the state building code and floodplain management regulations established in sections [11.50](#) through [11.63](#) of this chapter, as approved by the city council.

D. General Requirements:

1. All wind energy conversion systems facilities shall comply with all federal and state regulatory standards, rules and regulations, including the federal communications commission, federal aviation administration, Minnesota pollution control agency and the Minnesota department of transportation.
2. All wind energy conversion systems facilities shall be designed, stamped and signed by a state licensed engineer.
3. All wind energy conversion systems facilities shall comply with all applicable state and local building and electrical codes.
4. All wind energy conversion systems facilities shall require a building permit prior to construction in any zoning district. Towers shall be anchored in a stationary position. Manufacturer's specifications for the wind energy conversion systems and supporting structures shall be submitted with the building permit, including data and calculations regarding wind and icing loads.
5. For leased sites, written authorization for locating the wind energy conversion systems facilities from the owner (fee titleholder) must properly be provided as set forth in subsection K13 of this section.
6. Proposals to erect new wind energy conversion systems shall be accompanied by any required federal, state or local agency licenses or applications for such licenses.
7. Wind energy conversion systems shall have one sign, not to exceed two (2) square feet, posted at the base of the tower stating the manufacturer's name, emergency telephone number, shutdown procedures and high voltage warning.
8. The city building/zoning official shall be notified in writing of any change in ownership of wind energy conversion systems or meteorological facility. All conditions imposed as a part of the original permit approval shall not be affected by the change.
9. Wind energy conversion systems shall be located on a parcel of land so as to have the least wind development impact on adjoining properties, and any negative impact of the wind energy conversion systems shall be confined as much as possible to the property on which the facility is located. Landscaping may be required in order to minimize the visual impact of the wind energy conversion system.
10. Wind energy conversion systems consisting of multiple wind turbines shall be located at least one and one-fourth ($1\frac{1}{4}$) times the total height of wind energy conversion systems from others proposed, or any other existing wind energy conversion systems.
11. Wind energy conversion systems designs are required to be an open framework or monopole configuration, and the use of guy wires is prohibited. Permanent platforms or structures exclusive of the wind energy conversion systems that serve to increase off site visibility are prohibited.
12. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the wind energy conversion systems have been successfully operated in atmospheric conditions similar to conditions found within the city.
13. The owner of the wind energy conversion systems facility shall provide, at their expense, any specialized training and equipment required to provide emergency services.
14. All wind energy conversion systems shall not have rotor dimensions greater than thirty feet (30') in diameter.
15. Wind energy conversions systems facilities shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the system facilities into the surrounding setting and environment to the greatest extent possible. Rotor blades shall be nonmetallic to prevent communication signal interference. Metal towers shall be constructed of or treated with corrosive resistant material.

E. Prohibitions:

1. No wind energy conversion systems or meteorological towers shall have a total height over one hundred fifty feet (150') in a business zoned district, or have a total height over two hundred feet (200') in an industrial zoned district.
2. No wind energy conversion systems or meteorological tower facility shall be approved for installation in a residential zoned district in the city. (Ord. 13, 6th Series, eff. 4-6-2009)
3. No sign shall be affixed to any wind energy conversion systems or meteorological tower, except as may be required under any applicable federal, state or local law. (Ord. 82, 6th Series, eff. 11-16-2015)
4. Wind energy conversion systems shall not be artificially lighted, except to the extent required by the federal aviation administration or other applicable authority.
5. No part of any wind energy conversion system shall extend across or over any right of way, public street, highway, sidewalk or property, or within a public or private utility and drainage easement.
6. Electrical controls and control wiring and power lines shall be wireless or not aboveground, except where a wind farm collector is brought together for connection to the transmission or distribution network, adjacent to that network.
7. Wind energy conversion systems shall not interfere with hospital helicopter approach or departure corridors.

F. Design And Performance Standards:

1. The following setbacks and separation requirements shall apply to all towers and wind meteorological energy conversion systems facilities; provided, however, that the city council may reduce the standard setbacks and separation requirements by variance if the intent of this section would be better served thereby. All required setbacks shall be measured from the base of the wind energy conversion systems or meteorological tower.

a. Inhabited Structures:

- (1) Meteorological towers, noncommercial and commercial wind energy conversion systems facilities shall be set back from the nearest residential zoning district boundary line, school, hospital, church, public building or public park, a distance no less than two thousand feet (2,000'). Setbacks to principal structures on the property shall be a distance of no less than one and one-half ($1\frac{1}{2}$) times the total height.
- (2) All new residential dwellings must be set back six hundred feet (600') from any wind energy conversion system wind turbine or meteorological tower, unless the dwelling owner and turbine/tower owner is the same. In such case, the dwelling setback shall be no less than one and one-half ($1\frac{1}{2}$) times the total height.

b. Property Lines: Each wind turbine shall be set back from the nearest property line a distance no less than two (2) times its total height.

c. Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than one and one-fourth ($1\frac{1}{4}$) times its total height, determined at the nearest boundary of the underlying right of way for such public road or planned public road.

d. Communications And Electrical Lines: Each wind energy conversion system wind turbine shall be set back from the nearest aboveground public electric power line or communication lines a distance no less than one and one-fourth ($1\frac{1}{4}$) times its total height, determined from the existing overhead power line or communication lines.

e. Historic Districts: All wind energy conversion systems facilities proposed to be located in or near historic preservation landmarks and districts and in or near potential historical preservation landmarks and districts, shall be reviewed for approval by the city heritage preservation commission and the Minnesota historic preservation officer prior to the approval of a building permit.

2. Noise:

a. A wind energy conversion system facility permit shall not be granted unless the applicant demonstrates that the proposed project complies with all noise regulations as required.

b. The applicant shall submit a noise study, prepared by a qualified professional, which demonstrates that, except for intermittent episodes, the wind energy conversion system shall not emit noise in excess of the limits established in Minnesota rules 7030 governing noise and as regulated by [chapter 10](#) of this code, as applicable. The city council or their representative shall determine the adequacy of the noise study and, if necessary, require further submissions.

c. The city council may impose a noise setback that exceeds the other setbacks set in this section, if they deem that such greater setbacks are necessary to protect the public health and safety of the community.

d. In the event the noise levels resulting from the wind energy conversion systems exceed the criteria listed above, a waiver to said levels may be granted by the city council; provided, that the following has been accomplished:

- (1) Written consent from the affected property owners has been obtained stating that they are aware of the wind energy conversion system and the noise limitations imposed by this section, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
- (2) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement is required to be recorded with the city and at the Morrison County recorder's office, which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this section may exist on or at the burdened property.

3. Minimum Ground Clearance: The rotor blade arc created by the wind energy conversion system shall have a minimum of thirty feet (30') of clearance over any structure and vegetation and between the rotor blade's lowest point and the ground.

4. Signal Interference: The applicant shall minimize or mitigate any interference with communications facilities, such as radio, cell tower systems, microwaves and telephone or television signals caused by any wind energy conversion system. Disturbances shall be reduced to the satisfaction of the affected parties and the city council.

5. Safety:

a. All wiring between wind turbines and the wind energy conversion systems substation shall be underground.

b. Wind turbine towers and meteorological towers shall not be climbable up to twelve feet (12') above the ground level.

c. All access doors to wind turbine towers or meteorological and electrical equipment shall be lockable and locked during unattended times.

d. Appropriate warning signage shall be placed on wind turbine towers or meteorological towers, electrical equipment, and wind energy conversion systems entrances.

e. The city council may required that wind energy conversions systems or meteorological sites be enclosed by security fencing and be equipped to deter the general public from obtaining access to the site. All access gates, doors and cabinets to the wind turbine towers and electrical equipment shall be lockable and locked when not attended.

f. Each wind energy conversion system shall be equipped with both a manual and automatic braking system.

G. Application: Building permits, conditional use permits and variances shall be applied for and reviewed under the procedures of this section and other provisions of this chapter.

1. A building permit is required prior to the construction or installation of any wind energy conversion system or meteorological facility.

2. Wind energy conversion system uses and facilities requiring a conditional use permit under this section shall be considered by the planning commission and city council upon submittal and approval of a properly completed application. The city council may impose such conditions on the granting of a conditional use permit as may be necessary to carry out the purpose and intent of this section, and to maintain compatibility with the city comprehensive plan and provisions of this code.
3. In addition to the application required, established elsewhere in this section, all permit applications for new wind energy conversion system facilities shall include the following information:
 - a. A scaled site plan of the project site. In addition to requirements found elsewhere in this section, the site plan shall indicate the project area boundaries, wind turbine locations, roads, transformers, power lines, communication lines, interconnection points with transmission lines, and other ancillary facilities or structures. The applicant shall also provide a detailed aerial photo of the surrounding area within one thousand three hundred twenty feet (1,320') of the proposed wind energy conversion system location. The photo shall clearly show location and distances to wetlands, rivers and streams, lakes, scenic and natural areas; and significant or potential historic sites; all public parks, and distances to residential dwellings, structures and other structures.
 - b. A report stamped by a state licensed structural engineer and other professionals which:
 - (1) Certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report.
 - (2) Describes the number of structures, structure total height and tower height and design, including a cross section, rotor diameter and direction, elevation and foundation design.
 - (3) Specific information on the type, size, height, color, rotor material, rated power output, performance, safety and noise characteristics of each commercial wind turbine model, tower and electrical transmission equipment.
 - (4) Certifies the structure's compliance with structural and electrical standards.
 - (5) Identifies the location of all sites that were considered as possible alternatives to the site applied for.
 - (6) Describes the lighting and/or painting to be placed on the structure if required by the federal aviation administration.
 - (7) Describes how the requirements and standards of this section will be met by the proposed facilities.
 - c. Landowner Acknowledgment: Written acknowledgement by the landowner (fee title holder) of a leased site is needed, that he/she will abide by all applicable terms and conditions of the building and/or conditional use permit, including the restoration and reclamation requirements of this section. Such acknowledgement shall be applicable to all future landowners (fee title holders).
 - d. Noise Report: A noise report that shall, at minimum, include the following:
 - (1) A description and map of the project's noise producing features, including the range of noise levels expected, and the tonal and frequency characteristics expected, and the basis of the expectation; and
 - (2) A description and map of the noise sensitive environment, including any sensitive noise receptors, (i.e., residences, hospitals, libraries, schools, places of worship and other facilities where quiet is important within one mile of the proposed facility); and
 - (3) A list of the applicable noise laws, plans and ordinances; and
 - (4) A survey and report prepared by a qualified engineer that analyzes the preexisting ambient noise regime, including seasonal variation, but not limited to separate measurements of low frequency and A-weighted noise levels across a range of wind speeds, including near cut-in, turbulence measurements, distance from the turbines, location of sensitive receptors relative to wind direction; and
 - (5) A description and map of the cumulative noise impacts; and
 - (6) A description of the project's proposed noise control features, including specific measures proposed to protect workers, and specific measures proposed to mitigate noise impacts for sensitive receptors to a level of insignificance; and
 - (7) Identification of any problem areas; and
 - (8) Summary of project developer's proposed noise compliant resolution program; and
 - (9) Manufacturer's noise design and field testing data, both audible (dBA) and low frequency (deep based vibration) for all proposed structures.
 - e. A report from a state professional engineer that calculates the maximum distance that ice from the turbine blades could be thrown. The basis of the calculation and all assumptions must be disclosed and the incidence of reported ice throws and the conditions reported at the time of the ice throw.
 - f. Location of all known public or private airports or heliports within five (5) miles of the proposed wind energy conversions system.
 - g. A wind energy conversion system application shall include a plan outlining the anticipated life of the project and the means and estimated costs, including identified financial resources available, for removing the wind energy conversion system at the end of serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, or a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning.
 - h. Evidence of power purchase contracts and power transmission contracts, and means of interconnecting with an electrical grid, if applicable, or documentation that the power will be utilized on site.
 - i. Additional Information And Analysis:
 - (1) A copy of all required federal, state or local agency licenses and/or compliance approvals shall be submitted with the permit application.
 - (2) A copy of notifications sent by the applicant to all communication tower operators within two (2) miles of the proposed wind energy conversion system location.

- (3) The city council or their representative may, at their discretion, require visual impact demonstrations, including mockups and/or photo images, screening and required signage plans, alternate site analysis, lists of other nearby wind energy conversions system facilities, or design alternatives for the proposed facilities.
 - (4) The city council or their representative may employ, on behalf of the city, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis.
4. A building permit for a wind energy conversion system facility shall expire six (6) months after issuance if the wind energy conversion system and/or supporting facilities have not been erected. The city council or their representative, due to unforeseen or extenuating circumstances, may grant an extension of time not to exceed six (6) months per request. No fee will be charged for an extension.

H. Abandoned Or Unused Wind Energy Conversion System Or Portion Thereof:

1. Obsolete Wind Energy Conversion Systems:

- a. All obsolete or unused wind energy conversion systems and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations, unless a time extension is approved by the city council. If a time extension is not approved, the facilities may be deemed hazardous, substandard and/or nuisance pursuant to Minnesota statutes sections 463.15, 561.01 through 561.03, and 429.101, and all applicable laws under this code. After the facilities are removed, the site shall be restored to its original condition or to an improved condition, and anchoring elements shall be removed from the average finish grade to a minimum of three feet (3') below ground level. The existence of the remaining footing elements, if not removed, shall be disclosed and evidenced on the deed recorded at the Morrison County recorder's office. If removal and/or restoration are not completed within ninety (90) days of the expiration of the six (6) month period specified herein, the city is authorized to complete the removal and site restoration, with all costs being assessed against the property as a special assessment.
- b. In the event a wind energy conversion system is determined to be a nuisance, the city may act to abate such nuisance and required removal of the facility at the leaseholder's or property owner's expense.

2. Notice Of Intent To Cease Operations:

- a. The leaseholder shall provide the city with a copy of the notice and date of intent to cease operations, and shall give six (6) months from the date the operations cease to remove the obsolete wind energy conversion system and all accessory structures.
- b. The equipment on the ground is not to be removed until the wind energy conversion system structure has first been dismantled.
- c. After the facilities are removed, the site shall be restored to its original or to an improved condition.

I. Additional Requirements:

1. Structural Inspections:

- a. The city may conduct inspections at any time, upon reasonable notice to the property owner and the wind energy conversion system owner for the purpose of determining if it complies with the state building code and all other construction standards provided for in federal and state law, as well as this code. The city expense related to such inspections may be borne by the wind energy conversion system owner or property owner. Based upon the results of an inspection, the city may require repair, modification or removal of the facilities.
- b. Deviation from original construction for which a permit is obtained constitutes a violation of this section.
- c. Notice of violation will be sent by postal mail to the owner and the owner will have thirty (30) days from the date the notification was issued to make repairs.

2. Maintenance: Wind energy conversion system facilities must be maintained in accordance with the following provisions:

- a. Owners must install and maintain wind energy conversion system facilities in compliance with the requirements of the national electrical safety code, and all federal, state and local regulations, and in such a manner that they will not interfere with the use of other property, nor cause damage, injuries or nuisances to the public.
- b. Wind energy conversion system facilities and support structures must be kept and maintained in good condition, order and repair.
- c. Maintenance or construction of a wind energy conversion system facility support structure must be performed by qualified maintenance and construction personnel.

J. Building Mounted Wind Energy Conversion System Facilities: Notwithstanding the height limitations of the zoning district, building mounted wind energy conversion system facilities shall be allowed in business and industrial zoning districts. Permitting is subject to administrative review and approval of a properly completed application by the city council or their representative, under the provisions of this section and as established in this section and this code. In addition, all building mounted wind energy conversion system facilities shall comply with the following standards and regulations:

- 1. A building permit is required prior to the construction or installation of any building mounted wind energy conversion system facility.
- 2. Building mounted wind energy conversion system facilities shall be prohibited on structures less than forty two feet (42') in height, based on the average grade surrounding the building.
- 3. Building mounted wind energy conversion system facilities shall be installed above the roof surface.
- 4. The total height of the building mounted wind energy conversion system facilities shall not exceed fifteen feet (15') above the highest point of the roofline. Evidence will be provided showing adequate clearance and protection from the rotor blade rotation as approved by the city council or their representative.

5. Building mounted wind energy conversion system facilities shall be set back at least twenty feet (20') from the front walls and fifteen feet (15') from the side and rear walls of the structure upon which it would be mounted.
 6. The applicant will provide plans and evidence to the city council or their representative's satisfaction, that the structure upon which the proposed wind energy conversion system facility is to be mounted shall have the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure. Wind energy conversion system facilities shall comply with all applicable state and local building and electrical codes.
 7. Evidence of power purchase contracts and power transmission contracts and means of interconnecting with an electrical grid, if applicable, or documentation that the power will be utilized on site.
 8. Building mounted wind energy conversion system facilities shall be prohibited in the Mississippi headwaters corridor districts.
- K. Temporary Meteorological Equipment: Temporary meteorological equipment located upon a temporary tower used on a temporary basis to gather wind and meteorological data to determine feasibility of a wind energy conversion system shall require a permit to allow temporary use under this section. Permitting is subject to administrative review and approval of a properly completed application by the city council or their representative, under provisions of this section and as established in this section and under this code. In addition, all meteorological facilities shall comply with the following standards and requirements:
1. A building permit is required prior to the construction or installation of any meteorological facility.
 2. No more than one such meteorological facility shall be permitted on a lot at one time.
 3. The meteorological facility shall be placed on property for no longer than eighteen (18) months from the date of permit issuance. Any abandoned or obsolete temporary tower and associated equipment shall be removed within thirty (30) days from the cessation of operation at the site. If removal and restoration are not completed within the period specified herein, the city is authorized to complete the removal and site restoration at the leaseholder's or property owner's expense.
 4. The tower shall be temporary by nature and shall not have permanent foundations. Guy wires may be used as long as the connections to the ground are temporary and the wires are designed to support the wind and ice load of the tower.
 5. The tower and any related guy wire should be protected against unauthorized climbing.
 6. The tower shall meet all setback requirements of this section.
 7. The tower shall be grounded and shielded to protect against natural lightning strikes, in conformance with the national electrical code.
 8. No tower shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those devices required by the federal aviation administration.
 9. Meteorological generators shall comply with all Minnesota rules 7030, as amended, governing noise and this code, as amended and applicable.
 10. The color of the meteorological facility shall be nonreflective and nonobtrusive.
 11. Warning signs with the telephone number of the owner shall be displayed at the site.
 12. Qualified maintenance and/or construction personnel must perform maintenance and construction of meteorological facility. Commonly accepted methods and devices must be employed to prevent failures and accidents that are likely to cause damage, injuries or nuisances to the public.
 13. In addition to the application requirements established elsewhere in this section, all permit applications for temporary meteorological facilities shall include the following information:
 - a. In addition to requirements found elsewhere in the section, the scaled site plan shall indicate the project area boundaries, wind turbine locations, roads, transformers, power lines, interconnection points with transmission lines, and other ancillary facilities or structures. The applicant shall also provide a detailed aerial photo of the area within one thousand three hundred twenty feet (1,320') of the proposed temporary surrounding meteorological facility location. The photo shall clearly show location and distances to wetlands, rivers and streams, lakes, scenic and natural areas, significant or potential historic sites, all public parks, and distances to residential dwellings, structures and other structures.
 - b. Written acknowledgement by the landowner (fee title holder) is required on a leased site that they will abide by all applicable terms and conditions of all permits, including the restoration and reclamation requirements of this section. Such acknowledgement shall be applicable to all future landowners (fee title holders).
 - c. Submittal of a report stamped by a state licensed structural engineer and other professionals which:
 - (1) Certifies that a detailed engineering soils report has been completed and that the design of the temporary meteorological facility is based on that report;
 - (2) Certifies the structure's compliance with structural and electrical standards;
 - (3) Describes the lighting and/or painting to be placed on the structure, if needed, by the federal aviation administration; and
 - (4) Describes how the requirements and standards of this section will be met by the proposed temporary meteorological facility.
 - d. A copy of all required federal, state and/or local agency licenses and/or compliance approvals shall be submitted with the permit application.
- L. Liability Insurance: All wind energy conversion systems or meteorological facilities must be adequately insured for injury and property damage. Proof of insurance with the city named as an additional insured is required to be provided.

M. Transferability: All permits issued under this section shall be made transferable, and all subsequent holders of such permits shall be subject to all applicable requirements of this section as a whole, and any permit conditions that may exist. Written notice shall be made to the city council within thirty (30) days of such transfer. (Ord. 13, 6th Series, eff. 4-6-2009)

11.12 - 11.19: RESERVED:

11.20: STORMWATER MANAGEMENT:

- A. Purpose: The purpose of this section is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas; by preventing periodic local flooding by designing areas for ponding and retention of stormwater.
- B. Applicability: Every applicant for a building permit, not exempted by subsection D of this section, or subdivision approval, or permit to allow land disturbing activities, must submit a stormwater management plan to the city. No building permit, subdivision approval or permit to allow land disturbing or development activities shall be issued until approval of the stormwater management plan or waiver of the approval requirement has been obtained in conformance with the provisions of this section.
- C. Plan Approval: All plans shall be subject to approval by the city. The city shall consider issues of land usage, overall drainage for the city and existing stormwater facilities in approving any drainage plan. The city may reject any proposed plans if they do not meet the overall purpose of this section.
- D. Exemptions: The provisions of this section do not apply to:
1. Any permit or approval by the city prior to the effective date hereof;
 2. Installation of fences, signs, telephone and electric poles and other kinds of posts or poles;
 3. Construction of a single-family home or a single duplex;
 4. An addition to an existing building that does not require a conditional use permit and is less than ten percent (10%) of the total floor area of the existing building;
 5. Construction of a detached accessory building that does not require a conditional use permit;
 6. Emergency work to protect life, limb or property;
 7. Land disturbing activities conducted by the city affecting less than five (5) acres.
- E. Waiver: The city council may waive any requirement of this section upon making a finding that compliance will impose an unnecessary hardship or the project does not have any significant alterations of existing stormwater conditions, and the waiver of such requirements will not adversely affect the standards and requirements of this section. The city council may require as a condition of the waiver such dedication or construction as may be necessary to adequately meet said standards and requirements. The city council may require as condition of the waiver that the applicant make an in kind or monetary contribution to the development and maintenance of community stormwater management activities as designated by the city council.
- F. Application: A written application signed by a licensed engineer in the state of Minnesota for stormwater management plan approval shall be submitted with the proposed land disturbing or development activities to the city. The application shall include a statement indicating the grounds, upon which the approval is requested, a statement that the proposed use is permitted within the underlying zoning district and adequate evidence showing that the proposed use will conform to the standards set forth in this section.
- G. Stormwater Management Plan: At a minimum, the stormwater management plan shall abide by the Minnesota national pollution discharge elimination system (NPDES) construction stormwater general permit, and contain the following information:
1. Site map showing the site and immediately adjacent areas, existing topography with contour intervals appropriate to the topography of the land, delineation of all streams, public waters and wetlands located on and immediately adjacent to the site, location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site showing in which direction and what rate stormwater is conveyed from the site, a description of the soils on the site, vegetative cover delineating the vegetation proposed for removal, 100-year floodplains, flood fringes, floodways, and a watershed boundary map;
 2. Site construction plan, including locations and dimensions of all proposed land disturbing or development activities, and any phasing of those activities, locations and dimensions of all temporary soil or dirt stockpiles, locations and dimensions of all construction and erosion control measures, schedule of anticipated starting and completion date of each land disturbing or development activity, provisions for maintenance of the construction

and erosion control measures during construction; geotechnical report examining groundwater versus basement floors and intended discharge of detention basins (infiltration versus piped discharge);

3. Final site conditions plan, including finished grade and contours, landscape plan, drainage plan delineating at what rate stormwater will be conveyed from the site, and setting forth the areas of the site where stormwater will be allowed to collect, proposed size, alignment and intended use of any structure to be erected on the site, delineation and tabulation of all areas which shall be paved or other impervious surfaced, including a description of the surfacing materials to be used, and any other pertinent information, which is necessary for the review of the project;
4. A written report summary discussing pre and post development hydrology and hydraulic analysis, erosion and sedimentation control measures to be used during and after construction, protection measures for proposed and existing structures, and water quality concerns. If structural best management practices effectiveness is not as planned, the applicant/owner shall implement additional best management practices to ensure postconstruction stormwater management conditions are met.

H. Site Erosion Control: The following criteria applies to construction activities that result in runoff leaving the construction site: 1) channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical; and 2) all activities on the site shall be conducted in sequence to minimize the area of bare soil exposed at one time.

I. Criteria For Permanent Facilities:

1. An applicant engaged in land disturbing or development activities shall construct all stormwater management facilities necessary to manage increased runoff so that the peak discharge rates for a 2-year, 10-year and 100-year, 24-hour event, existing before the proposed development, shall not be increased and accelerated channel erosion shall not occur as a result of the proposed land disturbing or development activities.
2. The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions, as they exist before development, to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
3. The following stormwater management practices shall be investigated in developing a stormwater management plan in the following descending order of preference:
 - a. Natural infiltration of stormwater on site;
 - b. Flow attenuation by use of open vegetated swales and natural depressions;
 - c. Stormwater detention facilities; and
 - d. Stormwater retention facilities.
4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified above. Justification shall be provided by the applicant for the method selected.

J. Design Standards: Stormwater detention facilities constructed in the city shall be designed according to the most current technology as reflected in the Minnesota pollution control agency's publication "Protection Of Water Quality In Urban Areas", and shall contain, at a minimum the following design factors:

1. A permanent pond surface area equal to two percent (2%) of the impervious area draining to the pond or one percent (1%) of the entire area draining to the pond, whichever amount is greater;
2. An average permanent pool depth of four feet to ten feet (4' - 10'), not including sediment storage;
3. A permanent pool length to width ratio of three to one (3:1) or greater;
4. A minimum protective shelf extending ten feet (10') into the permanent pool with a slope of ten to one (10:1), beyond which slopes should not exceed three to one (3:1);
5. A protective buffer strip vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet);
6. All stormwater detention facilities shall have a device to keep oil, grease and other floatable material from moving downstream as a result of normal operations;
7. All stormwater detention facilities must have a forebay (i.e., preliminary sedimentation basin), to remove coarse grained particles prior to discharge into a watercourse or storage basin;
8. All stormwater ponds shall be designed to account for twenty five (25) year sediment storage;
9. Retention basins shall be designed to hold a 100-year storm event back to back and maintain one foot (1') freeboard to the emergency overflow outlet.
10. Infiltration rates shall assume fifty percent (50%) clogging.
11. Design and construct stormwater management practices that manage rainfall on site, and prevent the off site discharge of the precipitation from the first one inch (1") of runoff from the new impervious surfaces created by the project. Discharge volume reduction can be achieved by engineered infiltration, canopy interception, soil amendments, evaporation, rainfall harvesting, and/or evapotranspiration and any combination of the aforementioned practices. This first one inch (1") of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

K. Wetlands:

1. Runoff shall not be discharged directly into wetlands without presettlement of the runoff.
 2. A protective buffer strip of natural vegetation at one rod (16.5 feet) in width shall surround all wetlands.
 3. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value as determined by the city council.
- L. Steep Slopes: No land disturbing or development activities shall be allowed on slopes of eighteen percent (18%) or more.
- M. Catch Basins: All newly installed and rehabilitated catch basins that discharge to stormwater ponds or waters of the state, shall be provided with a sump area for the collection of coarse grained materials and shall be cleaned when they are half filled with material.
- N. Drain Leaders: All newly constructed and reconstructed buildings shall route roof drain leaders to pervious areas wherein the runoff can be allowed to infiltrate.
- O. Inspection And Maintenance: All stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater management facilities. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes. All privately owned best management practices shall have a maintenance agreement with the city of Little Falls.
- P. Easements And Outlots: The city may require easements or outlots which cover the stormwater infrastructure, as deemed necessary to protect the city's interest.
- Q. Mitigation: In the event TSS and/or TP reduction requirements cannot be met through on site treatment, the applicant, with city approval, can construct off site mitigation to address the required TSS and/or TP requirements.
- Mitigation project areas are selected in the following order of preference:
1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity;
 2. Locations within the same department of natural resources catchment area as the original construction activity;
 3. Locations in the next adjacent department of natural resources catchment area upstream;
 4. Locations anywhere within the city's jurisdiction.
- Mitigation projects must involve the creation of new structural stormwater best management practices or the retrofit of existing structural stormwater best management practices or the use of a properly designed regional structural stormwater best management practice.
- Routine maintenance of structural stormwater best management practices already required by this permit cannot be used to meet mitigation requirements of this subsection.
- Mitigation projects shall be completed within twenty four (24) months after the start of the original construction activity.
- R. Approval: Stormwater management plans meeting the requirements of this section shall be submitted to the public works director/city engineer for review and compliance with the standards of this section. The public works director/city engineer shall approve, with conditions or deny the stormwater management plan. If a particular stormwater management plan involves a complex application or has the potential for significant controversy, a public hearing may be scheduled before the planning commission for public input.
- S. Duration: Approval of any plan submitted under the provisions of this section shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of approval, the applicant makes a written request to the public works director/city engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the public works director/city engineer may grant one extension of not greater than one year. Receipt of any request for an extension shall be acknowledged by the city within fifteen (15) calendar days. The public works director/city engineer shall make a decision on the extension within thirty (30) calendar days of receipt. Any plan may be revised in the same manner as originally approved. Any denied application may be resubmitted with additional information addressing the concerns contained within the denial. The resubmitted plan is subject to all applicable fees and shall be considered as a new application.
- T. Conditions: A stormwater management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, require the acquisition of certain lands or easements, and require the conveyance to the city of Little Falls or other public entity of certain lands or interests therein. The city may specify special requirements for specific watersheds within the city and its extraterritorial jurisdiction. The nature of these requirements will be subject to the unique environmental and natural resources environment of each subwatershed. Approval of a plan shall bind the applicant to perform all of the

conditions and requirements of the plan prior to any land disturbing activities. A plan issued under this section runs with the land and is a condition of plat approval. Any owner or subsequent owner of any parcel within the plat must comply with the plan or any approval, revision or modification of the plan.

U. Record Drawings: Upon completion of construction activities, the applicant shall submit the final stormwater management plan to document any change to the original stormwater management concept. The final plan shall contain record drawings, in paper and in electronic format (AutoCAD), sharing the final configuration for all improvements. The final plan shall be certified by the registered engineer in the state of Minnesota. (Ord. 69, 6th Series, 1-5-2015)

11.21: EROSION AND SEDIMENT CONTROL:

- A. Purpose: The purpose of this section is to establish standards and requirements for erosion and sediment control measures to be taken during the development of and alterations to lands within the city of Little Falls. This section is also established to protect public health, safety and general welfare, property and the environment by establishing regulations for erosion and sediment control related to land disturbing activities as required by the United States environmental protection agency US-EPA and the Minnesota pollution control agency MPCA, laws.
- B. Applicability: All land disturbing activities are subject to the conditions of this section.
1. Land disturbing activities less than five thousand (5,000) square feet are not required to obtain a land disturbance permit, but must comply with the minimum requirements of subsection B4 of this section.
 2. Land disturbing activities that disturb land of greater than or equal to five thousand (5,000) square feet are required to obtain a land disturbance permit (LDP).
 - a. Residential, Multi-Family, Commercial And Industrial Sites: All persons planning a land disturbing activity meeting the requirements of this section on an existing parcel of record (building site), shall obtain a land disturbance permit from the city prior to obtaining a building permit. A building permit will not be issued without an approved building site land disturbance permit.
 - b. Subdivision Development: A subdivision owner/developer/agent planning a land disturbing activity meeting the requirements of this section, including, but not limited to, mass grading, site development, and roadway and utility installation on an existing parcel of record, shall obtain a land disturbance permit from the city. A subdivision owner/developer/agent may have multiple phase permits open for the master plan site. The land disturbance permit will not be issued without approved final construction plans and specifications relevant to final plat phasing. Prior to site work or building construction, each parcel of record (building site) must have its own land disturbance permit obtained by the owner or applicant.
 - c. Roadway And Utility Installation Construction Plans: All people planning a land disturbing activity meeting the requirements of this section on a new or an existing lot of record for the purpose of the construction of any roadway or utilities shall submit a land disturbance permit application to the city at the time of the roadway and utility plan. Each parcel of record within a subdivision must obtain a separate land disturbance permit.
 3. In addition to obtaining a land disturbance permit from the city, a Minnesota pollution control agency NPDES construction stormwater (CSW) permit is required for construction activity that results in land disturbance of equal to or greater than one acre or a common plan of development or sale that disturbs greater than one acre.
 4. All land disturbing activities must comply with these minimum requirements:
 - a. Property and streets adjacent to the site of a land disturbance shall be protected from sediment deposition. This shall be accomplished by preserving a well vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes or sediment basins, by stockpiling soil in appropriate locations or by a combination of such measures.
 - b. All storm sewer inlets which are functioning during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
 - c. Property and waterways downstream from development sites shall be protected from flooding and erosion due to increases in the volume, velocity and peak water flow rate of stormwater runoff. Concentrated storm runoff water leaving a development's site must be discharged directly into a well defined natural or manmade off site receiving channel or pipe.
 - d. A permanent vegetative cover shall be established in denuded areas not otherwise permanently stabilized forthwith after land disturbing activity is complete.
 - e. Whenever construction vehicles access public roads, provision shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day.
 - f. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
 - g. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.
 5. The land disturbance permit does not replace, eliminate or satisfy the need for any other permits required by any other public or private entity.
- C. Exemptions: The provisions of this section do not apply to emergency work to protect life, limb or property and emergency repairs.

D. Land Disturbance Permit Fee Exemptions:

1. The following activities that meet the requirements of this section and require a land disturbance permit are subject to the provisions of this section but are exempt from the fee requirements:
 - a. Maintenance work by city employees.
 - b. Federal, state, county, MS4 and other projects where the city does not have regulatory authority.
 - c. Construction projects administered through the city's engineering department.
 - d. Nursery, home gardening and agricultural operations.

E. Land Disturbance Permit:

1. Prior to any land disturbing activities on lands subject to this section, the owner or applicant shall be required to obtain a land disturbance permit.
2. All applications shall be submitted to the engineering department. All single-family residential land disturbance permits shall be processed within seven (7) business days from receipt of a completed application. All nonsingle-family residential permits shall be processed within thirty (30) calendar days from receipt of a completed application.
3. The city of Little Falls shall, in writing:
 - a. Approve the permit application;
 - b. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this section, and issue the permit subject to these conditions; or
 - c. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
 - d. Failure of the city to act on an original or revised land disturbance permit application within seven (7) business days for single-family residential permits and thirty (30) calendar days for all other permits upon receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the city, or the city notifies the applicant of errors and/or omissions in the application requiring corrective action on the part of the applicant. Once the land disturbance permit is approved, permit coverage will be issued to the permittee.

F. Land Disturbance Permit Fees:

1. Fees for land disturbance permits shall be established by council resolution.
2. All land disturbance permit fees shall be submitted to city hall with the permit application.

G. Land Disturbance Permit Submittals:

1. The application for a land disturbance permit shall include the following:
 - a. A completed land disturbance permit application naming the property owner, project/property information, contractor, and/or the engineer/designer (if applicable);
 - b. Map of the subject property showing the location of existing and proposed buildings, structures, and impervious surfaces;
 - c. Description of the construction or land disturbing activity to be performed on the property and proposed project schedule;
 - d. Identification of all stormwater drains and drainageways and/or public waters located on and within thirty feet (30') of the subject property's boundaries;
 - e. Identification of all wetland buffer zones if applicable (a previous delineation is acceptable);
 - f. Identification of measures to be utilized to control erosion and sedimentation within and from the subject property during the project activity as required herein;
 - g. Identification of all permanent erosion control measures and a completion schedule;
 - h. Identification of the location of soil storage or stockpile areas to be utilized;
 - i. Identification of all measures to be utilized to protect neighboring property, water bodies, and wetland buffer zones; and
 - j. Identification, use, and maintenance of BMPs for temporary erosion and sedimentation control as recommended by the most current version of the MPCA stormwater manual including, but not limited to:
 - (1) Perimeter erosion control devices, including, but not limited to, silt fence, sediment logs, mulch, etc.;
 - (2) Stockpile protection;
 - (3) Phased grading;
 - (4) Temporary seeding, mulching, and disk anchoring (with seed and mulch type);
 - (5) Storm drain inlet protection devices;

- (6) Appropriately protected construction entrance;
- (7) Removal of all debris, dirt and soil from impervious ground surfaces, including abutting public or private roadways and sidewalks, in connection with the subject property (street sweeping);
- (8) Sediment basins and flow diversions; and
- (9) Any other erosion and sedimentation control device as deemed necessary by the city.

H. Land Disturbance Permit Standards: All exposed soil areas must have appropriate permanent or temporary stabilization as soon as possible to limit soil erosion but in no case later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement but must comply with stockpile requirements.

I. Duration Of Coverage By Land Disturbance Permit:

1. Notice Of Termination: Final stabilization is achieved, a notice of termination (NOT) has been filed with the city and all termination of coverage requirements are met and the city has issued the NOT. A NOT issued by the city does not terminate the MPCA NPDES construction stormwater permit; a separate NOT must be filed with the MPCA.
2. Change Of Coverage: For stormwater discharges from construction projects where the owner changes prior to issuing NOT (e.g., a homebuilder sells a house and lot to the final homebuyer or the entire site changes ownership):
 - a. The original/current applicant shall provide a copy of the notice of termination/permit modification form to the new applicant.
 - b. The original/current applicant shall provide the SWPPP, or equivalent plan, to the new applicant that specifically addresses the remaining construction activity. If the SWPPP or equivalent plan is not relevant, or the new applicant wants to use a new plan, this must be submitted with the notice of termination/permit modification form.
 - c. The new and current applicants shall work together to submit one completed and signed permit modification form to the city within seven (7) calendar days of assuming operational control of the site, commencing work on their portion of the site, or of the legal transfer, sale, or closing on the property. No new fees will be required. The change of coverage becomes effective five (5) calendar days from receipt of the completed form unless the permittee is contacted by the city during the five (5) day period and notified of an incomplete form. The permit modification portion of the NOT/permit modification form acts as the permit application for the new applicant and a NOT for the current applicant only for the portion of the site which was sold.
 - d. Late submittals of land disturbance permit transfers will not be rejected, however, the city reserves the right to take enforcement for any unpermitted discharges or permit noncompliance for the new registered party that has assumed control of the site.
 - e. For stormwater discharges from construction activities where the applicant changes, the new applicant can implement the original SWPPP created for the project or develop and implement their own SWPPP.
 - f. The new permittee shall ensure either directly or through coordination with the old permittee that their SWPPP meets all terms and conditions of this section and that their activities do not render ineffective another party's erosion and sediment control BMPs.
3. Time Requirement Reached: The land disturbance permit becomes void if work does not begin within one hundred eighty (180) days of permit approval or is suspended at any time for over one hundred eighty (180) days. Extensions may be granted upon request received at least fifteen (15) days prior to permit becoming void. If a permit becomes void, the permit application process will begin anew.

J. Termination Of Coverage: A permittee wishing to terminate the land disturbance permit must complete final stabilization of the site and submit a notice of termination (NOT) request. Requests for NOT are made by completing the NOT/permit modification form supplied with the permit; and submitting it to engineering department or designee as provided with the notice of coverage. Compliance with the land disturbance permit is required until a NOT is submitted and approved by the city. The NOT becomes effective fifteen (15) calendar days after the postmarked date of the completed NOT form or other proper notification unless the permittee is contacted by the city during the fifteen (15) day period and notified that the NOT request is incomplete or that the request has been denied.

K. Inspections:

1. The city shall have the right to enter and inspect a property to determine compliance with this section.
 - a. Self-Inspections: The permittee or their designee must make regular inspections of the entire site at least once every seven (7) days during active construction and within twenty four (24) hours after a rainfall event greater than 0.25 inch in twenty four (24) hours, to ensure compliance with this section. Records of these inspections shall be made available to the city upon request.
 - b. City Inspections: The public works director and/or their designee shall make inspections and either approve that portion of completed work or notify the permittee where work is noncompliant. The land disturbance permit fee shall cover the cost of routine inspections. Additional inspections due to noncompliance will be billed to the affected property owner as set by city council resolution.

L. Violations And Enforcement:

1. In the event of noncompliance, the city may suspend construction and any issued permits. Only corrective action work to bring the site back to compliance will be permitted. No other construction on the site shall be allowed until authorized by the city.

2. The city shall use the following procedure to notify property owners of violations and corrective measures:

- a. Residential, Commercial, Multi-Family And Industrial Site: In the event a building site permittee is in violation of the land disturbance permit or the SWPPP, the city may issue a stop work order, suspend or revoke the land disturbance permit or building permits for the site. The city shall serve the permittee and/or other responsible persons, in writing a notice of violation.
- b. Land Disturbing Activities In Public Rights Of Way: The city shall notify the responsible party of the violation and require that construction activities be terminated to allow the responsible party to remove conditions or remedy any defects. The notice shall require the responsible party to take reasonable steps within twenty four (24) hours to abate and correct the violation.
- c. Stop Work Orders: The public works director or their designee may issue stop work orders for any violation of this section.
- d. Public Nuisance: A violation of this section is declared to be a public nuisance and which may be abated according to the provisions for section [10.31](#) of this code. (Ord. 71, 6th Series, eff. 2-2-2015)

11.22 - 11.49: RESERVED:

11.50: FLOODPLAIN MANAGEMENT:

Sections [11.50](#) through [11.63](#) of this chapter shall comprise the provisions of the floodplain management regulations. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.51: STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE:

A. Statutory Authorization: The state legislature has, in Minnesota statutes chapters 103F, 104 and 462, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.

B. Findings Of Fact:

1. Potential Hazards In Flood Areas: The flood hazard areas of the city are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. Methods Used To Analyze Flood Hazards: The provisions of sections [11.50](#) through [11.63](#) of this chapter are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the state department of natural resources.
3. Statement Of Purpose: It is the purpose of these provisions to promote the public health, safety and general welfare and to minimize those losses described in subsection B1 of this section, by provisions contained herein. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.52: GENERAL PROVISIONS:

A. Lands To Which These Provisions Apply: These provisions shall apply to all lands within the jurisdiction of the city shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe or general floodplain districts.

B. Establishment Of Official Zoning Map: The official zoning map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of these provisions. The attached material shall include the flood insurance study for the city prepared by the federal insurance administration dated November 1979, and the flood boundary and floodway map and flood insurance rate map dated May 1980, therein. The official zoning map shall be on file at city hall.

C. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot (1') above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

D. Interpretation:

1. In their interpretation and application, the provisions of these sections shall be held to be minimum requirements and shall be liberally construed in favor of the city council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2. The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the planning commission shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the planning commission and to submit technical evidence.
- E. **Abrogation And Greater Restrictions:** It is not intended by these sections to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these sections impose greater restrictions, the provisions of these sections shall prevail. All other ordinances inconsistent with these sections are hereby repealed to the extent of the inconsistency only.
- F. **Warning And Disclaimer Of Liability:** These sections do not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. These sections shall not create liability on the part of the city, or any officer or employee thereof, for any flood damages that result from reliance on these sections or any administrative decision lawfully made thereunder.
- G. **Severability:** If any section, clause, provision or portion of these sections are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these sections shall not be affected thereby.
- H. **Definitions:** Unless specifically defined below, words or phrases used in these sections shall be interpreted so as to give them the same meaning as they have in common usage and so as to give them their most reasonable application:
- ACCESSORY USE OR STRUCTURE:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- BASEMENT:** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.
- CONDITIONAL USE:** A specific type of structure or land use listed in the official control that may be allowed but only after an in depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes, and upon a finding that: 1) certain conditions as detailed in the zoning ordinance exist; and 2) the structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.
- EQUAL DEGREE OF ENCROACHMENT:** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- FLOOD:** A temporary increase in the flow or stage of a stream, or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- FLOOD FREQUENCY:** The frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.
- FLOOD FRINGE:** That portion of the floodplain outside of the floodway. "Flood fringe" is synonymous with the term "floodway fringe" used in the flood insurance study for the city.
- FLOODPLAIN:** The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- FLOODPROOFING:** A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- FLOODWAY:** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- OBSTRUCTION:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- PRINCIPAL USE OR STRUCTURE:** All uses or structures that are not accessory uses or structures.
- REACH:** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.
- REGIONAL FLOOD:** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. "Regional flood" is synonymous with the term "base flood" used in the flood insurance study.
- REGULATORY FLOOD PROTECTION ELEVATION:** The regulatory flood protection elevation shall be an elevation no lower than one foot (1') above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- STRUCTURE:** Anything constructed or erected on the ground or attached to the ground or on site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in subsection [11.59C1](#) of this chapter, and other similar items.
- VARIANCE:** A modification of a specific permitted development standard required in an official control, including these sections, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a

hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.53: ESTABLISHMENT OF ZONING DISTRICTS:

A. Districts:

1. Floodway District: The floodway district shall include those areas designated as floodway on the flood boundary and floodway map adopted in subsection [11.52B](#) of this chapter.
2. Flood Fringe District: The flood fringe district shall include those areas designated as floodway fringe on the flood boundary and floodway map adopted in subsection [11.52B](#) of this chapter.
3. General Floodplain District: The general floodplain district shall include those areas designated as unnumbered A zones on the flood insurance rate map adopted in subsection [11.52B](#) of this chapter.

B. Compliance: No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these sections and other applicable regulations which apply to uses within the jurisdiction of these sections. Within the floodway, flood fringe and general floodplain districts, all uses not listed as permitted uses or conditional uses in sections [11.54](#), 11.55 and 11.56 of this chapter, respectively, shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of these sections and specifically section [11.59](#) of this chapter;
2. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of these sections and specifically section [11.61](#) of this chapter; and
3. As built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of these sections and specifically as stated in section [11.60](#) of this chapter. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.54: FLOODWAY DISTRICT (FW):

A. Permitted Uses:

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Industrial-commercial loading areas, parking areas and airport landing strips.
3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential lawns, gardens, parking areas and play areas.

B. Standards For Floodway Permitted Uses:

1. The use shall have a low flood damage potential.
2. The use shall be permissible in the underlying zoning district.
3. The use shall not obstruct flood flows or increase flood elevations, and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

C. Conditional Uses:

1. Structures accessory to the uses listed in subsection A of this section and the uses listed in subsections C2 through C8 of this section.
2. Extraction and storage of sand, gravel and other materials.
3. Marinas, boat rentals, docks, piers, wharves and water control structures.
4. Railroads, streets, bridges, utility transmission lines and pipelines.
5. Storage yards for equipment, machinery or materials.
6. Placement of fill.

7. Travel trailers and travel vehicles, either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of subsection [11.59C](#) of this chapter.
8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 100-year frequency flood event.

D. Standards For Floodway Conditional Uses:

1. All Uses: No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood, or cause an increase in flood damages in the reach or reaches affected.
2. Procedures And Standards: All floodway conditional uses shall be subject to the procedures and standards contained in subsection [11.60D](#) of this chapter.
3. Permissible In Zoning District: The conditional use shall be permissible in the underlying zoning district.
4. Fill:
 - a. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - c. As an alternative, and consistent with subsection D4b of this section, dredge spoil disposal and sand and gravel operations may allow temporary on site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood, but only after the city council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.
5. Accessory Structures:
 - a. Accessory structures shall not be designed for human habitation.
 - b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
 - (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - c. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the state building code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the state building code, provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards, as appropriate:
 - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
6. Storage Of Materials And Equipment:
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council.
7. Structural Works For Flood Control: Structural works for flood control that will change the course, current or cross section of protected wetlands or public water shall be subject to the provisions of Minnesota statutes chapter 103G. Communitywide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.
8. Levee, Dike Or Floodwall: A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood, and the technical analysis must assume equal conveyance or storage loss on both sides of a stream. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.55: FLOOD FRINGE DISTRICT (FF):

- A. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use districts. If no preexisting, underlying zoning use districts exist, then any residential or nonresidential structure, or use of a structure or land, shall be a permitted use in the flood fringe, provided such use does not constitute a public nuisance. All permitted uses shall comply with the "Standards For Flood Fringe Permitted Uses" listed in subsection B of this section, and the "Standards For All Flood Fringe Uses" listed in subsection E of this section.

B. Standards For Flood Fringe Permitted Uses:

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot (1') below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen feet (15') beyond the outside limits of the structure erected thereon.
2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level, may be internally floodproofed in accordance with subsection [11.54D5c](#) of this chapter.
3. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with subsection B1 of this section.
4. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
5. The provisions of subsection E of this section shall apply.

C. Conditional Uses: Any structure that is not elevated on fill or floodproofed in accordance with subsection B1 of this section, or any use of land that does not comply with the standards in subsections B3 through B4 of this section, shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in subsections D through E of this section, and subsection [11.60D](#) of this chapter.

D. Standards For Flood Fringe Conditional Uses:

1. Alternative Elevation Methods: Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: a) the enclosed area is above grade on at least one side of the structure; b) it is designed to internally flood and is constructed with flood resistant materials; and c) it is used solely for parking of vehicles, building access or storage. The above noted alternative elevation methods are subject to the following additional standards:
 - a. Design And Certification: The structure's design and as built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.
 - b. Specific Standards For Above Grade, Enclosed Areas: Above grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:
 - (1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. When openings are placed in a structure's walls to provide for entry of floodwaters to equalize pressures, the bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
 - (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.
2. Basements: "Basements", as defined by subsection [11.52H](#) of this chapter, shall be subject to the following:
 - a. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - b. Nonresidential basements may be allowed below the regulatory flood protection elevation, provided the basement is structurally dry floodproofed in accordance with subsection D3 of this section.
3. Floodproofing Nonresidential Structures: All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the state building code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
4. Erosion/Sedimentation Control Plan: When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted, unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the city council. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
5. Storage Of Materials And Equipment:
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council.
6. Further Provisions: The provisions of subsection E of this section shall also apply.

E. Standards for All Flood Fringe Uses:

1. Vehicular Access: All new principal structures must have vehicular access at or above an elevation not more than two feet (2') below the regulatory flood protection elevation. If a variance to this requirement is granted, the city council must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
2. Commercial Uses: Accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet (2'), or be subject to flood velocities greater than four feet (4') per second upon occurrence of the regional flood.
3. Manufacturing And Industrial Uses: Measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses, such as yards and parking lots, may be at lower elevations subject to requirements set out in subsection E2 of this section. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
4. Fill Compaction And Slope Protection: Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
5. Affect On Hydraulic Capacity: Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
6. Further Provisions: Standards for travel trailer and travel vehicles are contained in subsection [11.59C](#) of this chapter.
7. Anchoring: All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.56: GENERAL FLOODPLAIN DISTRICT:

A. Permitted Uses:

1. The uses listed in subsection [11.54A](#) of this chapter shall be permitted uses.
2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to subsection B of this section. Section 11.54 of this chapter shall apply if the proposed use is in the floodway district, and section [11.55](#) of this chapter shall apply if the proposed use is in the flood fringe district.

B. Procedures For Floodway And Flood Fringe Determinations Within General Floodplain District:

1. Upon receipt of an application for a conditional use permit for a use within the general floodplain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district:
 - a. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information;
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type;
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred feet (500') in either direction from the proposed development.
2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota regulations 1983, parts 6120.5000 through 6120.6200, shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective department of natural resources' area hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - a. Estimate the peak discharge of the regional flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half foot (0.5'). A lesser stage increase than one-half foot (0.5') shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
3. The zoning administrator shall present the technical evaluation and findings of the designated engineer or expert to the city council. The city council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The city council, prior to official action, may submit the application and all supporting data and analyses to the federal emergency management agency, the department of natural resources or the planning commission for review and comment. Once the floodway and flood fringe boundaries have been determined, the city council shall refer the matter back to the zoning administrator, who shall process the permit application consistent

with the applicable provisions of sections [11.54](#) and [11.55](#) of this chapter. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.57: SUBDIVISIONS:

- A. Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of these sections and have road access both to the subdivision and to the individual building sites no lower than two feet (2') below the regulatory flood protection elevation. For all subdivisions in the floodplain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads, shall be clearly labelled on all required subdivision drawings and platting documents.
- B. Floodway/Flood Fringe Determinations In General Floodplain District: In the general floodplain district, applicants shall provide the information required in subsection [11.56B](#) of this chapter to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.
- C. Removal Of Special Flood Hazard Area Designation: The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA requirements incorporate specific fill compaction and side slope protection standards for multistructure or multilot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.58: PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES:

- A. Public Utilities: All public utilities and facilities, such as gas, electrical, sewer and water supply systems to be located in the floodplain shall be floodproofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.
- B. Public Transportation Facilities: Railroad tracks, roads and bridges to be located within the floodplain shall comply with sections [11.54](#) and [11.55](#) of this chapter. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety, or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- C. On Site Sewage Treatment And Water Supply Systems: Where public utilities are not provided: 1) on site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems; and 2) new or replacement on site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, 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. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.59: MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES:

- A. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by section [11.57](#) of this chapter.
- B. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with section [11.55](#) of this chapter. If vehicular road access for preexisting manufactured home parks is not provided in accordance with subsection [11.55E1](#) of this chapter, then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the city council.
1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- C. Travel trailers and travel vehicles that do not meet the exemption criteria specified in subsection C1 of this section shall be subject to the provisions of this chapter and as specifically spelled out in subsections [11.59C3](#) through [C4](#) of this section:

1. Exemption: Travel trailers and travel vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in subsection C2 of this section, and further, they meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway ready, meaning on wheels or the internal jacking system is attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
 - c. The travel trailer or travel vehicle and associated use must be permissible in any preexisting, underlying zoning use district.
2. Areas Exempted For Placement Of Travel/Recreational Vehicles:
 - a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium type associations.
3. Requirements And Restrictions On Lost Exemptions: Travel trailers and travel vehicles exempted in subsection C1 of this section lose this exemption when development occurs on the parcel exceeding five hundred dollars (\$500.00) for a structural addition to the travel trailer/travel vehicle, or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in sections [11.54](#) and [11.55](#) of this chapter.
4. New Parks, Developments: New commercial travel trailer or travel vehicle parks or campgrounds, and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites, shall be subject to the following:
 - a. Any new or replacement travel trailer or travel vehicle will be allowed in the floodway or flood fringe districts, provided said trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with subsection [11.55E1](#) of this chapter. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.
 - b. All new or replacement travel trailers or travel vehicles not meeting the criteria of subsection C4a of this section may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of subsection [11.60D](#) of this chapter. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with subsection [11.58C](#) of this chapter. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.60: ADMINISTRATION:

- A. Zoning Administrator: A zoning administrator or other official designated by the city council shall administer and enforce these provisions. If the zoning administrator finds a violation of the provisions of these sections, the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in section [11.62](#) of this chapter.
- B. Permit Requirements:
 1. Permit Required: A permit issued by the zoning administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition or alteration of any building, structure or portion thereof; prior to the use or change of use of a building, structure or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 2. Application For Permit: Application for a permit shall be made to the zoning administrator on forms furnished by the zoning administrator, and shall include the following, where applicable: plans drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage of materials; and the location of the foregoing in relation to the stream channel.
 3. State And Federal Permits: Prior to granting a permit or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.
 4. Certificate Of Zoning Compliance For A New, Altered Or Nonconforming Use: It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or part thereof, hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of these sections.
 5. Construction And Use To Be As Provided On Applications, Plans, Permits, Variances And Certificates Of Zoning Compliance: Permits, conditional use permits or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of these sections, and punishable as provided by section [11.62](#) of this chapter.
 6. Certification: The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of these sections. Floodproofing measures shall be certified by a registered professional engineer or registered architect.
 7. Record Of First Floor Elevation: The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The zoning administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.

C. Planning Commission/City Council:

1. Rules: The planning commission may recommend to the city council the adoption of rules for the conduct of business and may exercise all of the powers conferred on such commission and/or the city council by state law.
 2. Administrative Review: The commission and/or city council shall hear, and the city council shall decide, appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of these sections.
 3. Variances: The commission may recommend to the city council, who may authorize upon appeal in specific cases, such relief or variance from the terms of these sections as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In recommending the granting of such variance, the planning commission shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance, before forwarding such a recommendation to the city council, who may grant such variances. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
 4. Hearings: Upon filing with the planning commission of an appeal from a decision of the zoning administrator, or an application for a variance, the planning commission and/or city council shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The city shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.
 5. Decisions: The planning commission shall arrive at a recommendation for the city council on such appeal or variance within sixty (60) days. In passing upon an appeal, the city council may, so long as such action is in conformity with the provisions of these sections, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the zoning administrator, planning commission or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the city council may prescribe appropriate conditions and safeguards such as those specified in subsection D6 of this section, which are in conformity with the purposes of these sections. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these sections punishable under section [11.62](#) of this chapter. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten (10) days of such action.
 6. Appeals: Appeals from any decision of the city council may be made as specified in this city code and Minnesota statutes.
 7. Flood Insurance Notice And Record Keeping: The zoning administrator shall 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 twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and b) such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.
- D. Conditional Uses: The planning commission and/or city council shall hear and the city council shall decide applications for conditional uses permissible under these sections. Applications shall be submitted to the zoning administrator, who shall forward the application to the city council for consideration.
1. Hearings: Upon filing with the zoning administrator an application for a conditional use permit, the city shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.
 2. Decisions: The planning commission shall arrive at a recommendation and the city council a decision on a conditional use within sixty (60) days. In granting a conditional use permit, the city council shall prescribe appropriate conditions and safeguards, in addition to those specified in subsection D6 of this section, which are in conformity with the purposes of these sections. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violations of these sections punishable under section [11.62](#) of this chapter. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within ten (10) days of such action.
 3. Procedures: The procedures to be followed by the planning commission and city council in passing on conditional use permit applications within all floodplain districts:
 - a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the zoning administrator for determining the suitability of the particular site for the proposed use:
 - (1) Plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures and the relationship of the above to the location of the stream channel.
 - (2) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - b. Transmit one copy of the information described in subsection D3a of this section to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.
 - c. Based upon the technical evaluation of the designated engineer or expert, the zoning administrator shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
 4. Factors Upon Which Recommendation Of Planning Commission And Decision Of Council Shall Be Based: In passing upon conditional use applications, the planning commission and council shall consider all relevant factors specified in other provisions of these sections, and:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

- b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - c. The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - l. Such other factors which are relevant to the purposes of these sections.
5. Time For Acting On Application: The council shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to subsection D4 of this section, the council shall render a written decision within sixty (60) days from the receipt of such additional information.
6. Conditions Attached To Conditional Use Permits: Upon consideration of the factors listed above and the purposes of these sections, the council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of these sections. Such conditions may include, but are not limited to, the following:
- a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy and operation.
 - c. Imposition of operational controls, sureties and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.
 - e. Floodproofing measures, in accordance with the state building code and these sections. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.61: NONCONFORMING USES:

A structure or the use of a structure or premises which was lawful before the passage or amendment of these sections, but which is not in conformity with the provisions of these sections, may be continued subject to the following conditions:

- A. No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
- B. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the techniques used to elevate on fill or floodproofing (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in subsection C of this section.
- C. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty percent (50%) of the market value of the structure, unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial floodplain controls must be calculated into today's current cost, which will include all costs such as construction materials and reasonable costs placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the current market value of the structure, then the structure must meet the standards of section [11.54](#) or [11.55](#) of this chapter for new structures, depending upon whether the structure is in the floodway or flood fringe, respectively.
- D. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to these sections.
- E. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of these sections. The applicable provisions for establishing new uses or new structures in sections [11.54](#), [11.55](#) or [11.56](#) of this chapter will apply depending upon whether the use or structure is in the floodway, flood fringe or general floodplain district, respectively. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.62: PENALTIES FOR VIOLATION:

- A. Misdemeanor: Violation of the provisions of these sections or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- B. Other Action: Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
1. In responding to a suspected ordinance violation, the zoning administrator and city may utilize the full array of enforcement actions available to it, including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures or a request to the national flood insurance program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the national flood insurance program.
 2. When an ordinance violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources and federal emergency management agency regional office, along with the community's plan of action to correct the violation to the degree possible.
 3. The zoning administrator shall notify the suspected party of the requirements of these sections and all other official controls, and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either: a) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official control; or b) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed thirty (30) days.
 4. If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of these provisions and shall be prosecuted accordingly. The zoning administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of these sections. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.63: AMENDMENTS:

- A. The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the commissioner of natural resources if he determines that, through other measures, lands are adequately protected for the intended use.
- B. All amendments to sections [11.50](#) through [11.63](#) of this chapter entitled "floodplain management", including amendments to the official zoning map in the floodplain area, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the federal emergency management agency's (FEMA) technical conditions and criteria, and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given ten (10) days' written notice of all hearings to consider an amendment to sections [11.50](#) through [11.63](#), and said notice shall include a draft of the ordinance amendment or technical study under consideration. (Ord. 47A, 2nd Series, eff. 4-23-1980; amd. Ord. 15, 4th Series, eff. 12-20-1993)

11.64 - 11.98: RESERVED:**11.99: VIOLATION A MISDEMEANOR:**

Every person violates a section, subsection, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof. The city may enforce any provision of this chapter by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction. (Ord. 52, 4th Series, eff. 2-13-1995)