

**PLANNING COMMISSION
PAYNESVILLE CITY HALL COUNCIL CHAMBERS
JULY 18, 2016
6:00 P.M.**

AGENDA

- I. CALL TO ORDER
- II. CONSENT AGENDA
- III. NEW BUSINESS
- IV. OLD BUSINESS
 - A. Zoning Ordinance Amendments – Codification (page 1)
- V. INFORMATIONAL
 - A. Building Inspector Report (page 98)
 - B. CCLD Review Newsletter (page 99)
 - C. Next Meeting – Monday, August 1, 2016 at 6:00 p.m.
- VI. ADJOURN

Reminder: 6:05 p.m. Zoning Ordinance Amendments - Codification Public Hearing

Please contact Renee Eckerly at 320-243-3714 ext. 227 or at renee@paynesvillemn.com if you can't attend the meeting.

Members: Randy Christman, Darlene Loven, Ron Mehr, Bob McDaniel, and Neil Herzberg. Advisory Members: Renee Eckerly, City Administrator and Brad Mehishop, Building Official

This agenda has been prepared to provide information regarding an upcoming meeting of the Paynesville Planning Commission. This document does not claim to be complete and is subject to change.

BARRIER FREE: All Paynesville Planning Commission meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall (320) 243-3714 early, so necessary arrangements can be made.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: July 18, 2016

Agenda Section: Old Business

Originating Department: Administration

Item Number: IV - A

ITEM DESCRIPTION: Zoning Ordinance Amendments - Codification

Prepared by: Staff

COMMENTS:

Renee Eckerly will give a verbal report on the codification and distribute (at the meeting) the proposed revisions (clean revisions – typed) made to the Zoning chapter of the City's Ordinance Book. Some changes/additions include:

- Re-arrangement of the sign section with new language
- Added a section to address wind energy
- Added a section to address solar energy
- Added a section on intermodal containers
- Added a number of definitions
- Added a section on Opting-Out Requirements Of New Law – Temporary Family Health Care Dwellings
- Plus a number of other revisions

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to _____

Chapter 36
ZONING

ARTICLE I. IN GENERAL

Sec. 36-1. Penalties.

Unless otherwise specifically provided in this chapter, violations of this chapter shall be subject to penalties as provided in section 1-11.

Sec. 36-2. Intent and purpose.

- (a) Generally.
- (1) The ordinance from which this chapter is derived is enacted pursuant to the authority conferred by M.S.A. § 462.357 for the purposes of:
- a. Promoting and protecting the public health, safety and general welfare of the inhabitants of the city;
 - b. Protecting and conserving the character, social and economic stability of agricultural, residential, commercial, industrial and other use areas;
 - c. Securing the most appropriate use of land;
 - d. Preventing the overcrowding of the land and undue congestion of population;
 - e. Providing adequate light, air and reasonable access;
 - f. Facilitating adequate and economical provision of transportation, water supply and sewage disposal; and
 - g. Planning for location of schools, recreation facilities and other public requirements.
- (2) This chapter sets minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creates districts for the purposes and establishes the boundaries thereof; provides for changes in regulations, restrictions and boundaries of such districts; defines certain terms used herein; and provides for enforcement and administration.
- (b) Adult uses.
- (1) The purpose and intent of adult use regulations set forth in this chapter is to serve a substantial government interest in attempting to preserve the quality and vitality of neighborhoods, curtail the depression of property values, restrain increased criminal activity and slow the spread of sexually transmitted diseases.
- (2) Adult use entertainments, because of their very nature, are recognized as having serious objectionable operational characteristics that have a deleterious effect on the use and enjoyment of adjacent areas. These secondary affects are especially evident where such uses are concentrated.
- (3) One of the chapter's objectives is to disperse the adult uses through separation requirements from other adult uses and from other significantly incompatible uses. The article allows adult uses only in the "I-1" Light Industrial District.
- (4) The secondary effects associated with adult use include increased level of criminal activity, increased risk of exposure to sexually transmitted diseases, depression of property values and a significant change in the character of surrounding neighborhoods.

- (5) However, it is recognized that such regulations cannot de facto constitute a prohibition of adult uses. Otherwise, a protected form of expression would vanish. The adult use regulations as set forth in this ~~zoning ordinance~~ chapter represent a balancing of competing interests: reduction of objectionable secondary affects through the regulation of adult uses versus the protected rights of owners, operators and performers and patrons of those adult uses.

(Code 1992, § 11.01; Ord. No. 02-1978, 8-11-1978; Ord. No. 3(2nd Series), § 1, 3-16-1994)

Sec. 36-3. Jurisdiction, application and interpretation.

(a) *Jurisdiction.* The jurisdiction of this chapter shall apply to all of the area within the city. This chapter shall also apply to the unincorporated area within two miles of its limits; provided that the governing body of any unincorporated area adjacent to the city has not adopted ordinances for the zoning of land uses. Should any governing body have zoning ordinances, this chapter shall only apply after a joint resolution has been adopted by the city and the affected governing body which confers the zoning authority to the city.

(b) *Application and interpretation.*

- (1) In their application and interpretation, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- (2) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) No structure shall be erected, converted, enlarged, reconstructed or altered without first obtaining a building permit and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this chapter.
- (4) Except as herein provided, no building, structure or premises shall herein be used or occupied and no building permit shall be granted that does not conform to the requirements of this chapter.

(c) *Lots of record.* All lots which are part of a subdivision legally recorded with the county recorder, and lots described by metes and bounds, the deed to which has been recorded in the office of the county recorder prior to the effective date of the ordinance from which this chapter is derived, shall be considered to be lots of record and shall thereby be considered a legally buildable lot even though such lots may not conform to the minimum requirements of this chapter, provided the setback requirements of this chapter are complied with insofar as practical.

(Code 1992, § 11.02)

3

Sec. 36-4. ¹²²Rules and definitions. ¹²³

(a) *Rules.* For purposes of this chapter¹²⁴, words used in the singular number includes the plural, and the plural the singular; the present tense includes the past and future tenses and the future the present; the term "shall" is mandatory, the term "may" is permissive; all measured distances shall be to the nearest integral foot; whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in such definition thereof.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use.

Accessory use means a use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

Adult arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines for viewing by five or fewer persons are each used to show films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult bookstore means an establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

Adult cabaret means a nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, videocassettes, slides or other photographic

¹²² BILL SPOONER COMMENT: With regards to zoning, there was discussion that in the definitional section there were some terms that are used elsewhere that aren't omitted from the defined terms that we at least thought we should consider adding, those included by my notes a bread and breakfast, a billboard, a boundary line, a buffer area, a church or place of religious worship, and I think there is quite a long list of others that we had discussed. SFox—I've made no text change associated with this comment and await specific directive from the city.

¹²³ BILL SPOONER COMMENT: A fence is another term that doesn't seem to be defined in the ordinance, but if buildings or structures that are regulated have to be specified in some other way if they don't meet the definition of a building, i.e., something having a roof, clearly fence is different. A pool is different. A deck is different. An outside patio could be different. Even a ramp is different really, not technically a building, but then we do have defined at Paragraph 69 on Page 227 the term "structure", which seems more broad than the term building. SFox—I've made no text change associated with this comment and await specific directive from the city.

¹²⁴ Duplicative of Chapter 1 general definitions.

reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture theater means an establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.

Adult use establishments includes, but is not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater or sexual encounter establishment.

Alley means any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

Automobile wrecking yard or junkyard ^{or salvage yard} means a place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually; buying or selling at retail or wholesale any old, used or secondhand materials of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. The term "auto wrecking yard" or "junkyard" shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one unlicensed motor vehicle within a garage or other structure in residential districts or two ⁽²⁾ unlicensed motor vehicles, not including farm implements, within a farm in the agricultural district. ^{two (2)}

Basement ^{level} means that portion of a floor of a building which is wholly or partially, up to 50 percent, underground or below grade.

Boardinghouse or roominghouse means any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations, providing that accommodations are not provided for more than ten persons.

Buildable area means that part of the lot remaining after required yards have been provided.

Building means any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind. When any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building height means the vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface, ~~if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.~~

Building setback line ~~means the front line of the building or the legally established line which determines the location of the building with respect to the street line.~~

See new definition sheet for new meaning

Add Buffer Area from 2.2.2

5

Building, principal, means a building or structure in which is conducted the main or principal use of the lot on which the building or structure is situated.

Carport means a structure permanently attached to a dwelling having a roof supported by columns but not otherwise enclosed.

Clear-cutting means the removal of an entire stand of trees.

~~*Clinic* means a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.~~ use definition from list

Conditional use means a use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location, a conditional use permit may be granted.

Local District zoning means any section of the incorporated area of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Dwelling means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings but not including motels, hotels, boardinghouses and garage space.

Dwelling, multiple, means a building designed with three or more units for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

Dwelling, single-family, means a dwelling occupied by only one family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one family only.

Dwelling, two-family, means a dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two families.

Easement means a grant by a property owner for the use of a strip of land for the purpose of construction and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways and gas lines.

Equal degree of encroachment means a method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communications, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Family means any number of persons living together in rooms comprising a single housekeeping unit and related by blood, marriage, or adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this chapter, be considered to constitute one family for each five persons, exclusive of domestic employees, contained in each such group.

move to

Add: Farm animals definition from page 57

Farming means the cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for ^{personal or} commercial purposes.

Farmstead means property on which structures and a farm dwelling are located for management, storage and general farm operation.

Flood means a temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

Flood fringe means that portion of the floodplain outside of the floodway.

Floodplain means those areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Floodproofing means 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 means the channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

~~*Floor area, ground*, means the area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or enclosed or unenclosed porches and not including attached utility or ^{or} rooms having three or more exterior sides.~~

Garage, community, means any space or structure ~~series of structures~~ for the storage of motor vehicles, for the use of two or more occupants or ^{or personal property} in the vicinity and having no public shop or service therein.

Garage, private, means an accessory building designed or used for the storage of not more than three licensed automobiles, trucks or buses owned and used by the occupants of the building to which it is accessory. ^{or personal property}

~~*Automobile gasoline service station*~~
Gasoline service station means a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

Home occupation means any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling when carried on within the dwelling unit and not in an accessory building. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises and no stock in trade shall be kept or sold. No other than persons residing on the premises shall be employed, ~~and no mechanical equipment shall be employed that is not customarily found in the home.~~ Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, nor exterior signs, except as allowed in the sign regulations for the zoning district in which such home occupation is located and there shall be no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include, but are not limited to, the following: art studio, dressmaking, special offices of a clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied by the same, and teaching, with musical, dancing and other instruction limited to ^{two} ~~one~~ pupil at a time, except day care centers as regulated in the zoning districts.

Group Home - Bill Spore - will define

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

JUNK YARD. Land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

LIGHT INDUSTRIAL. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are housed entirely within a building, or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

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

LOT LINE. A line of record bounding a lot which divides a lot from another lot, a public street or any other public or private space.

LOT LINE, FRONT. A lot line abutting a dedicated public right-of-way.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the zoning administrator based upon characteristics of the surrounding neighborhood.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MANUFACTURED HOME. ^{A mobile home} A structure, transportable in one or more sections which in the traveling mode is eight feet or more in width or 40 body feet or more in length, or when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein, and which meets all the requirements established under M.S. § 327.31, as it may be amended from time to time, the Manufactured Home Building Code.

Added this
definition

NONCONFORMING STRUCTURE OR USE. A structure or use lawfully in existence on the effective date of this chapter or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

NONCONFORMITY. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

PLANNED UNIT DEVELOPMENT, COMMERCIAL. Typically include uses that provide transient, short-term lodging spaces, rooms or parcels, and their operations are essentially service-oriented. For example: hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are Commercial Planned Unit Developments.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL. A use where the nature of residency is non-transient, and major or primary focus is not service-oriented. For example: residential apartments, manufactured home parks, townhouses and full-fee ownership residences would be considered as Residential Planned Unit Developments. To qualify as a Residential Planned Unit Development, a development must contain at least five dwelling units or sites.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty truck and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RESTAURANT. An establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at tables by employees. Restaurants may include incidental take-out service.

SETBACK. The minimum distance from any lot line that an improvement may be placed, measured perpendicularly from the lot line to the closest point of the improvement.

SETBACK LINE. The line which is the specified setback distance from and parallel to any lot line, or other specified line, such as the ordinary high water level, edge of wetland, floodplain, or top of bluff.

STORAGE. Goods, materials or equipment placed or left in a location on a premises.

STRUCTURE. Anything constructed, placed or erected on or attached to, in some manner, the ground.

STRUCTURE, PRINCIPAL. The building in which is conducted the primary use of the lot on which the building is located.

~~Livestock operation means any operation for the feeding and care of animals or poultry for food, pelts or as pets.~~

~~Lot means a ^{tract} piece or parcel of land, occupied or to be occupied by a building, structure or use, or by other activity permitted thereon and including the open spaces required under this chapter, and having its principal frontage on a public street.~~

ok per
Rev 4/27-16

~~Lot area means the area of a horizontal plane within the lot lines.~~

~~Lot coverage, means the part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.~~

~~Lot depth means the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.~~

~~Lot frontage. The front of a lot shall be, for purposes of complying with this chapter, that boundary abutting a public right-of-way having the least width.~~

~~Lot line means a property boundary line of any lot held in single or separate ownership: except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the ^{(the party) line} street or alley right-of-way.~~

~~Lot of record means a lot which is part of a subdivision, the map of which has been recorded in the office of the county recorder, or a lot described by metes and bounds, the deed to which has been recorded in the office of the county recorder prior to the effective date of ordinance from which this chapter is derived.~~

~~Lot width means the shortest horizontal distance between the side lot lines measured at right angles to the lot depth.~~

~~Lot, corner, means a lot situated at the junction of two or more intersecting streets, or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.~~

~~Manufactured home means a dwelling ~~unit~~ designed to be transportable and suitable for year-round occupancy, and containing ~~its own~~ water supply, waste disposal, mechanical, electrical conveniences and other provisions as required for a site-erected home, whether mounted on wheels, frames, jacks or permanent foundations. The term "manufactured home" includes either a mobile or modular home.~~

Add definition of manufactured home
house
page

~~Mobile home means a structure transportable in one or more sections, which, when erected on site, measures eight body feet or more in width and is designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label certifying that the mobile home meets federal mobile home construction and safety standards.~~

~~Modular home means a non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site, and bears a seal from the state stating that the unit is approved by the state building inspector certifying that the unit is a manufactured building and complies with the state building code. A modular home shall be congruous to a single-family dwelling.~~

~~Motel or motor court means a business comprising a series of attached, semi-attached or detached rental units with or without eating facilities for the overnight accommodations of transient guests.~~

~~Nonconforming building, structure or use means a building, structure or use which does not conform with the district regulations in which it is situated.~~

is defined in MW statute 103G.005 and includes

OK Ordinary high-water mark means a mark delineating the highest water 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.

Parking space^{et al} means an area sufficient in size to store one standard automobile, which has adequate access to a public street or alley.

Permitted use means a use which may be lawfully established in a particular district, provided it conforms with all requirements and performance standards, if any, of such district.

Public waters means any waters of the state which serve a beneficial public purpose, as defined by state law. However, ~~no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles need be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland for a designated private use authorized by the commissioner of natural resources shall be exempt from the provisions of these regulations.~~

Reach means a hydraulic engineering term used 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 consecutive bridge crossings would most typically constitute a reach.

OK Regional flood means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of 100 years recurrence in any area.

OK Regulatory flood protection elevation means a point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this article are required to be elevated or floodproofed.

OK Setback means the minimum horizontal distance between a building and street or lot line.

OK Shoreland means the land located within the following distances from public waters:

- (1) 1,000 feet from the normal high water mark of a lake, pond or flowage;
- (2) 300 feet from a river or stream, or the landward extent of a floodplain designated by this chapter on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural or manmade topographic divides which extend landward from the waters for lesser distances.

OK Specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

OK Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or

Add Pav X from 2.105
Parking lot from 2.106
Patio from 2.108
Municipal Use structure or from 2.112
Public Law from 2.114
Add recreational vehicle from page 275 duplicate here.
Add screen

PROPOSALS

MSB (Building overhang is part of building)

Add Storage Facility 2.1222

(4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1)--(3) of this definition

OK Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five feet above the average established grade.

above ground level
Structure¹²⁵ means anything which is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up and/or composed of parts joined together in some definite manner.

OK Temporary structure means any structure which is moved or constructed to temporarily meet the needs of a landowner in a commercial or industrial district who has lost the use of a permanent structure which has been destroyed or seriously damaged by fire, storm or other natural disaster.

Low height
Townhouse means single-family attached units in structures housing three or more dwelling units contiguous to each other, only by the share of one common wall, and each dwelling unit shall have separate and individual front and rear entrances.

OK Use means the purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

Variance means the waiving of specific literal provisions of this chapter in instances where their strict enforcement would cause *practical hardships* because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of this chapter. Furthermore, *practical hardships* must be demonstrated on a non-economic basis.

the ground
~~Yard means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.~~

OK Yard, front, means a yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

OK Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

OK Yard, side, means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

(Code 1992, § 11.03; Ord. No. 02-1978, 8-11-1978; Ord. No. 3(2nd Series), § 2, 3-16-1994; Ord. No. 45(2nd Series), § 1, 8-14-2002)

¹²⁵ BILL SPOONER COMMENT: A fence is another term that doesn't seem to be defined in the ordinance, but if buildings or structures that are regulated have to be specified in some other way if they don't meet the definition of a building, i.e., something having a roof, clearly fence is different. A pool is different. A deck is different. An outside patio could be different. Even a ramp is different really, not technically a building, but then we do have defined at Paragraph 69 on Page 227 the term "structure", which seems more broad than the term building. SFox—I've made no text change associated with this comment and await specific directive from the city.

Addressed

Add Recreational Vehicles

May be parked in any zoning district where permitted.

Sec. 36-5. ¹²⁶General requirements.

(a) *Intent.* The intent of this section is to establish general development performance standards. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

(b) *Parking and loading requirements.*

- (1) In all zoning districts, with the exception of allowed uses in the C-1 district, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of the ordinance from which this chapter is derived shall be provided and maintained as herein prescribed.
- (2) Parking of automobiles and other motor vehicles is permitted in the front and side yards in manufacturing districts if screened by a greenbelt eight feet in width.
 - a. Loading space shall not be construed as supplying off-street parking space.
 - b. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
 - c. Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of the ordinance from which this chapter is derived, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
 - d. For the purpose of the ordinance from which this chapter is derived, the term "floor area," in the case of offices, merchandising or service types of uses, means the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten percent.
 - e. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
 - f. The location of required off-street parking facilities for other than dwellings shall be within 300 feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.
 - g. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for similar uses.
 - h. Nothing in the ordinance from which this chapter is derived shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided, collectively, that such facilities shall not be less than the sum of

DRAFT

¹²⁶ BILL SPOONER COMMENT: Back to the zoning, just generally I think we should look at all the setbacks. In Section 11.10 starting on Page 228 I want to make sure that we are satisfied that our parking requirements are sufficient. On Page 232 there is a distance that garages have to be from an alley. Do we need it to be 20 feet? Again, what about pools, temporary pools, pools that come down seasonally? What about height restrictions? Should we have a general exception for certain kinds of towers or silos that we run across frequently? SFox—I've made no text change associated with this comment and await specific directive from the city.

Yes use standard vehicle 18'

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the requirements for the various individual uses computed separately in accordance with the requirements in the subsections below.

- i. Nothing in this chapter shall prevent the extension of or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within 300 feet of such building.
- j. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified in subsection (b)(2)i of this section shall be determined in accordance with the following table, and the space so required shall be irrevocably reserved for such use.
 1. *Single-family, two-family and townhouse units.* One space per unit.
 2. *Boardinghouse!* ^{boarding house} At least two parking spaces for each three persons for whom accommodations are provided for sleeping.
 3. *Multiple-family dwellings.* One and one-half spaces per unit.
 4. *Motels, motor hotels, hotels.* One space per each rental unit plus one additional space for each ten units and one space for each employee on any shift.
 5. *Church, theatre, auditorium.* At least one parking space for each four seats based on the design capacity of the main assembly hall.
 6. *Hospitals.* Two spaces per each bed.
 7. *Medical, dental or hospital outpatient clinic.* One space for each 110 square feet of net floor area or 7-1/2 spaces per doctor, whichever number of parking spaces is greater.
 8. *Sanitarium, convalescent home, rest home, nursing home or day nurseries.* Four spaces plus one for each three beds for which accommodations are offered. ^{Similar facilities}
 9. *Elderly (senior citizen) housing.* ^{assisted living} One-half space per unit.
 10. ~~*Drive-in establishment and convenience food.* At least one parking space for each 35 square feet of gross floor area but not less than 15 spaces.~~
 11. *Office buildings and professional offices.* One space for each 250 square feet of floor area.
 12. *Bowling alley.* At least five parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.
 13. *Motor ^{car} fuel station.* At least four off-street parking spaces plus two off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service shall be required to provide additional parking in compliance with other applicable sections of this chapter.
 14. *Retail store and service establishment.* At least one off-street parking space for each 200 square feet of floor area.
 15. *Retail sales and service business with 50 percent of gross floor area devoted to storage, warehouse and/or industry.* One space for each 200 square feet devoted to public sales and/or service plus one space for each 500 square feet of storage area or one space for each employee on the maximum shift which is appropriate.

*Drive in
Takeout
Convenient
Store*

- 16. *Restaurants, cafes, private clubs serving food and/or drinks, bars, taverns, nightclubs.* At least one space for each 60 square feet of gross floor area.
- 17. ~~Undertaking~~ *Funeral Home* establishments. At least ~~20~~ ³⁰ parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.
- 18. ~~Auto repair, bus terminal, boats and marine sales and repair, bottling company, shop for a trade employing six or less people, garden supply store, building material sales in structure.~~ Eight off-street parking spaces, plus one additional space for each eight 800 square feet of floor area over 1,000 square feet.
- 19. *Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods, post offices.* At least eight spaces, plus one space for each two employees on each shift based on maximum planned employment or at a minimum one space for each 700 square feet of floor area.
- 20. ~~Car wash. In addition to required magazine or stacking space:~~
 - (i) *Automatic drive through, serviced.* A minimum of ten spaces or one space for each employee on the maximum shift, whichever is greater.
 - (ii) *Self-service.* A minimum of two spaces.
 - (iii) ~~Motor fuel station car wash.~~ ^{Gas} *Zero* in addition to that required for the station.

k. In all districts where off-street parking lots are permitted or required, such off-street parking lots shall be constructed and maintained subject to the following regulations:

- 1. Adequate ingress and egress shall be provided.
 - 2. Such parking lots shall be maintained in a usable dustproof condition, such as concrete, blacktop, or properly treated crushed rock, or some other permanently surfaced area and shall be kept graded and drained to dispose of surface water.
 - 3. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of eight feet from the line shall be required.
 - 4. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
 - 5. Plans for the construction of any such parking lot must be approved by the city engineer before construction is started. No such land shall be used for parking until approved by the city engineer.
1. For required loading ^{berths} ~~berths~~ in connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, with a gross floor area of 10,000 square feet or more, there shall be off-street loading provided on the basis of the following:

| Gross Floor Area in Square Feet | Minimum Required Loading ^{Dock} Berths |
|---------------------------------|---|
| 10,000 to 16,000 | 1 |
| 16,000 to 40,000 | 2 |
| 40,000 to 70,000 | 3 |

| | |
|------------------------|--------------|
| 70,000 to 100,000 | 4 |
| Each additional 40,000 | 1 additional |

(c) ¹²⁷ Accessory buildings.

(1) In all ~~residential~~ ^{except Industrial} districts, detached accessory buildings shall be located in the rear yard. When located within ten feet of the rear wall of the principal building, they shall comply with all yard requirements applicable to the principal building in the district. Where accessory buildings are to be located more than ten feet ^{fill in} from the rear wall of the principal building, they shall not be located closer than four feet from an adjoining side or rear lot line. All detached accessory buildings shall be set back a minimum of 30 feet from all street right-of-way lines. Accessory buildings are further limited not to exceed over one story or 16 feet in height. ^{overhang}

The front street way line and a minimum of 15 feet from

(2) All garages shall, if the vehicle entrance backs upon a public ^{street or} alley, be set back at least 20 feet from the public ~~alley~~ right-of-way. ^{except alley}

(3) In no case shall the door of any structure, building, or improvement, except a fence, be erected or constructed so as to extend beyond any lot line.

(4) In ~~business and manufacturing~~ ^{an Industrial} districts, accessory buildings and uses may occupy any of the ground area which the principal building is permitted to occupy. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in front or side yards in the industrial district. Parking of automobiles and other motor vehicles is permitted in the front and side yards in industrial districts if ^{FOR ALL} screened by a ^{at least} five feet in width ^{between parking and end road} right-of-way.

(d) General fencing, screening, landscaping and storage.

(1) All materials and equipment, except as provided in the district provisions of this chapter, shall be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:

- a. Usable laundry equipment (clotheslines).
- b. Recreational equipment and vehicles.
- c. Construction and landscaping material currently being used on the premises.

*d. barbecue grill
e. city provided garbage + recycling carts*

(2) No fence, wall, structure, coniferous trees or obstruction, other than chain-link fences with openings of 1 5/8 inches to two inches not exceeding 48 inches in height, shall be erected, established or maintained on a corner lot with a triangular area bounded by the lot lines and a line connecting points on each lot line 20 feet from the intersection of such lot lines. An object within this area not exceeding 30 inches in height as measured from

¹²⁷ BILL SPOONER COMMENT: Another question regarding accessory buildings, the only district that as drafted requires accessory buildings to be in the rear yard is residential districts, and the downside of that is then we end up with buildings that are outside residential districts, for example the hospital office building, the old Alco building, and probably a number of others that I can't think of offhand that have the storage containers or other similar things in their front areas, and maybe it wouldn't be necessary to say that all accessory buildings and other zoning districts have to be in the back, but I wonder if storage buildings should be in the back, i.e., buildings used for any type of storage. SFox—I've made no text change associated with this comment and await specific directive from the city.

addressed

the centerline elevation of the street shall not be considered as an obstruction to vision. This provision does not apply to the "C-1" district.

- And be a sufficient distance from property line to allow the property owner to maintain it.*
- (3) No fence shall exceed eight feet in height and, in the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade. *add here*
- (4) In all commercial and industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line a 20-foot-wide planting strip composed of grass, trees and shrubs. A screening fence may be utilized when approved by the planning commission. Such fence shall not exceed eight feet in height nor be less than six feet in height and shall screen up to 80 percent per square yard of area.
- (5) In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques.
- (e) *Unplatted property Improvements.*
- (1) Any person desiring to improve unplatted property shall submit to the city engineer a survey of the premises and information on the location and dimensions of proposed buildings, location of easements crossing the property and other information which may be necessary to ensure conformance to the provisions of this Code.
- (2) All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.
- (3) The planning commission shall review the lot survey to determine if the division and creation of the property was in compliance with the statutes and regulations applicable at the time of the division. If the planning commission finds that the division of the property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in the conformance to the building and zoning regulations. If the planning commission finds that the division of the property was not in compliance with legal requirements applicable at the time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.
- (f) *Dwelling unit restrictions.*
- (1) No basement, except when used as a portion of the living space of the family, cellar, garage, tent or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently.
- (2) Except in the case of planned unit developments provided for herein, not more than one principal building shall be located on a lot.
- (3) On a through lot (a lot fronting on two parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements. *except*
- (4) Mobile homes shall be limited to locations in mobile home parks as provided in the district provisions of this chapter. *light-of-way*
- (g) *General performance standards.*
- (1) *Sewage.* All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to approved septic tanks and disposal fields. This provision shall not apply to temporary construction sites, or portable units.

(2) **Lighting.** Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where light from floodlights or from high temperature processes such as combustion or welding, shall not be directed into an adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. ~~Bare incandescent light bulbs shall not be permitted in view of adjacent property or public rights-of-way.~~ Any light or combination of lights which cast light on a public street shall not exceed one footcandle (meter reading) as measured from the centerline of the street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 footcandles (meter reading) as measured from the property.

The light source

(3) **Emissions.** The emission of smoke by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standard, APC-1-15 and as subsequently expanded, modified or amended.

(4) **Dust and other particulate matter.** The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standard, APC-1-15 and as subsequently expanded, modified or amended.

(5) **Odors.** The emission of odorous matter in such quantities as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standard, APC-1-15 and as subsequently expanded, modified or amended.

(6) **Noise.** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and, as measured at any property line, shall not exceed the minimum standards established by the Minnesota Pollution Control Standards, NPC 1, 2, and 4.

Noise Pollution Control, and as subsequently expanded, modified or amended

(h) **Height and yard encroachment.** Chimneys, cooling towers, elevators, bulkheads, fire towers, drive-in movie theater screens, grain elevators, silos, perches, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located shall not be included in calculating the height of the principal structure.

(2) Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space; provided, however, that this provision shall not apply to one fireplace or one chimney, not more than eight feet in length and projecting not more than 30 inches into the allowable side yard space, nor cornices not exceeding 16 inches in width, nor to platforms, terraces or steps below the first floor level, nor to unenclosed porches or other ground-level unenclosed projections not over one story in height which may extend into a front or rear yard not more than five feet, or into a side yard not more than four feet such platform shall be restricted from the five-foot required side yard in the residence district.

Add Flag poles

cell,

(Code 1992, § 11.10)

Sec. 36-6. Nonconforming uses.

(a) **General provisions.** Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of the ordinance from which this chapter is derived or an additional control under this chapter, may be continued, including thorough repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) The nonconformity or occupancy is discontinued for a period of more than one year; or

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- (2) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In the event that a building permit is applied for within 180 days of when the property is damaged, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
- (b) *Enlargements, expansions, or extensions of nonconforming uses.*
- (1) A nonconforming use shall not be enlarged to a greater height nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of the ordinance from which this chapter is derived.
- (2) A nonconforming use may be extended throughout any part of a structure that was manifestly arranged or designed for the use, but shall not be extended to occupy any land or a larger area of land outside of the structure.
- (3) A nonconforming structure may be altered under certain circumstances. However, a nonconformity shall not be increased. For example, if a setback of a structure is nonconforming, no addition or alteration may be made to the nonconforming side of the structure unless the addition or alteration meets the setback requirements or a variance is granted.
- (4) On a building devoted in whole or in part to a nonconforming use, work may be done on ordinary repairs or on repair of walls, roofs, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of the adoption or amendment of the ordinance from which this chapter is derived is not increased.
- (c) *Change of use.* A nonconforming use cannot be changed to a comparable nonconforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
- (d) *Public nuisances.* To prevent and abate nuisances and to protect the public health, welfare and safety, no junkyard may continue as a nonconforming use for more than one year after the effective date of the ordinance from which this chapter is derived, except that a junkyard may continue as a nonconforming use in a commercial or industrial district if within that period it is completely enclosed within a building or within a continuous solid fence of not greater than eight feet in height and not less than six feet in height, or other approved screening, which screens completely the operation of the junkyard. Approval of the fence or screening design shall be obtained from the planning commission.
- (e) *Proposed structures.* The proposed structure which will, under this chapter or an amendment hereof become nonconforming, but for which a building permit has been lawfully granted prior to the effective date of the ordinance from which this chapter is derived or an amendment hereof, may be completed in accordance with the approved plans, provided construction is not abandoned for a period of more than 120 days, and continues to completion within two years. Such structure and use shall thereafter be a legal nonconforming structure and/or use.

(Code 1992, § 11.11; Ord. No. 02-1978, 8-11-1978; Ord. No. 110(2nd Series), § 1, 11-12-2008)

Sec. 36-7. Temporary structures.

~~— General provisions.~~

- (a) Except as otherwise provided herein, temporary structures are prohibited.
- (b) A temporary structure may be constructed or placed upon any lot or parcel of land within any commercial or industrial district when an existing structure on the lot or parcel of land has

been destroyed or seriously damaged by fire, storm or other natural disaster, by obtaining a permit for the temporary structure.

(c) The purpose of permits for temporary structures is to provide the city with a means of accommodating the needs of a business which has suffered a loss of facilities as a result of fire, storm or other natural disaster.

(d) Application for a temporary structure permit shall be made to the city clerk-administrator on a form to be provided by the city together with the payment of the required fee.

(e) Upon receipt of a complete application and the required fee, a permit for a temporary structure shall be issued for a period of not more than 180 days. The period for which a temporary permit is issued shall be based upon estimates of the time required to repair or replace the damaged permanent structure as set forth in the application for the permit for the temporary structure. The period of the temporary permit may be extended upon completion of an application for an extension of the permit for a temporary structure. Fees for temporary permits shall be fixed, determined and amended by the council and adopted by resolution. Such resolution shall be kept on file and open to public inspection in the office of the city clerk-administrator and shall be uniformly enforced.

(Code 1992, § 11.12; Ord. No. 3(2nd Series), § 3, 3-16-1994; Ord. No. 36(2nd Series), § 1, 5-22-2002)

Sec. 36-8. ¹²⁸Splitting of lots and parcels. Duplicate of Section 36-8. Lot splitting from page 180-182

(a) *Purpose.* The purpose of this section is to encourage platting of land within the city and to avoid the creation of unbuildable parcels of land by splitting of lots.

(b) *Splitting of unplatted land.* There shall be no splitting of parcels of unplatted land within the city except by the preparation and approval of plats. The only acceptable method of splitting of unplatted land shall be by means of approved plats prepared by a registered land surveyor.

(c) *Splitting platted land.* Any landowner seeking to split a platted lot between two or more owners, or into two or more parcels, shall submit an application for such lot split to the city administrator showing such information as may be requested to evaluate the application, including, but not limited to:

- (1) Description of the ~~site~~ to be split;
- (2) The reasons supporting the proposed split;
- (3) Description of any site to which the split is to be added;
- (4) A scale drawing showing the location of any and all buildings on the site proposed to be split, and any contiguous sites;
- (5) A scale drawing showing the location of any proposed new buildings; and
- (6) Any additional written or graphic data required by the city administrator.

(d) *Procedure.*

- (1) The city administrator shall forward the application to the planning commission for consideration at its next regular meeting.
- (2) The planning commission shall set a date for the official public hearing.

¹²⁸ BILL SPOONER COMMENT: I note that on Page 237 the lot splitting stuff is repeated. That had appeared earlier back on Page 178. SFox: The text on 178 is specifically relative to subdivisions while on 237 it is part of the city's zoning provisions. Delete which one?

Addressed
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Topsoil means that portion of the overburden which lies close to the earth's surface and supports the growth of vegetation.

(c) *Permit required.* Except as otherwise provided in this section, it shall be unlawful for anyone to work the earth without having first obtained a written permit from the city authorizing the same, in accordance with this section. Active earthwork operations that predate the ordinance from which this section is derived that do not have a permit shall cease operations or obtain an earthwork permit within six months after the adoption of the ordinance from which this section is derived. Current permit holders shall come into compliance with the terms of this section no later than the renewal date of such permit holder's earthwork permit. Excavating, mining, filling and grading permits may only be issued by the city council. Excavating, mining, filling and grading permits shall only be issued in areas zoned A-1 Agricultural District. Violations of this section by failure to obtain an appropriate permit or by violations of the conditions of such a permit issued shall constitute a misdemeanor.

(d) *Exception from permit requirement.* The following activities do not require an earthwork permit:

- (1) Excavation for a foundation, cellar, or basement of a building if a building permit has been issued.
- (2) Grading a lot in conjunction with building if a building permit has been issued.
- (3) Excavation by a federal, state, county, city or other government agency in connection with construction or maintenance of streets, highways or utilities.
- (4) Curb cuts, utility hookups or roadway openings for which another permit has been issued by the city.
- (5) Plowing and tilling for agricultural purposes.
- (6) Earthwork in accordance with a development agreement entered into pursuant to the city's subdivision regulations. If the development agreement requires that a letter of credit or other security be posted, the letter of credit or other security must be posted before any excavation takes place.
- (7) Earthwork in accordance with an approved site plan review, conditional use permit, interim use permit or wetland alteration permit. If the approved site plan review, conditional use permit, interim use permit or wetland alteration permit requires a letter of credit or other security to be posted, the letter of credit or other security must be posted before any excavation takes place.

(e) *Exempt earthwork.* All earthwork that is exempt from obtaining a permit pursuant to subsection (d) of this section shall:

- (1) Comply with all erosion control standards.
- (2) Maintain natural or existing drainage patterns.
- (3) Comply with the city's other ordinance requirements.
- (4) Comply with any wetland protection regulations.

(f) *Application for earthwork permits.* An application for an earthwork permit shall be made in writing on such form as the council may, from time to time, designate and shall include the following information:

- (1) The correct legal description of the premises where pursuant to this section the earthwork activity is proposed to occur.

- (2) The name and address of the operator who will be performing the earthwork and the owner of the land, together with proof of ownership. If the operator and the owner are different, both must sign the application.
- (3) The primary highways, streets or other public ways within one mile of the boundaries of the property upon which the earthwork will occur and along which material excavated or removed shall be transported in normal operations.
- (4) A map depicting the area where the proposed earthwork is to occur.
- (5) Specifications of the following, using appropriate maps, photographs and surveys:
 - a. Proposed grading plan.
 - b. Proposed stockpile sites.
 - c. The physical relationship of the proposed designated site to the community and existing development.
 - d. Site topography and natural features, including the location of watercourses and water bodies.
 - e. A description and quantity of material to be excavated.
 - f. The depth of water tables throughout the area.
 - g. The location and depth of wells and buried garbage, water and fill.
 - h. The purpose of the operation.
 - i. The estimated time required to complete the operation.
 - j. The proposed months of the year during which the operation would take place and the proposed hours of the day during which the operation would take place.
 - k. A tree survey indicating the location and types of all trees over six inches in diameter. In heavily wooded areas only the boundaries of the tree areas must be indicated on the survey.
 - l. Any proposals for re-planting of the operation.
 - m. The plan of the operation, including the processing, nature of the processing and equipment, the location of any plant and the source of water, as well as the proposed method of disposal of water or re-use.
 - n. Plans for drainage, erosion control, sedimentation and dust control.
 - o. A restoration plan providing for the orderly and continuing restoration of all disturbed land to a condition equal to or better than that which existed prior to the earthwork.
 - p. A statement identifying the applicant's intent regarding response to complaints and resolving of conflict that may arise as a result of complaints.
 - q. An environmental assessment worksheet, if required by the city.
 - r. A wetland alteration permit, if required.
- (g) *Processing of earthwork permit applications.*
 - (1) Except as otherwise provided herein, the city council shall review earthwork permit applications and shall approve the permit if it is in compliance with this section and other applicable laws, ordinances and regulations.
 - (2) A permit may be approved subject to conditions necessary to ensure compliance with the requirements and purpose of this section. When such conditions are established, they

shall be set forth specifically in the permit. Conditions may, among other matters, limit the size, kind or character of the proposed operation, require the construction of structures, require the staging of extraction over a time period, require the alteration of site design to ensure compliance with the standards of this section, require controls for dust and noise, require a bond or letter of credit in an amount sufficient to ensure site restoration should the permit holder default, or such other requirements as may be reasonable given the size and location of the proposed earthwork.

(h) *Termination of permit.*

- (1) An earthwork permit may be terminated for violation of this section or any condition of such permit. No earthwork permit may be terminated until the city council has held a public hearing to determine whether such permit shall be terminated, at which time the operator shall be afforded an opportunity to contest the termination. The city council may establish certain conditions, which if not complied with, will result in immediate suspension of operations until the public hearing to consider termination of the permit can be held.
- (2) It shall be unlawful to conduct earthwork after a permit has been terminated.

(i) *Annual permits.*

- (1) Earthwork permits shall be renewed annually. The purpose of the annual renewal is to monitor compliance with the conditions of approval. The head of the public works department, after consultation with appropriate staff, may issue renewal permits upon satisfactory proof of compliance with the issued permit and this section. If the head of the public works department denies the renewal permit, the applicant may appeal the decision to the city council by filing a notice of appeal with the city administrator within ten days after the head of the public works department denies the renewal of the permit.
- (2) Request for renewal of an earthwork permit shall be made 60 days prior to the expiration date of the permit. If application for renewal is not made within the required time, all operations shall be terminated, and reinstatement of the permit may be granted only upon compliance with the procedures set forth in this section for an original permit.
- (3) An earthwork permit which is limited in duration may only be extended or modified by the city council.

(j) *Issuance of permits.* Issuance of permits imposes no liability on the city and relieves the permittee of no responsibilities. Neither the issuance of a permit under this section, nor compliance with the conditions thereof shall relieve any person from any responsibility otherwise imposed by law for damages to persons or property; nor shall the issuance of any permit under this section serve to impose any liability on the city, its officers or employees, for any injury or damage to persons or property. A permit issued pursuant to this section does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required under any other law, ordinance or regulation.

(k) *Fees.* To defray the administrative costs of processing applications for permits for earthwork, a nonrefundable fee shall be paid by the applicant at the time of the application for a permit. The amount of the fee shall be set by the council, adopted by resolution and uniformly enforced. This fee, from time to time, may be amended by the council by resolution. The fee may vary by the size of the area within which earthwork will be conducted. A separate fee may be set for renewal permits.

(l) *Agreement; irrevocable letter of credit.* Prior to issuance of an earthwork permit, there shall be executed by the operator and landowner and submitted to the city an agreement to construct such required improvements and to comply with such conditions of approval as may be

established by the city council. The agreement shall run with the land and be recorded against the title to the property. The agreement may, where deemed appropriate by the council, be required to be accompanied by a bond or letter of credit acceptable to the city in the amount of the costs of complying with the agreement as determined by the council. The adequacy of the letter of credit shall be reviewed annually by the city in consideration of requests for renewal of the permit. Upon a request for renewal of the permit, the amount of a letter of credit or bond may be increased to reflect inflation or changes in conditions and may also be decreased to reflect completion of substantial portions of required work. The city may draw against the letter of credit for noncompliance with the agreement and shall use the proceeds to cure any default.

(m) *Setbacks.* Mining for the purposes of selling sand, gravel, black dirt, clay or other materials shall not be conducted within:

- (1) 100 feet of an existing street or highway.
- (2) 30 feet of an easement for an existing public utility.
- (3) 300 feet of the boundary of an adjoining property not being used in mining, except that aggregate processing that creates objectionable noise and dust, including, but not limited to, crushing operations, must be set back 1,500 feet from the boundary of adjoining property not in mining use.

(n) *Fencing.* During operations permitted under this section, any area where excavation slopes are steeper than one foot vertical to 1 1/2 feet horizontal shall be fenced, unless the city affirmatively determines that they do not impose a safety hazard. Water storage basins shall be fenced unless the city affirmatively determines that the basins do not pose a safety hazard. Unless otherwise approved by the city, required fencing shall be a minimum six-foot-high chain-link fence meeting the state department of transportation standards for right-of-way fencing. An initial fencing plan must be approved by the city council. The public works director may subsequently authorize changes in the plan to accommodate changing conditions.

(o) *Appearance and screening.* The following standards are required at the site of an operation permitted under this section:

- (1) Machinery must be kept in good repair. Abandoned machinery, inoperable equipment, and rubbish must be removed from the site.
- (2) All buildings and equipment that have not been used for a period of one year shall be removed from the site.
- (3) All equipment and temporary structures shall be removed and dismantled not later than 90 days after termination of the extraction operation or expiration of the permit.
- (4) Where practical, stockpiles of overburden and materials shall be used as a part of the screening for the site.
- (5) Where the city determines it is appropriate to screen off-site views, the perimeter of the site shall be planted with coniferous trees, bermed, or otherwise screened. Trees shall be at least four feet in height at the time of planting.
- (6) Existing trees and ground cover shall be preserved to the extent feasible by selective cutting, transplanting of trees, shrubs and other ground cover along all setback areas.
- (7) Noxious weeds shall be eradicated.

(p) *Operations; noise; hours; explosives, dust, water pollution; topsoil preservation.* The following operating standards shall be observed at the site of any operation permitted under this section:

- (1) The maximum noise level at the perimeter of the site shall be within limits set by the state pollution control agency and the U.S. Environmental Protection Agency.
 - (2) Earthwork shall be performed only during those times established by the city council as part of the permit. Unless otherwise provided in the permit, such activity may only take place between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 10:00 a.m. through 6:00 p.m. on Saturday. Such activity is prohibited on Sundays, New Year's Day, Memorial Day, Fourth of July, Christmas Eve Day and Christmas Day.
 - (3) Operations shall use all practical means to eliminate vibration on adjacent property from equipment operation.
 - (4) Operators shall comply with all applicable city, county, state and federal regulations for the protection of water quality, including the state pollution control agency and the U.S. Environmental Protection Agency regulations for the protection of water quality. No waste products or processed residue shall be deposited in any lake, stream or natural drainage system. All wastewater shall pass through a sedimentation basin before drainage into a stream.
 - (5) Operators shall comply with all city, county, state and federal regulations for the protection of wetlands.
 - (6) Operators shall comply with all requirements of the watershed district where the property is located.
 - (7) All topsoil shall be retained at the site until complete restoration of the site has taken place according to the restoration plan.
 - (8) Operators shall use all practical means to reduce the amount of dust, smoke and fumes caused by the operations. When atmospheric or other conditions make it impossible to prevent dust from migrating offsite, operations shall cease.
 - (9) To control dust and minimize tracking sand, gravel and dirt onto public roadways, internal private roads from a mine to any public roadways shall be paved with asphalt or concrete for a distance of at least 300 feet to the intersection with a public roadway. All internal roadways shall be swept to minimize dust according to a schedule established by the city. The city must approve alternatives to paved internal roadways that accomplish the same purpose.
 - (10) All haul routes to and from the mine shall be approved by the city and shall only use streets that can safely accommodate the traffic.
- (q) *Restoration standards.* The following restoration standards shall apply to the site of any operation permitted under this section:
- (1) The plan must be consistent with the city's comprehensive plan and this chapter.
 - (2) Restoration shall be a continuing operation occurring as quickly as possible after the extraction operation has moved sufficiently into another part of the extraction site.
 - (3) All banks and slopes shall be left in accordance with the operating plan submitted with the permit application.
 - (4) Slopes, graded areas and backfill areas shall be surfaced with adequate topsoil to secure and hold ground cover. Such ground cover shall be tended as necessary until it is self-sustaining.
 - (5) All water areas resulting from excavation shall be eliminated upon restoration of the site. In unique instances where the city council has received proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate

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as an open space or recreational amenity in subsequent re-use of the site, water bodies may be permitted.

- (6) No part of the restoration area which is planned for uses other than open space or agricultural shall be at an elevation lower than the minimum required for a connection to a sanitary or storm sewer. The city may waive this requirement if the site could not reasonably be served by gravity sewer notwithstanding the proposed operation. Finished grades shall be consistent with the established plan for the property restoration.
- (7) A landscape plan shall be provided illustrating reforestation, ground cover, wetland restoration and other features.
- (r) *Waiver.* The city council may allow deviation from the standards set forth herein:
 - (1) For operations that existed prior to the enactment of the ordinance from which this section is derived when it is not feasible to comply because of pre-existing conditions.
 - (2) When, because of topographic or other conditions, it is not possible to comply.
 - (3) When alternatives that accomplish the purpose and intent of the standards set forth in this section are agreed upon by the city and the operator.

(Ord. No. 97(2nd Series), § 11.14, 4-11-2007)

Sec. 36-10. Signs.

(a) *Findings.* The city council finds that the lack of a comprehensive, constitutionally sound ordinance regulating signs within the city limits constitutes a threat to public health, safety and welfare because, among other concerns, signs could be erected without regard to the manner in which the size or location of the sign interferes with traffic sight lines, endangering or distracting drivers and pedestrians, and that signs could be constructed in a manner or from such materials as are structurally unsound or vulnerable to collapse, endangering persons or property in the vicinity of the sign. The council further finds that exterior signs have a substantial impact on the character and quality in the environment in which they are located. Such signs provide an important medium through which individuals can convey a variety of messages. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(b) *Intent and purpose.* It is not the intent or purpose of this section to regulate the message displayed on any sign. It is not the intent or purpose of this section to regulate a design or display not defined as a sign or any sign which cannot be viewed from outside a building. The purpose and intent of this section is:

- (1) To regulate the number, location, size, type, illumination and other physical characteristics of signs within the city limits in order to promote public health, safety and welfare.
- (2) To maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
- (3) To improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals with regard to public safety and aesthetics.
- (4) To provide for fair and consistent enforcement of sign regulations set forth herein under the zoning authority.

(c) *Effect.* A sign may be erected, displayed or maintained in the city only if it is in conformity with the provisions of this section. The effect of this section, as more specifically set forth herein, is to:

- (1) Allow for a wide variety of sign types in certain commercial and industrial zones and a more limited variety of sign types in other zones, subject to standards set forth in this section.
- (2) Allow certain small, unobtrusive signs incidental to the principal use of the site in all zones when in compliance with the requirements of this section.
- (3) Prohibit signs whose location, size, illumination or other physical characteristics negatively affect the environment where the communication can be accomplished by means having lesser impact on the environment and the public health, safety and welfare.
- (4) Provide for enforcement of the provisions of this section.

~~(d) Severability. If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portion of this section. The city council declares that it would have adopted the sign ordinance, irrespective of the fact that any one or more sentences, clauses or phrases is declared invalid.~~

(d) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Area. The area within the frame of a sign shall be used to calculate the square footage, except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics are mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plain figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, freestanding structures, suspended by balloons or kites, or on persons, animals or vehicles, are considered a sign and are included in calculating the overall square footage.

Awning means a roof-like cover, often a fabric, plastic, metal or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign means a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign means a sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air.

Building sign means any sign attached or supported by any building.

Changeable copy sign means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign. The term "changeable copy signs" does not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

Commercial speech means speech advertising a business, profession, commodity, service or entertainment.

Electrical sign means any sign which uses electricity for lighting or any other purposes.

Elevation means the view from the side, front or rear of a given structure.

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Elevation area means the area of all walls that face any lot line.

Erect means constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or in any other way bringing into being or establishing.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pull, so as to allow movement of the material as a result of wind movement and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

Freestanding sign means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Grade means the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for design height computation.

Height of sign. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated sign means any sign which contains an element designed to emanate artificial light internally or externally.

Lot or parcel means the area of land designated by a county parcel identification number.

Noncommercial speech means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premises sign means a commercial speech sign which directs the attention of the public to a business, activity conducted or product sold or offered at a location not on the same lot where such sign is located. For purposes this section, easements and other appurtenances shall be considered to be outside of such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered to be off-premises signs.

On-premises signs means signs which identify or advertise an establishment, person, activity, goods, or products for services located on the premises where the sign is installed.

Owner of lot means the legal owner of the lot according to the records of the county recorder.

Pull sign means any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated above ground level by pulls or beams and with the area below the sign space open.

Sign means any letter, word, or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face means the surface of the sign upon, against or through which the message of the sign is exhibited.

Sign structure means any structure including supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Zones means:

- (1) *Agricultural zones.* Agricultural zones are all areas zoned A-1 under the provisions of this chapter.
- (2) *Residential zones.* Residential zones are all areas zoned "R-1", "R-2", "R-1A" or "R-M" under the provisions of this chapter.

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- (3) *Commercial zones.* Commercial zones are all those areas zoned "C-1" or "C-2" under this chapter.
- (4) *Industrial zones.* Industrial zones are all those areas zoned "I-1" or "I-2" under this chapter.

(e) *Permit required.* No sign shall be erected, altered, re-constructed or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny the sign permit. Exceptions to permit requirements are listed under subsection (n) of this section. Application for a permit shall be in writing addressed to the city administrator and shall contain the following information:

- (1) The name and address of the applicant, the owner of the sign and the lot on which the sign is to be placed.
 - (2) The address at which the sign is to be erected.
 - (3) The lot, block and addition at which the signs are to be erected and the streets on which they are to front.
 - (4) A complete set of plans showing the necessary elevations, setbacks, size and details to fully and clearly represent the construction in place of the signs.
 - (5) The cost of the sign.
 - (6) The type of the sign (i.e., awning sign, balloon sign, off-premises sign, on-premises sign, pull sign, etc.).
 - (7) Certification by the applicant indicating that the application complies with the requirements of this section.
 - (8) If the proposed on- or off-premises sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign, if necessary. The application shall be submitted to the zoning administrator who shall approve or deny the sign permit no more than 30 days from receipt of a complete application, including the applicable fee. All permits not approved or denied by the zoning administrator within 30 days shall be deemed approved. If the permit is denied, the zoning administrator shall prepare a written notice of denial within ten days of his decision, describing the right to appeal and send it by certified mail, return receipt requested, to the applicant. Appeals will be made to the planning commission.
- (f) *General sign regulations.*
- (1) *Illuminated signs.* Illuminated signs may be permitted, but devices giving off an intermittent or rotating beam of light shall be prohibited. Floodlighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residence.
 - (2) *Interference with a traffic signal.* No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.
 - (3) *Fences, rocks and other structures.* No sign shall be painted or placed on a fence, rock or similar structure or feature, nor shall paper or similar signs be attached directly to a building wall with adhesive or by other similar means.

Secs. 36-11-36-38. Reserved.

ARTICLE II. DISTRICTS

Sec. 36-39. ¹³⁰General district provisions.

(a) *Establishment of districts.* The following district classifications are established:

- (1) "A-1" Agricultural District.
- (2) "R" Single-Family Residential District.
- (3) "R-1" Single- and Two-Family Residential District.
- (4) "R-2" Multiple-Family Residential District.
- (5) "R-M" ~~Mobile Home~~ Home District. *Manufactured*
- (6) "R-1A" Low Density Multifamily Residential District.
- (7) "C-1" Central Business District.
- (8) "C-2" Highway Commercial District.
- (9) "I-1" Light Industrial District.
- (10) "I-2" Heavy Industrial District.
- (11) Shoreland and Overlay District.

Replace Mobile to Manufactured throughout section.

(b) *Zoning district application.*

- (1) *Boundaries.* The boundaries of the districts enumerated in this section are established and adopted as shown upon the map on file in the office of the city clerk-administrator, designated "The Official Zoning Map of the City," dated June 28, 1978, and as subsequently amended and bearing the signatures of the mayor, and city clerk-administrator, which map with all notations, references, data and other information shown thereon is made part of this article as if the same were fully set forth herein.
- (2) *Annexed land.* All land which hereafter become a part of the city through annexation shall be automatically classified in the "A-1" Agricultural District until otherwise changed by amendment procedure as prescribed herein.

DRAFT

¹³⁰ BILL SPOONER COMMENT: In 11.20, on Page 258, we need to add R - Single Family Residential District. Just a general thing in zoning, it has been suggested that churches not be set up as conditional use permits, but rather be simply allowed in certain zones with certain requirements, perhaps related to parking and the like, but that they not be addressed as conditional uses because the thought is that it puts the council in a bad situation to have to be looking at possibly denying a conditional use for a church. Another allowed conditional use in an R-1 is a crematory, and I think there was some thought that although funeral homes and cemeteries might be alright, that maybe a crematorium would not be something we would want to allow, even on a conditional use permit. The general issue I think throughout of swimming pools has been discussed and whether those should be allowed as conditional uses or otherwise allowed and what conditions would be appropriate, such as fencing, lock gates of a certain height and so forth, or whether we don't want to make those kinds of requirements. I guess it was a question of *how we want to approach that*. The whole issue of swimming pools perhaps requires pools to be defined for purposes of the ordinance, and then anything smaller would not require the same regimen, but if you have a pool over a certain size, I think we talked about having setback requirements and perhaps fencing and other safety issues addressed. SFox—I've made no text change associated with this comment and await specific directive from the city.

Done

Date

(c) *Zoning district boundaries.* The boundaries of districts are the centerlines of streets; the centerlines of alleys; the rear lot lines where there are no alleys; the side lines of recorded lots or designated distances where land is unplatted.

(d) *Uses not provided for within zoning districts.* Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the council, the planning commission or a property owner may request a study by the city to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The council and/or planning commission upon receipt of the staff study may, if appropriate, initiate an amendment to the zoning chapter to provide for the particular use under consideration or may find that the use is not compatible for development within the city.

(Code 1992, § 11.20)

Sec. 36-40. ¹³¹"A-1" Agricultural District.

(a) *Intent.* To establish and preserve areas for low density residential and outdoor recreation without permitting an intensity of development which would require the provision of municipal facilities and services, and further to allow agricultural uses in this district.

(b) *Permitted uses.* Permitted uses in the "A-1" district are as follows:

- (1) Agriculture, including farm dwellings and agricultural related buildings and structures subject to state pollution control standards, but not including commercial feed lots or similar commercial operations.
- (2) Single-family dwellings.
- (3) Public parks, recreational areas, wildlife areas and game refuges.
- (4) Nurseries and tree farms.
- (5) Essential services.
- (6) Slaughtering, limited to livestock raised on the farmstead.
- (7) ^{Manufactured} Mobile homes; one per farm for farm employees.

(c) *Permitted accessory uses.* Permitted accessory uses in the "A-1" district are as follows:

- (1) Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.
- (2) Boarding or renting of rooms to not more than two persons.
- (3) Living quarters for persons employed on the premises.
- (4) Home occupations.

(d) *Conditional uses.* The following uses require a conditional use permit based on the procedures set forth and regulated in this section:

- (1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

¹³¹ BILL SPOONER COMMENT: Starting at Page 259, again we have to review all the particular permitted uses I think in each district, and then the Appendix A stuff where we have vacated streets and alleys, that certainly is not up-to-date. There has been more of those since this was last done and if we should be adding those we should do that. SFox—I've made no text change associated with this comment and await specific directive from the city.

PROPOSED

Play grounds, athletic fields, club house, dog park, playgrounds, included

8) Raising of farm animal and coop S

5. Swimming pools and tennis courts

no longer exists

Down

3

- (2) Commercial outdoor recreational areas including golf courses, club houses, swimming pools and similar facilities.
- (3) Processing and packaging of agricultural products, including livestock, cold storage plants, fertilizer plants, livestock farming, livestock feed lots and sales yards, subject to all applicable pollution control standards.
- (4) Kennels and animal hospitals, stables and riding academies provided that the property containing such use is adequate and is adequately separated from residential, commercial and industrial districts.
- (5) Churches, schools and similar uses.
- (6) Uses which in the judgment of the planning commission and the council are similar to those listed in this zoning district.
- (e) *Lot, yard, area and height requirements.*
 - (1) *Lot, yard and area requirements.*

| Lot area | Lot | | | |
|----------|-------|---------------------------|---------------------------|--------------------------|
| | Width | Side yards <i>setback</i> | Front yard <i>setback</i> | Rear yard <i>setback</i> |
| 1 acre | 100' | 15' each | 30' | 50' |

(2) *Building height.* Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height. Agricultural buildings shall be exempt from these requirements.

(f) *Temporary uses.* The following uses may be permitted under a temporary use permit on the procedures set forth and regulated hereinafter:

- (1) Any use that may be permitted by a conditional use permit, but which the planning commission and/or council determine should first be tried on a temporary basis.
- (2) Temporary living quarters for seasonal and/or other types of workers engaged in a project of a limited duration.

(Code 1992, § 11.21; Ord. No. 02-1878, 8-11-1978; Ord. No. 123(2nd Series), § 1, 4-14-2010)

Sec. 36-41. "R" Single-Family Residential District.

(a) *Intent.* It is the intent of this district to permit exclusively the development of single-family dwellings in designated areas of the community, to provide reasonable standards for such development, to avoid over-crowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

(b) Permitted uses. Permitted uses in the "R" district are as follows:

- (1) Single-family dwellings.
- (2) Public parks and playgrounds, *amateur fields including dogouts,*
- (3) Essential services.

(c) Permitted accessory uses. Permitted uses in the "R" district are as follows:

- (1) Private garages, parking spaces and carports for passenger cars, trucks, recreational vehicles and equipment.
- (2) Home occupations.

- (3) Swimming pools and tennis courts.
- (4) Tool houses and similar buildings for storage of domestic equipment and noncommercial recreational equipment.
- (d) *Conditional uses.* The following uses require a conditional use permit based on the procedures set forth in this article:
 - (1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
 - (2) Public or semi-public recreational buildings.
 - (3) In-home day care.
 - (e) *Lot, yard, area and height requirements.*
 - (1) ~~Side yards: Lot, yard and area requirements~~

| <i>Side Yards Lot</i> | | | | | |
|-----------------------|-------------------------|---------------------------|---------------------------|--------------------|-------------------|
| Lot area sq. feet | Lot width | Least width side set back | Total both sides set back | Front yard setback | Rear yard setback |
| 7,000 | 50' existing | 5' | 13' | 20' | 5' |
| | 75' newly platted | 5' | 13' | 20' | 5' |

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet, except where 20 feet is required under section 36-5(c).

Remove

~~(2) *Corner lots.* On corner lots the side yard on the street side shall be the same as the front yard on the reverse into or lots on that street, provided that this does not reduce the buildable width to less than 20 feet.~~

(3) *Building height.* Residential structures shall not exceed 2 1/2 stories or 35 feet in height, which ever is less.

(4) *Building dimensions.* Residential structures shall have a minimum length of 24 feet and a minimum width of 24 feet at the narrowest point. Residential structures shall have ground floor space of 800 square feet or more.

(5) *Manufactured homes.*

- a. Manufactured homes shall comply with all zoning regulations for the zone in which they are located.
- b. A building permit and other required permits shall be obtained for such manufactured housing.
- c. All manufactured homes shall have ground floor space of not less than 800 square feet.
- d. All manufactured homes shall have a width of 24 feet at the narrowest point.
- e. All manufactured homes shall be placed on permanent foundations which comply with the state building code. Such homes shall have a solid and continuous perimeter foundation for the complete circumference of the house with frost footings in compliance with the state building code. This solid and continuous perimeter foundation may, but need not be, the weight bearing foundation of such

add: Maximum Coverage shall not exceed 40 percent

manufactured home. Any such manufactured home shall have exterior siding extending from within six inches of the dirt or two inches of the concrete or block material, which siding shall be of a conventional exterior dwelling type material.

- f. Any such manufactured home shall have a pitched roof covered with shingles or tile, and have eaves of not less than six inches.
- g. All manufactured homes shall be built in compliance with ~~M.S.A. § 327.01 et seq 327.21 to 327.35. regulating manufactured homes.~~ *Any Minnesota statute shall be connected to city utilities when available*

(6) *Maximum lot coverage.* Lot coverage shall not exceed 40 percent. (Ord. No. 127(2nd Series), § 11.29, 9-22-2010)

Sec. 36-42. "R-1" Single- and Two-Family Residential District.

(a) *Intent.* It is the intent of this district to permit the development of single-family and two-family dwellings in the community, to provide reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

(b) *Permitted uses.* Permitted uses in the "R-1" district are as follows:

- (1) Single- and two-family dwellings.
- (2) Public parks and playgrounds, *athletic fields include outside*
- (3) Essential services.
- (4) Agriculture other than the raising and keeping of livestock.

(c) *Permitted accessory uses.* Permitted accessory uses in the "R-1" district are as follows:

- ~~(1) No structure for an accessory use such as:~~
 - (1) *A* Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment;
 - (2) *B* Home occupations;
 - (3) *C* Swimming pools and tennis courts;
 - (4) *D* Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment;
 - (5) *E* Boarding or renting rooms to not more than two persons;

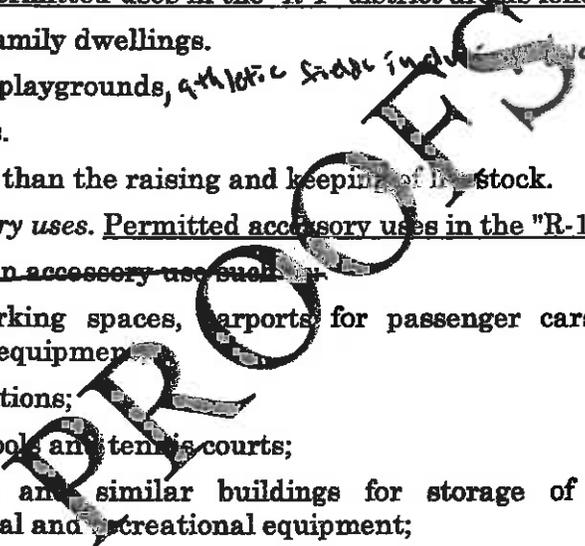
shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-1" Single- and Two-Family Residential District.

(2) However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

- (1) *A* The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory use building, which includes the following language:

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract

(b) Add: No structure for an accessory use



shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of section chapter 30, article V.

(2)

b. In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel, then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.

Remove duplicate

~~(e) Permitted accessory uses include the following:~~

- ~~a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment.~~
- ~~b. Home occupations.~~
- ~~c. Swimming pools and tennis courts.~~
- ~~d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment.~~
- ~~e. Boarding or renting rooms to not more than two persons.~~

(g) Conditional uses. The following uses require a conditional use permit based on the procedures set forth in this section:

- (1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
- (2) Residential planned unit developments, regulated by section 36-51, and townhouses.
- (3) Public or semi-public recreational buildings, community centers and daycare centers.
- (4) Nurseries, but not including greenhouses, farm or truck gardens, display and sale of agricultural products.
- (5) Churches, libraries, museums, schools, memorial buildings and hospitals.
- (6) Used dwellings or manufactured homes over ten years old.

(g) Lot, yard, area and height requirements.

- (1) ~~Dwellings. Lot, yard and area requirement~~

| Side Yards Lot | | | | | | |
|----------------|-------------------|-------------------|--------------------------|--------------------------|--------------------|-------------------|
| | Lot area sq. feet | Lot width | Least width side setback | Total both sides setback | Front yard setback | Rear yard setback |
| Single-family | | | | | | |
| | 7,000 | 50' existing | 5' | 13' | 20' | 5' |
| | | 75' newly platted | 5' | 13' | 20' | 5' |
| Two-family | | | | | | |
| | 10,000 | 75' | 5' | 13' | 20' | 5' |

Don't break table Between pages

ms

| | | | | | | |
|------------|-----|----|-----|-----|--|---|
| Townhouses | | | | | |  |
| 5,000/Unit | 75' | 5' | 13' | 20' | | |

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet except where 20 feet is required under section 36-5(c)(2).

(2) *Adjacent structures.* Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setbacks shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 20 feet.

Remove

~~(3) *Corner lots.* On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) *Building height.* Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height.

(5) *Building dimensions.* Residential structures hereafter erected shall have a minimum length of 24 feet and a minimum width of 24 feet and a minimum ground floor area of not less than 800 square feet.

(6) *Maximum coverage.* Lot coverage shall not exceed 40 percent.

(7) *Manufactured homes.*

- a. Such homes shall comply with all zoning regulations for the zone in which they are located.
- b. A building permit and any other required permits shall be obtained for such manufactured housing.
- c. No such housing shall occupy ground floor space of less than 800 square feet.
- d. No such house shall have a width of less than 24 feet at its narrowest point.
- e. Such houses shall be placed on permanent foundations which comply with the uniform building code as adopted by the state. Such houses shall have a solid and continuous perimeter foundation for the complete circumference of the house with frost footings in compliance with the uniform building code as adopted by the state. This solid and continuous perimeter foundation may, but need not be, the weight bearing foundation for such houses. Any such manufactured house shall have exterior siding extending from within six inches of the dirt or two inches of the concrete or block material, which siding shall be of a conventional exterior dwelling type material.

PROPOSED

NO italics
indent same
font & type as
e.

(h) *Roof requirements.* Any such manufactured ^{house} shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches.

(i) *Compliance.* All such manufactured ^{houses} shall be built in compliance with M.S.A. §§ 327.21 through 327.35.

any Minnesota
regulation
Manufactured
Homes

(Code 1992, § 11.30; Ord. No. 02-1978, 8-11-1978; Zoning Ord., 9-2-1982; Ord. No. 20(2nd Series), § 1, 1-22-1998; Ord. No. 34(2nd Series), § 1, 5-22-2002; Ord. No. 41(2nd Series), § 1, 7-10-2002; Ord. No. 58(2nd Series), § 1, 9-10-2003; Ord. No. 73(2nd Series), § 1, 9-22-2004; Ord. No. 104(2nd Series), § 1, 7-9-2008)

Add:
Manufactured
houses shall be
subject to city
regulations when
applicable.

Sec. 36-43. "R-2" Multiple-Family Residential District.

(a) *Intent.* It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

(b) *Permitted uses.* Permitted uses in the "R-2" district are as follows:

- (1) All permitted uses as allowed in an "R-1" Single- and Two-Family Residential District.
- (2) Multiple-family dwelling units.
- (3) Boardinghouses and roominghouses.
- (4) Nursing homes, rest homes.

Add: (5) Apartment Bv. Wings

(c) *Permitted accessory uses.* Permitted accessory uses in the "R-2" district are as follows:

~~(1) No structure for an accessory use such as:~~

- ~~(1) a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment;~~
- ~~(2) b. Home occupations;~~
- ~~(3) c. Swimming pools and tennis courts;~~
- ~~(4) d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment;~~
- ~~e. Boarding or renting rooms to not more than two persons;~~

Add: No structure for an accessory use

shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-2" Multiple-Family Residential District.

(e) (2) However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

(1) a. The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory building, which includes the following language:

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of chapter 30, article.

(2)

In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel, then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.

~~(3) Permitted accessory uses include the following:~~

Remove

Remove

- ~~a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment.~~
- ~~b. Home occupations.~~
- ~~c. Swimming pools and tennis courts.~~
- ~~d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment.~~
- ~~e. Boarding or renting rooms to not more than two persons.~~

(g) (d) Conditional uses. The following uses shall require a conditional use permit based on the procedures set forth in this section:

- (1) All conditional uses, subject to the same provisions as allowed in the "R-1" Single- and Two-Family Residential District.
- (2) Funeral home, provided yard area and screening are adequate to buffer adjoining properties, and adequate parking provided.
- (3) Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided.

(g) (e) Lot, yard, area and height requirements.

- (1) ~~Dwellings, lot, yard and area requirements.~~

PROPOSALS

| Use | Lot Area sq. feet | Lot - Area Per Side Yards | | Least side setback | Total both sides setback | Front yard Setback | Rear Yard Setback |
|----------------------|-------------------|---------------------------|-----------------|--------------------|--------------------------|--------------------|-------------------|
| | | Lot width | Family sq. feet | | | | |
| Single-family | | | | | | | |
| | 7,000 | 50' existing | 7,000 | 5' | 13' | 20' | 5' |
| | | 75' new plats | | | | | |
| Two-family | | | | | | | |
| | 10,000 | 75' | 5,000 | 5' | 13' | 20' | 5' |
| Three-family or more | | | | | | | |
| | | 75' | 2,500 | 5' | 13' | 20' | 5' |
| Apartment Building | 10,000 | 76' | — | 5' | 13' | 20' | 5' |

Add:

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet except where 20 feet is required under section 36-5(c)(2).

- (2) Adjacent structures. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 20 feet.

Remove

~~(3) Corner lots. On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) Building height. Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height; ~~except apartment buildings shall not exceed~~ *three and one-half stories or 35 feet in height.*

~~(5) Building dimensions. Residential structures hereafter erected shall have a minimum length of 24 feet and a minimum width of 24 feet.~~

move to after building dimensions

(6) Manufactured homes.

- a. Such homes shall comply with all zoning regulations for the zone in which they are located.
- b. A building permit and any other required permits shall be obtained for such manufactured housing.
- c. No such housing shall have ground floor space of less than 800 square feet.
- d. No such house shall have a width of less than 24 feet at its narrowest point.
- e. Such houses shall be placed on permanent foundations which comply with the state building code. Such houses shall have a solid and continuous perimeter foundation for the complete circumference of the house with frost footings in compliance with the state building code. This solid and continuous perimeter foundation may, but need not be, the weight bearing foundation for such houses. Any such manufactured house shall have exterior siding extending from within six inches of the dirt or two inches of the concrete or block material, which siding shall be of a conventional exterior dwelling type material.
- f. Any such manufactured house shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches.
- g. All such manufactured houses shall be built in compliance with ~~M.S.A. § 327.31 et seq. 327.21 to 327.36.~~ *regulating manufactured homes;*

*Any Minnesota Statutes
Add. H. Manufactured homes
shall be connected to
city utilities
when
available.*

(7) Maximum coverage. Lot coverage shall not exceed 40 percent.

(Code 1992, § 11.31; Ord. No. 01-1978, 8-11-1978; Zoning Ord., 9-2-1982; Ord. No. 22(2nd Series), § 1, 1-22-1998; Ord. No. 39(2nd Series), § 1, 7-10-2002; Ord. No. 60(2nd Series), § 1, 9-10-2003; Ord. No. 75(2nd Series), § 1, 9-22-2004; Ord. No. 105(2nd Series), § 1, 7-9-2008)

Sec. 36-44. "R-M" Mobile Home District.

- (a) Intent. *Manufactured*
- (1) It is the intent of this district to permit the development of mobile home parks in the community, to supplement applicable state laws pertaining to mobile homes, to provide reasonable standards for site development of such parks, to avoid over-crowding and to provide setbacks and other development standards which will make such developments more attractive, safe and pleasant to live in, and compatible with other land uses and developments in the community.
- (2) State law pertaining to the regulation of mobile homes and mobile home parks is adopted by reference and are declared to be an integral part of this article as if they were reproduced in their entirety herein; provided that where standards of this article are higher or more restrictive than the statutes, this article shall govern.
- (b) Permitted uses. Permitted uses in the "R-M" district are as follows:
 - (1) Mobile homes. *Manufactured*

39

- (2) ~~Mobile home parks.~~ *Manufactured*
- (3) ~~Mobile home park office, laundry, recreation and storm shelter facilities provided these structures are permanent in nature.~~ *Manufactured*

(c) Permitted accessory uses. Permitted accessory uses in the "R-M" district are as follows:

~~(1) No structure for an accessory use such as:~~

- (1) ~~Private garages and parking spaces;~~
- (2) ~~Tool houses and similar buildings for the storage of domestic equipment and noncommercial recreational equipment;~~

→ shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-M" *Manufactured* Mobile Home District.

However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

- (1) ~~The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory use building, which includes the following language:~~

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of chapter 30, article V.

- (2) ~~In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel, then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.~~

~~(3) Permitted accessory uses include the following:~~

- a. ~~Private garages and parking spaces.~~
- b. ~~Tool houses and similar buildings for the storage of domestic equipment and noncommercial recreational equipment.~~

~~(4) Conditional uses.~~

- (1) All ~~mobile home parks~~ *manufactured* shall require a conditional use permit in addition to being located in the ~~mobile home zoning district~~ *manufactured* and shall be subject to additional provisions set forth in this section.

~~(2) Home occupations, subject to the following:~~

add: No structure for an accessory use

Remove

a. ¹³² ~~Compliance with city floodproofing requirements, section 11.03-36-4, definition of "floodproofing"; subdivision 2, item 36.~~

b. ~~The use can be reasonably and safely conducted in a mobile home structure, and~~

c. ~~All requirements of section 36-53 are met.~~

(e) ~~Lot, yard, and area requirements. Area and height requirements~~

(1) ~~Yard setbacks. Lot, yard and area requirement~~

| Lot | | | | | |
|---|-----------|-------|-------------------------|------|----|
| Lot Area | Lot Width | Front | Yard setback Both sides | Rear | |
| Sq. Feet | Width | | | | |
| 5,000 | 50' | 15' | 13' | 5' | 6' |
| * Front yard setback from curblines of ^{private} interior street, 20 feet when front on public right-of-way. | | | | | |

Add column: least side setback
 From the lot line when front is on public right-of-way

(2) The maximum building height shall not exceed 20 feet.

(3) Maximum ^{lot coverage} site coverage. Lot coverage shall not exceed 50 percent.

(f) Other requirements.

(1) Common open space. At least ^{ten} six percent of the total site of a ^{manufactured} mobile home park shall be reserved for common, usable open space, for the exclusive use of residents, and to be maintained by the proprietor or operator of the ^{manufactured} mobile home park. Such open space and its improvements shall be completed before any mobile home site is offered for occupancy.

(2) An application for a ^{manufactured} mobile home park shall be accompanied by the same data, map, and information required for other ^{manufactured} plans or subdivisions within the city.

(3) Any additional data required by the state board of health for licensing of ^{manufactured} mobile home parks shall also be submitted to the planning commission prior to or concurrently with its submittal to the state board of health.

(4) Landscaping required.

a. Each ^{manufactured} mobile home park shall provide and maintain a ten-foot landscaped strip around the perimeter of the property.

b. Each ^{manufactured} mobile home site shall be provided with a tree, and all unpaved areas shall be suitably sodded.

(5) Commercial sales and/or commercial storage of ^{manufactured} mobile homes shall be prohibited in a ^{manufactured} mobile home park.

(6) Paved private streets serving the ^{manufactured} mobile-home park shall be of sufficient width to provide for two lanes of traffic and for parking on each side of the street, unless off-street parking is provided.

(7) Each ^{manufactured} mobile home park shall provide a storm shelter with sufficient space to accommodate all of its residents.

(8) Each ^{manufactured} mobile home within a ^{manufactured} mobile home park shall be properly and completely skirted.

132 9.) ^{Manufactured} Manufacturer home shall comply with ^{Department of Labor and Industry, Manufacture home} Department of Labor and Industry, Manufacture home rules Chapter 135.50 1350.00 et seq.

10.) Except where this ordinance is more restrictive, ^{Manufactured} Manufactured home parks - subject to the Stearns County, ^{Manufactured} Manufactured homes

(Code 1992, § 11.32; Ord. No. 02-1978, 8-11-1978; Ord. No. 61(2nd Series), § 1, 9-10-2003; Ord. No. 107(2nd Series), § 1, 7-9-2008)

Sec. 36-45. "R-1A" Low Density Multi-Family Residential District.

(a) *Intent.* It is the intent of this district to provide for the development of low density multifamily dwellings in units consisting of no more than five units per structure, and one unit per lot, to provide for reasonable standards for such developments, to avoid overcrowding and to prohibit the use of land which would be incompatible with or detrimental to the essential character of this district.

(b) *Permitted uses.* Permitted uses in the "R-1A" district are as follows:

- (1) All permitted uses as allowed in an "R-1" Single- and Two-Family Residential District.
- (2) Multi-family dwelling units consisting of no more than five units per structure and one unit per lot.

(c) *Permitted accessory uses.* Permitted accessory uses in the "R-1A" district are as follows:

~~(1) No structure for an accessory use such as:~~

- (1) a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment;
- (2) b. Home occupations;
- (3) c. Swimming pools and tennis courts;
- (4) d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment;
- ~~e. Boarding or renting rooms to individuals or more than two persons;~~

shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-1A" Low Density Multiple-Family Residential District.

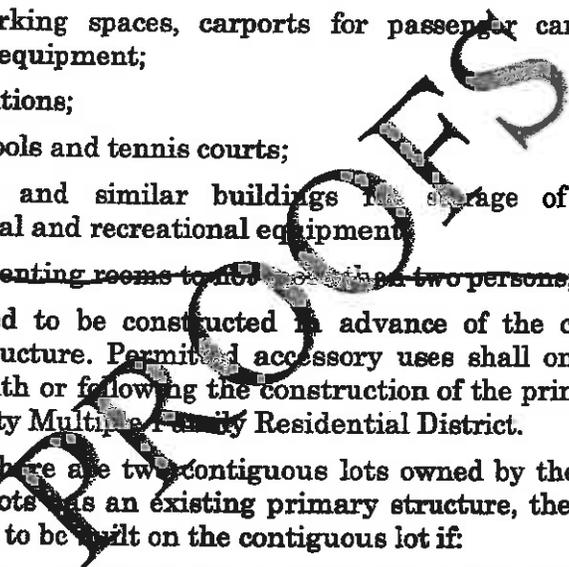
However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

- (1) a. The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory building, which includes the following language:

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of chapter 30, article V.

- (2) b. In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel,

d.) Add: No structure for an accessory use



then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.

(2) ~~Permitted accessory uses include the following:~~

Remove

- ~~a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment.~~
- ~~b. Home occupations.~~
- ~~c. Swimming pools and tennis courts.~~
- ~~d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment.~~
- ~~e. Boarding or renting rooms to not more than two persons.~~

(3) ~~(a) Conditional uses.~~ The following uses require a conditional use permit based on the procedures set forth herein:

- (1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
- (2) Residential planned unit developments regulated by section 36-51 and townhouses.
- (3) Public or semi-public recreational buildings, community centers and daycare centers.
- (4) Nurseries, but not including greenhouses, farm or truck gardens, display and sale of agricultural products.
- (5) Churches, libraries, museums, schools, memorial buildings and hospitals.

(4) ~~Lot, yard, area and height requirements.~~

(1) ~~Side yards.~~ Lot, yard and area requirements

| | | Side Yards | | Lot | | | |
|--|-------------------|------------|---------------|---------------------|--------------------------|--------------------|--------------|
| | Lot area sq. feet | Lot width | | Least width setback | Total both sides setback | Front yard setback | Rear setback |
| Single-family | | | | | | | |
| | 7,000 | 50' | existing | 5' | 13' | 20' | 5' |
| | | 75' | newly platted | 5' | 13' | 20' | 5' |
| Two-family | | | | | | | |
| | 10,000 | 75' | | 5' | 13' | 20' | 5' |
| Multi-family dwelling units; up to five units per structure | | | | | | | |
| | 5,000/unit | 75' | | 5' | 13' | 20' | 5' |

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet, except where 20 feet is required under section 36-5(c)(2).

- (2) *Adjacent structures.* Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setbacks

shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 20 feet.

Remove

~~(3) Corner lots. On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) Building height. Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height.

(5) Building dimensions. Residential structures hereafter erected shall have a minimum length of 24 feet and a minimum width of 24 feet.

(6) Maximum coverage. Lot coverage shall not exceed 40 percent.

(7) Manufactured home.

a. Such homes shall comply with all zoning regulations for the zone in which they are located.

b. A building permit and any other required permits shall be obtained for such manufactured housing.

c. No such housing shall have ground floor space of less than 800 square feet.

d. No such house shall have a width of less than 24 feet at its narrowest point.

Such houses shall be placed on permanent foundations which comply with the uniform building code as adopted in the state and which are solid for the complete circumference of the house. Any such manufactured home shall have exterior siding extending from within six inches of the dirt or two inches of concrete which siding shall be of a conventional exterior dwelling type material.

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Roof requirements. Any such manufactured house shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches.

Compliance. All such manufactured houses shall be built in compliance with M.S.A. §§ 327.21 through 327.35. ~~§ 327.21 through 327.35.~~ *§ 327.21 through 327.35. § 327.21 through 327.35. § 327.21 through 327.35. § 327.21 through 327.35.* *any Minnesota shall be connect utilities when available*

Sec. 36-46. ¹³³"C-1" Central Business District.

(a) Intent. It is the intent of this district to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

(b) Permitted uses. Permitted uses in the "C-1" district are as follows:

(1) ~~Business services~~ including banks, offices and postal stations.

Take first four other revisions

¹³³ BILL SPOONER COMMENT: On Page 277 related to Central Business District, and I think generally in all of the districts, we want to make sure that we have covered the intended permitted uses meaningfully. I think at some point maybe you want to more generally just allow any retail, but that is at least something that we should discuss, and I suppose the sign reference in Subdivision 3 on Page 278 could be to 11.14 or however the sign ordinance gets re-numbered. Then under permitted accessory uses, I guess just a question, should we be permitting storage facilities related to the principle permitted use. SFox—I've made no text change associated with this comment and await specific directive from the city. *Done*

SECTION 8.17 C-1 CENTRAL BUSINESS DISTRICT

Subdivision 1. Purpose. The C-1, Central Business District, is designed to provide for a broad range of commercial developments. The district will also accommodate office and institutional uses.

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

- 2.1 Antique shops.
- 2.2 Apparel stores.
- 2.3 Appliance stores.
- 2.4 Art galleries, including commercial display and sales.
- 2.5 Art schools and studios.
- 2.6 Art supply stores.
- 2.7 Auction rooms.
- 2.8 Automobile fuel service stations.
- 2.9 Automobile parts stores, not including accessory repair or servicing of motor vehicles or trailers.
- 2.10 Bakeries.
- 2.11 Banks and savings and loans, credit unions.
- 2.12 Barber and beauty shops, salons, ~~etc.~~ related activities including therapeutic massage and nail technicians.
- 2.13 Book stores.
- 2.14 Bicycle stores.
- 2.15 Blue printing and photostating.
- 2.16 Bowling alleys.
- 2.17 Business machine stores.

Arcades, entertainment centers

include Auto sales and service

*Ballroom
Dance
Hall*

Add

Bars

car washes
and ~~body~~ shops

Bar ~~sale~~
on-sale
establishment

- 2.18 Camera and photographic supplies.
- 2.19 Candy, ice cream, and confectionery stores.
- 2.20 Caterers.
- 2.21 Churches and other religious institutions.
- 2.22 Clubs and lodges, ~~not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit.~~

Add

- 2.23 Contractors: Electric, general, painting and decorating, and plumbing.
convenience stores
- 2.24 ~~Dance halls, not including the accessory sale of food or alcoholic beverages unless permitted by a conditional use permit.~~

- 2.25 Dental, medical, and scientific clinics and laboratories. *include*
including mental health and treatment of human being.
- 2.26 Department, discount, and variety stores.

- 2.27 Dressmakers, seamstresses, and tailors, embroidery and silk screening.
- 2.28 Drive-in facilities, accessory to a principal use.

- 2.29 Drug stores.
- 2.30 Dry-cleaning, Laundromats, and diaper services.

- 2.31 Exterminators.

Add

- 2.32 Floral sales.

flooring + home decor markets

2.33 Food locker plants, including sales and home delivery, cutting, and packaging of meats and game, ~~but not including slaughtering or eviscerating activities.~~ *leave*
~~(Lockers shall be provided for individual home rental and storage only).~~

Add Fitness Center

Add crematoriums

2.34 Funeral homes. ~~except: for retail customers and all animals shall be slaughter or eviscerate the same day of arrival.~~

- 2.35 Furniture stores.
- 2.36 Garden supply stores and ~~landscape nurseries.~~

- 2.37 Gift and souvenir stores.

- 2.38 Government Buildings

live animals delivered for slaughter
shall held in an area within the building.

slaughtered
except: ~~for~~ slaughtering or eviscerating for retail customers or over the counter sales. All live animals delivery for slaughter

- 2.39 Grocery stores.
- 2.40 Gunsmiths.
- 2.41 Hardware stores.
- 2.42 Health clubs.
- 2.43 Health equipment and sporting goods stores.
- 2.44 Hobby stores.

~~2.45 Hotels and motels.~~

Imaging and data storage

2.46 Interior decorators.

Insurance Agencies

2.47 Janitorial services.

2.48 Jewelry stores.

2.49 Laundry, self-service.

2.50 Liquor stores (off-sale).

2.51 Locksmiths.

2.52 Medical appliance sales and fittings.

2.53 Motorcycle sales.

2.54 Music stores, including the sale of instruments and recorded music.

Newspaper/news shops

Add

2.55 Optical goods and services.

2.56 Paint and wallpaper stores.

Add Parking lots and parking structures or garages

2.57 Parks and playgrounds.

2.58 Photo studios and picture processing and equipment sales.

Add Post offices

2.59 Professional service offices.

Add Public Utility Buildings

2.60 Radio and television broadcasting, including transmitters, and studios.

Add Recreational services (e.g., pinball, laser tag and arcades)

2.61 Repair, rental, and service shops, provided the sale of the articles repaired, rented, or serviced shall be permitted in the District.

Add: Retail Stores

2.62 Restaurants

message & tanning places

2.62 ~~Schools, public and private elementary, middle, secondary, and post secondary.~~

2.63 Shoe stores and shoe repair.

2.64 Stationary and greeting card stores.

2.65 ~~Surface~~ parking lots and parking structures or garages.

2.66 Taxidermists.

2.67 Theaters, excluding drive-ins.

2.68 Ticket agencies and travel bureaus.

2.69 Toy stores.

Add: Transformer stations without storage yards

2.70 Upholstery shops.

2.71 Veterinarians, including observation kennels for domestic pets, provided that all such kennels are within completely enclosed structures.

2.72 Video rentals and sales.

others ~~general~~ retail services

other similar general service businesses

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

3.1 Any use that exceeds ten thousand (10,000) square feet of gross floor area.

3.2 Apartments or dwelling units, when located above the ground floor.

move * permitted use

3.3 Automobile repair garage, including automobile glass, muffler, tire, and electronics installation.

move to permitted

3.4 Collection areas for recyclable materials.

3.5 Community convention centers.

3.6 ~~Drive in facilities, accessory to the principal use.~~

3.7 Indoor firing ranges.

3.8 Landing strips, including aircraft maintenance, storage, repair, and fueling.

that is Joel's, Fran's, East Days, Antique

- ~~(2) Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, shoe repair shops, embroidery and silk screening~~
- ~~(3) Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.~~
- ~~(4) Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops and bakeries whose products are sold only at retail on the premises.~~
- ~~(5) Personal services including drug stores, hardware stores, haberdasher, stationery and book stores, news shops, apparel shops, showroom for articles to be sold at retail, flower shops, commercial greenhouses, and laundromats.~~
- ~~* (6) Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes. therapeutic massage, and nail technicians~~
- ~~(7) Public transportation terminals, public utility buildings and transformer stations without storage yards.~~
- ~~(8) Buildings used for research and testing laboratories, storage buildings or distributing stations.~~
- ~~(9) Residence when included as an integral part of the principal building, to be occupied by the owner or his employee.~~
- ~~(10) Governmental and public utility buildings and structures.~~
- ~~(11) Recreational services including theaters, bowling lanes, clubs and lodges.~~
- ~~(12) Hotels, motels, taverns, private clubs and lodges.~~
- ~~(13) Clinics and other buildings for treatment of human beings.~~
- ~~(14) Funeral homes.~~

Keep

PROPOSES

- (c) Permitted accessory uses.
 - (1) Off-street parking and loading areas in compliance with section 36-5.
 - (2) Commercial or business buildings for a use accessory to the principal use.
 - (3) Signs as regulated by the council.
- (d) Conditional uses. The following uses shall require a conditional use permit based on the procedures set forth herein:
 - (1) Open outdoor sales, service or rental as an accessory use provided:
 - a. The area is fenced or screened from abutting properties.
 - b. Sales areas are surfaced to control dust.
 - (2) Commercial planned unit developments regulated herein.
 - (3) Automobile service stations including sales, gasoline service stations, and auto repair garages; provided that no filling station, public garage or gasoline distributing station

Add General Requirement

134 BILL SPOONER COMMENT: On Page 278 under the permitted uses at (I), we have residences when included as an integral part of the principle building to be occupied by the owner or his employee, and I question whether it is realistic to limit the use to the owner, relative or an employee, or even rationally related to any governmental purpose to restrict it in that way, I don't know that it makes sense to do it. Sfox—I've made no text change associated with this comment and await specific directive from the city.

Dave

49

OK

SECTION 11.18 ~~C-2 HIGHWAY COMMERCIAL DISTRICT~~

Subdivision 1. Purpose. The C-2, Highway Commercial District, is designed and intended to provide for automobile oriented commercial developments. It is also designed to provide for a broad range of retail developments that are adjacent to residential areas. The district will also accommodate office and institutional uses.

Subdivision 2. Permitted uses. Except as specifically limited herein, the following uses are permitted in C-2, Highway Commercial District:

2.1 All permitted uses as allowed in the C-1 District.

2.2 ~~Automobile sales and service.~~ *covered under C-1 permitted*

2.3 Recreational orientated sales and services.

2.4 Farm implement sales and services.

2.5 Tourist oriented retail stores.

2.6 ~~Residence when occupied in connection with the commercial use.~~

Residential when encumbered within same structure as permitted commercial use.

Subdivision 3. Permitted Accessory Uses.

3.1 Off-street parking and loading facilities including semi-trailers.

Subdivision 4. Conditional Uses. Except as specifically limited herein, the following uses may be allowed in the C-2, Highway Commercial District by Conditional Use Permit as provided in Section 11.7:

4.1 All Conditional Uses allowed in C-1 District.

4.2 Clubs and lodges.

4.3 Convenience Stores.

4.4 ~~Light Manufacturing and assembly.~~ *already in C-1*

4.5 Other commercial and residential uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

#4 page 266

Subdivision 5. Lot, Yard, Area and Height Requirements. *All Building Regulations change title to be consistent.*

5.1 Height Regulations: No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

shall be located within 200 feet of a school, church, hospital, or meeting place having a seating capacity of more than 50 persons.

- (4) Drive-in restaurants, drive-in banks and other drive-in services.
- (5) Multiple-family dwellings provided that the use is either adjacent to or provided off-street parking and there is no conflict with adjacent commercial activities.
- (6) Single- and two-family dwellings provided they are compatible with adjacent uses and meet all requirements of section 36-5.
- (e) Lot, yard, area, height, and parking requirements.
- (1) For uses allowed in the "C-1" district, there will be no requirements for lot areas, frontage, lot coverage, yard sizes, parking or loading requirements.
- (2) Building height. Buildings hereafter erected shall not exceed 45 feet in height.

(Code 1992, § 11.40)

Sec. 36-47. "C-2" Highway Commercial District.

(a) *Intent.* It is the intent of this district to provide for and limit the establishment of automobile oriented or dependent commercial and service activities.

(b) *Permitted uses.* Permitted uses in the "C-1" district are as follows:

- (1) All permitted uses as allowed in the "C-1" district.
- (2) ~~Automobile sales, service.~~
- (3) ~~Commercial recreational services.~~
- (4) Farm implement sales and services.
- (5) ~~Funeral homes and mortuaries.~~
- (6) ~~Tourist oriented retail stores.~~
- (7) Residence when occupied in connection with the commercial use.

(c) *Permitted accessory uses.*

- (1) All permitted accessory uses in the "C-1" district.
- (2) Off-street parking and loading facilities including semitrailers.

(d) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth herein:

- (1) All conditional uses allowed in the "C-1" district.
- (2) Open air display areas for the sale of manufactured products such as garden furniture, hardware items, nursery stock, or rental of manufactured products or equipment including mobile home sales lots.
- (3) Recreational camping areas provided:
 - a. Land area is adequate for the proposed use.
 - b. The site is serviced by an adequately paved arterial street.
 - c. Utilities are provided to each site and approved by the city engineer.
- (e) Lot, yard, area and height requirements.

(1) ~~Yard setbacks.~~ Lot, yard and area requirements

under construction
7. Add
8) Storage buildings or distributing stations
9) Hotel and motels
10) Any use that exceeds ten thousand (10,000) square feet of gross floor area.

7. Apartments of more than one unit or otherwise not an integral part of principal building.

PROOFS
Add permitted uses
Landscape nurseries
Greenhouses
storage buildings
Lumber yards

Add
1.5' from other
within 10' of

Lot

| Lot Area | Lot | Yard Setbacks | | |
|--------------|-------|---------------|-----------|-----------|
| | | Front Yard | Side Yard | Rear Yard |
| Sq. Feet | Width | 25' | 10' | 20' |
| As necessary | 80' | 25' | 10' | 20' |

(2) *Adjacent structures.* Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 25 feet.

Delete

~~(3) *Corner lots.* On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) *Building height.* Commercial structures hereafter erected shall not exceed two and one-half stories or 36 feet in height.

(5) *Maximum coverage.* Lot coverage shall not exceed 50 percent.

(f) *Temporary uses.* The following uses may be permitted for a temporary use permit on the procedures set forth and regulated herein:

- (1) Any use that may be permitted by a conditional use permit, but which the planning commission and/or council determine should first be tried on a temporary basis.
- (2) Temporary living quarters for seasonal and/or other types of workers engaged in a project of a limited duration.

(Code 1992, § 11.41; Ord. No. 02-1978, 8-11-1978; Ord. No. 142(2nd Series), § 1, 4-14-2010)

Sec. 36-48. "I-1" Light Industrial District

(a) *Intent.* It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial activities.

(b) *Permitted uses.* Permitted uses in the "I-1" district are as follows:

- (1) Any branch of trade or industry employing labor and capital, activities not allowed in commercial districts and activities which do not require steam, diesel or gasoline engines as a prime mover excepting that no industry or use noxious by reason of odor, dust, smoke, noise or gas shall be included which interferes with other permitted uses.
- (2) Building materials, storage yards, lumber yards.
- (3) Contractors equipment and storage yards.
- (4) Wholesale business and warehousing, ^{add storage}
- (5) Machine shops, public and private garages.
- (6) Public utility and service buildings and gas regulator stations.
- (7) ~~Residences when on the same parcel as the principal use and occupied by an individual employed by the principal use.~~
- (8) Adult use establishments, so long as no two adult use establishments are located on contiguous lots and so long as no such adult use establishment is constructed within 200 feet of any residential area, school, child care facility, church or public park.

9.) Add: Transformer Station with storage yards.
10.) Add: storage buildings

(c) *Permitted accessory uses.* Permitted accessory uses in the "I-1" district are as follows:

Start here

2-2
Lumber yards

I-1

SECTION 11.18 LIGHT INDUSTRIAL DISTRICT

I-1

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

Subdivision 2. Permitted Uses. Except as specifically limited herein, the following uses are permitted in the ~~L-1~~ Light Industrial District:

2.1 - cook at definition assembly, manufacturing consisting of products.
Add (2.1) Automobile, airplane, and farm implement assembly.

~~2.2 Building materials and contractors yards~~ *2nd sales, service, rental of equipment.*

Add (2.3) Cleaning and dyeing plants.

Add (2.4) Concrete mixing and concrete products manufacturing.

~~2.5 Essential service utility structures.~~

Add (2.6) Light manufacturing industries consisting of the processing, treatment, and packaging of goods and foodstuffs, except alcohol or alcoholic beverages.

Add (2.7) Recyclable material collection (temporary or permanent).

Add (2.8) *Add Grain and* Storage elevators or buildings *and feed & seed sales.*

~~2.9 Wholesale business and warehousing/storage.~~

~~2.10 Machine shops, public & private garages~~

Subdivision 3. Conditional Uses. Except as specifically limited herein, the following uses may be allowed in the ~~L-1~~ Light Industrial District by Conditional Use Permit as provided in Section 11.7:

Add (3.1) Electricity generating facilities, when not determined to be objectionable due to noise, odor, or vibration.

Add (3.2) Junk or auto reduction yards.

Add (3.3) Transportation or freight terminal.

3.4 ~~Other wholesale, light manufacturing, construction or service uses similar in character to those listed above.~~

(3.5) Other Light Industrial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

777
5
cook at subdivisions in other sections and follow.

Add existing lumber conditional use 128

type that does

specifically excludes
M
M

- 2.7 ~~Light manufacturing industries consisting of the processing, treatment, and packaging of goods and foodstuffs, except alcohol or alcoholic beverages. Recyclable material collection (temporary or permanent).~~
- 2.8 ~~Storage elevators~~
- 2.9 ~~Wholesale business and warehousing.~~

I-2
Subdivision 3. **Conditional Uses** Except as specifically limited herein, the following uses may be allowed in the H-1, Heavy Industrial District by Conditional Use Permit as provided in Section 11.7:

- 3.1 ~~Automobile service stations.~~
- 3.2 ~~Cement, lime, gypsum or plaster of paris manufacturer.~~
- Add (3.3) Compost facility.
- Add (3.4) ~~Distilling of bones, coal, tar, petroleum, refuse, grain, or wood.~~
- 3.5 Drilling or excavation for, or removal of, oil, gas, or other hydrocarbons minerals.
- 3.6 ~~Dumps, landfills, compost sites, burning sites, junkyard, scrapping or salvage operations.~~
- 3.7 Explosive manufacturing or storage.
- 3.8 Fat rendering.
- 3.9 Fertilizer manufacturing.
- 3.10 ~~Garbage, offal, dead animal or fish reduction, dumping or incineration.~~
- 3.11 Gas illuminating or heating, manufacturing.
- 3.12 Glue manufacturing.
- Add (3.13) Gravel pits, gravel and sand washing and grading, rock crushing, washing and grading, quarrying and related uses.
- 3.14 Junk or auto reduction yards.
- 3.15 ~~Petroleum refining.~~
- 3.16 ~~Smelting of ores.~~

- (1) Off-street parking and loading.
- (2) Open and outdoor storage.
- (3) Offices accessory to a principal use.
- (d) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth herein:

- (1) ~~Any use of a manufacturing type which does not have heavy odors, smoke or other obnoxious or distasteful smells or appearances or excessive noise.~~ *add*
- (2) Industrial planned unit developments regulated by section 36-51. *entitled Planned Unit development*
- (e) ~~Lot, yard, area and height requirements.~~ *or don't change*
- (1) ~~Yard setbacks.~~ *lot, yard and area requirements.*

LOT

| <i>Lot Area</i> | <i>Lot</i> | <i>Yard Setbacks</i> | | |
|-----------------|--------------|----------------------|--------------------|-------------|
| <i>Sq. Feet</i> | <i>Width</i> | <i>Front</i> | <i>Side (each)</i> | <i>Rear</i> |
| As necessary | 100' | 25' | 10' | 20' |

- (2) *Abutting railroad siding.* Where a property abuts a railroad siding no side or rear yard shall be required when a railroad loading facility is to be installed.
 - (3) *Building height.* No structure hereafter erected shall exceed 45 feet in height.
 - (4) *Maximum coverage.* Lot coverage shall not exceed 50 percent.
- (Code 1992, § 11.50; Ord. No. 02-1978, 8-11-1978; Ord. No. 3(2nd Series), § 4, 3-16-1994)

Sec. 36-49. "I-2" Heavy Industrial District.

(a) *Intent.* It is the intent of this district to provide for the establishment of heavy industrial and manufacturing development and uses, which because of the nature of the product, isolation from residential and/or commercial use is desirable.

(b) *Permitted uses.* Permitted uses in the "I-2" district are as follows:

- (1) All uses permitted in the "I-1" Light Industrial District.
- (2) ~~Any branch of industry employing labor and capital not permitted in other districts established by this article, subject to the general development provisions and other applicable requirements of this article.~~
- (3) Manufacturing of cement, concrete, lime gypsum or plaster.
- (4) ~~Distillation of bone, coal, tar, petroleum, refuse, grain or wood.~~
- (5) ~~Explosive manufacturing or storage.~~
- (6) ~~Fertilizer manufacturing, compost or storage.~~
- (7) ~~Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatine manufacturing where the processes include the refining or recovery of products from animal refuse or offal.~~
- (8) ~~Livestock feeding yards, slaughtering of animals or stock yards.~~
- (9) ~~Petroleum or asphalt refining, manufacturing or storage.~~
- (10) ~~Smelting or refining of metals from ores.~~

Move to Conditional Uses?

Move to Conditional Uses:

- ~~(11) Steam and board hammers and forging presses.~~
- ~~(12) Storing, curing, and tanning of raw, green or salted hides or skins.~~
- ~~(13) Corrosive acid manufacturing or bulk storage thereof.~~
- ~~(14) Junk yards.~~
- (15) Industrial planned unit development regulated herein.
 - (c) Lot, yard, area and height requirements.
 - (1) ~~Yard setbacks. Lot, yard and area requirements~~

| Lot | | | | | |
|--------------|-------|---------------|-------------|------|--|
| Lot Area | Lot | Yard Setbacks | | | |
| Sq. Feet | Width | Front | Side (each) | Rear | |
| As necessary | 100' | 25' | 10' | 25' | |

- (2) *Abutting railroad siding.* Where a property abuts a railroad siding no side or rear yard shall be required when a railroad loading facility is to be installed.
- (3) *Building height.* No structure hereafter erected shall exceed 45 feet in height.
- (4) *Maximum coverage.* Lot coverage shall not exceed 50 percent.
- (d) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth herein:
 - ~~(1) Grain elevators, and~~
 - ~~(2) Storage facilities.~~

Add: Compost facility

(Code 1992, § 11.51; Ord. No. 02-1978, 8-1-1978; Ord. No. 35(2nd Series), § 1, 5-22-2002)

Sec. 36-50. Shoreland Overlay District.

(a) *Intent.* The uncontrolled use of shorelands in the city affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise development of shorelands and floodplain areas. The city has authority under state law to regulate the subdivision, use and development of the shorelands and floodplains and thus preserve and enhance the quality of surface waters, preserve the economic and natural values of shorelands and provide for the wise utilization of waters and related land resources.

(b) *Shoreland management classification.* In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, all public waters in the city have been given a shoreland management classification. The public waters of the city have been classified by the commissioner of natural resources as follows:

General Development Lakes and Streams: North Fork Crow River.

(c) *Shoreland Overlay District.* The shorelands of the city are designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of the public waters of the city.

- (1) *Permitted uses.* All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.
- (2) *Conditional uses.* All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city. Notice of all requests for conditional uses and variances shall be forwarded to the department of natural resources at least ten days prior to any hearing.
- (3) *General provisions.* The following standards shall apply to all shorelands of all public waters within the city. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply.

a. *Unsewered areas:*

| <i>General Development Waters</i> | |
|--|---------------------------------------|
| Lot area (ft.) | 20,000 |
| Water frontage and lot width at building line (ft.) | 100 |
| Building setback from ordinary high-water mark (ft.) | 75 |
| Building setback from roads and highways (ft.) | 50 state or county 20 city or private |
| Placement of roads and parking lots from ordinary high-water mark (ft.) | 50 |
| Elevation of lowest floor above highest known water level (ft.) | 3 |
| Building height limitation (ft.) | 35 (2-1/2 stories) |
| Total lot area covered by impervious surface (%) | 30 |
| Sewage system setback from ordinary High-water mark (ft.) | 50 |
| Sewage system elevation above highest groundwater level or bedrock (ft.) | 4 |

In unsewered areas the design and installation of sewage disposal systems shall be in conformance with the state department of health code.

- b. *Sewered areas.* All provisions for unsewered areas shall apply to sewered areas except for the following, which shall supersede the provisions applied to unsewered areas:

| <i>General Development Waters</i> | |
|-----------------------------------|--|
| Lot area (ft.) | |

| | |
|--|--------|
| Waterfront lots | 15,000 |
| Other lots | 10,000 |
| Water frontage and lot width at building line (ft.) | 75 |
| Building setback from ordinary high-water mark (ft.) | 50 |

(4) *Substandard and nonconforming sewage disposal.*

a. *Substandard sewage disposal systems.*

1. A substandard sewage disposal system is a system that has been properly constructed, is large enough to adequately treat the effluent, is not endangering a water supply and has sufficient elevation above the groundwater table, but does not meet the minimum setback distance from the shoreline, lot line, or the dwelling and well.
2. A substandard sewage disposal system may be used until it has failed or when in need of major repair.
3. A substandard system that has failed or is in need of major repairs must be relocated to conform to the required setback as established in this article.

b. *Nonconforming sewage disposal systems.*

1. A nonconforming sewage disposal system is a system that:
 - (i) Does not conform to proper size, construction, use or maintenance.
 - (ii) Is creating a nuisance, endangering a domestic water supply, polluting a lake, stream or river, or contaminating an underground water table.
 - (iii) Is located in any of the following areas:
 - A. Low swampy areas, areas where standing water is prevalent, or areas subject to flooding;
 - B. Where the bottom of the soil absorption unit is closer than four feet to the groundwater table or bedrock; and
 - C. On a steep slope where soil conditions may cause effluent seepage to the ground surface.
2. Nonconforming sewage disposal systems must be brought into conformity with this subsection upon notice issued by the city or discontinued within five years of the effective date of the ordinance from which this article is derived.

(d) *Lots of record.* Lots of record in the office of the county recorder, on the effective date of the ordinance from which this article is derived, shall be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands and sanitary and dimensional requirements of this article are complied with insofar as practicable.

(e) *Shoreland alterations.*

- (1) The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of natural vegetation in the Shoreland Overlay District shall be subject to the following provisions:

- a. Selective removal of natural vegetation shall be allowed, provided that sufficient vegetative cover remains to screen cars, dwellings, and other structures when viewed from the water.
 - b. Clear cutting of natural vegetation shall be prohibited.
 - c. Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion.
 - d. The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.
- (2) Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward public water or a watercourse leading to public water must be authorized by a conditional use permit. The permit may be granted subject to the conditions that:
- a. The smallest amount of bare ground is exposed for as short a time as feasible;
 - b. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted;
 - c. Methods to prevent erosion and trap sediment are employed; and
 - d. Fill is stabilized to accepted engineering standards.
- (3) Excavations on shorelands where the intended purpose is connection to public water shall require a permit from the city clerk-administrator before construction is begun. Such permit may be obtained only after the commissioner of natural resources has issued a permit for work in the beds of public waters.
- (f) *Floodplain provisions.*
- (1) *Statutory authority.* The city has authority under state law to adopt regulations designed to minimize flood losses. This article is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR parts 59--78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
 - (2) *Statement of purpose.* The development of the flood hazard areas of the city could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community, and since these lands are suitable for open space uses that do not require structures, fill, obstructions, or any other form of development as defined in subsection (f)(7) of this section, ~~section G of this ordinance~~, the city council does ordain as follows in this subsection (f).
 - (3) *Designation of the Flood Plain District.* The Flood Insurance Study, Stearns County, Minnesota and Incorporated Areas and Flood Insurance Rate Map Panels therein numbered 27145C0750E, 27145C0763E, 27145C0764E, 27145C0910E, and 27145C0930E, all dated February 16, 2012, and prepared by the Federal Emergency Management Agency, are adopted by reference and declared to be part of this article. These maps shall be on file in the office of the city clerk. The Flood Plain District for the city shall include those 100-year flood areas designated as Zone AE and Zone A on the aforementioned maps.
 - (4) *Permitted uses in the Flood Plain District.* The following uses have low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Flood Plain District without a permit to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, obstructions, excavations,

drilling operations, storage of materials or equipment or any other form of development as defined in subsection (f)(7) of this section.

- a. Agricultural uses such as general farming, pasture, grazing, forestry, sod farming and wild crop harvesting.
- b. Industrial-commercial uses such as parking areas and airport landing strips.
- c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas and single or multiple purpose recreational trails.
- d. Residential uses such as lawns, gardens, parking areas and play areas.
- e. Notwithstanding the provisions of subsection (f)(10) of this section for nonconformities, all other uses and all uses that require structures, fill, obstructions, excavations, drilling operations, storage of material or equipment or any other form of development as defined in subsection (f)(7) of this section shall be prohibited.

(5) *Administration.*

- a. *Development approvals.* Notwithstanding the provisions of subsection (f)(10) of this section for nonconformities, no person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure. No mining, dredging, filling, grading, paving, excavation, obstruction, drilling operation or other form of development as defined in subsection (f)(7) of this section shall be allowed. These activities are currently not allowed within the Flood Plain District and would only be allowed if this section is amended to allow such activities in the future with appropriate specified flood protection performance standards and the issuance of development permits.
- b. *Interpretation of district boundaries.* Where interpretation is needed as to the exact location of the boundaries of the Flood Plain District as shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section, as for example where there is a conflict between a mapped boundary and actual field conditions, the planning commission shall make the necessary interpretation based on the 100-year flood elevation, if available, or by using other available technical data.
- c. *Variances.* The board of adjustment 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 days notice of the hearing. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten days of such action. No variance shall have the effect of allowing any use prohibited in the Flood Plain District, permit a lower degree of protection than the regulatory flood protection elevation or permit standards lower than those required by state law. The city shall notify the applicant for a variance that:
 1. The issuance of a variance to construct a structure below the 100-year flood elevation will result in increased insurance premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 2. Such construction below the 100-year flood elevation increases risk to life and property. The 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. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (i) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (ii) Variances shall only be issued by a community upon:
 - A. Showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (iii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- d. *Amendments.* All amendments to the ordinance from which this section is derived must be submitted to and approved by the commissioner of natural resources prior to adoption.
- e. *Annexations.* The flood insurance rate map panels adopted by reference in subsection (f)(3) of this section include floodplain areas that lie outside of the corporate boundaries of the city on the date of adoption of this section. If any of these floodplain land areas are annexed into the city after the date of adoption of the ordinance from which this section is derived, the newly annexed floodplain lands shall be subject to the provisions of this section immediately upon the date of annexation in the city.
- (6) *Warning of disclaimer of liability.* This section does not imply that areas outside the Flood Plain Districts or land uses permitted within such districts will be free from flooding or damages. This section 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 this section or any administrative decision lawfully made thereunder.
- (7) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Development means any manmade change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes and other structures, recreational vehicles, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of materials or equipment.

Flood fringe means the portion of the floodplain located outside of the floodway. The flood fringe shall comprise those Zone AE areas shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section that are located outside of the floodway. Flood fringe boundaries and the regulatory flood protection elevation for Zone A areas shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section

shall be determined on a case-by-case basis by the community in accordance with the criteria spelled out in Minn. Adm. Code, parts 6120.5000--6120.6200 and 44 CFR 65.

Floodplain means the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge. Floodway areas for Zone AE are shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section. Floodway boundaries and the regulatory flood protection for Zone A areas shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section shall be determined on a case-by-case basis by the community in accordance with the criteria spelled out in Minn. Adm. Code 6120.5000--6120.6200 and 44 CFR 65.

Lowest floor means the lowest floor of the lowest enclosed area (including basement).

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Recreational vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this section, the term "recreational vehicle" shall be synonymous with the term "travel trailer/travel vehicle."

Regional flood means a flood which is representative of large floods known to have occurred generally in the state 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 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 means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the

Duplicate
to page

market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions.
 - b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. For the purpose of this article, the term "historic structure" shall be as defined in 44 CFR 59.1.
- (8) *Enforcement.* Violation of the provisions of this section or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor and shall be punishable as defined by law. Each additional day that lapses shall constitute an additional violation of this section and shall be prosecuted accordingly.
- ~~(9) *Severability.* If any subsection, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.~~
- (9) *Nonconformities.* A structure or the use of a structure or premises which was lawful before the passage or amendment of this section, but which is not in conformity with the provisions of this section, may be continued subject to the following conditions:
- a. No use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity. There shall be no expansion to the outside dimension of a nonconforming structure in the floodplain.
 - b. Any structural alteration to a nonconforming structure or nonconforming use in the floodplain 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 floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in subsection (f)(9)d of this section
 - c. If any nonconforming use or structure is substantially damaged, as defined in subsection (f)(7) of this section, it shall not be reconstructed unless it is located in the flood fringe portion of the floodplain and it is reconstructed in accordance with the standards found in subsection (f)(9)e of this section.
 - d. If a substantial improvement occurs, as defined in subsection (f)(7) of this section, from any rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming structure, then the existing nonconforming structure must be located in the flood fringe portion of the floodplain and meet the requirements of subsection (f)(9)e of this section. A nonconforming structure shall not be substantially improved if the structure is located in the floodway.
 - e. The following standards and procedures apply to nonconforming structures that have been substantially damaged or substantially improved in the flood fringe portion of the floodplain:
 1. All structures, including manufactured homes, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood

protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.

2. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.
3. 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 flood insurance rate map panels adopted in subsection (f)(3) of this section.
4. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not 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.
5. On-site sewage treatment and water supply systems, where public utilities are not provided.
 - (i) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - (ii) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.
6. A permit issued by the planning commission in conformity with the provisions of this section shall be secured prior to the commencement of construction.
7. Application for a permit shall be made in duplicate to the city administrator on forms furnished by the city and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
8. Prior to granting a permit, the planning commission shall determine that the applicant has obtained all necessary state and federal permits.
9. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill, building elevations or flood proofing measures were accomplished in compliance with the provisions of this section.
10. Record of first floor elevation. The city shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations to existing structures in the floodplain. The city shall also maintain a record of the elevation to which structures or alterations to structures are floodproofed.

Sec. 36-51. ¹³⁵Planned unit developments.

(a) *Intent.* The purpose of this section is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approach to development. This section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that planned unit developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses. These regulations are not intended as subdivision regulations and should not be confused as such.

(b) *Procedures and requirements for establishment of a planned unit development.*

- (1) An application for a conditional use permit shall be filed and processed based upon procedures established by section 36-53. ~~entitled~~
- (2) Development plan. The conditional use permit application shall be accompanied by a development plan, drawn to a scale of not more than 50 feet per inch, showing the following:
 - a. The entire outline, overall dimensions and area of the tract described in the application.
 - b. The use, zoning and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width and traveled width of all adjacent public roadways.
 - c. The existing and proposed topography of the tract with contour intervals not greater than five feet.
 - d. The location, general exterior dimensions and approximate gross floor areas of all proposed buildings.
 - e. The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use.
 - f. The proposed location, arrangement and number of automobile parking stalls.
 - g. The proposed location, arrangement and general dimensions of all truck loading facilities.
 - h. The location and dimensions of all vehicular entrances, exits and driveways and their relationship to all existing or proposed public streets.
 - i. The location and dimensions of pedestrian entrances, exits and walks.
 - j. The general drainage system.
 - k. The location and dimensions of all walls, fences and plantings designed to screen the proposed district from adjacent uses.
 - l. The types of all ground covers.

¹³⁵ BILL SPOONER COMMENT: Then on planned unit developments on Page 294, I just wonder whether we should specify that planned unit developments are an overlay over the zoning in which they are proposed and whether a planned unit development should be a conditional use allowed specifically in all districts. SFox—I've made no text change associated with this comment and await specific directive from the city.

- m. Standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style and any other variables which will be controlled in the design of buildings in the development area.
- n. Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed planned unit development is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the completion date of the complete development plan.

(c) *Property control.*

- (1) In order that the purposes of this section may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this article.
- (2) Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or an equivalent document and a set of floor plans shall be filed with the city; the filing with the city to be made prior to the filings of the declaration or document or floor plans with the recording officers of the county.
- (3) Approval of the city shall be secured as to the documents described in subsection (b)(2) of this section.
- (4) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
- (5) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners' proportionate shares of joint or common costs. The declaration shall be subject to the review and approval of the attorney. The intent of this requirement is to protect the property values of the individual owner.
- (6) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the city, or fails to pay taxes or assessments on properties as they become due, and in the event the city incurs any expenses in enforcing its rules and regulations, which the expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such costs of collection thereof, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.
- (7) It is the intent of this article to require subdivision of property simultaneous with application for conditional use. The subdivision and/or platting of land as planned unit

development shall be subject to the requirements for approval and recording with the county recorder as have been established by the city.

- (d) ¹³⁶ *General development provisions.*
- (1) *Yards.*
- a. The front and side yard restrictions at the periphery of the planned unit development side at a minimum shall be the same as imposed in the respective districts.
 - b. No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the internal street system.
- (2) *Roadways.*
- a. Private roadways within the project shall have an improved surface to 20 feet or more in width and shall be so designed as to permit the city fire trucks to provide protection to each building.
 - b. No portion of the required 20-foot road system may be used in calculating required off-street parking space.
- (3) *Utility connection.*
- a. *Water connections.* Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normally supplied shutoff at the street.
 - b. *Sewer connections.* Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners' association or owner.
- (4) *Building types.* In addition to the conventional type of construction and arrangements of building, structure uses and property as allowed by this article, it shall be permissible to cluster, adjoin, and attach structures in a row house, townhouse, patio home or similar style of development within the planned unit development. The number of units or structures by density bonus provisions shall not exceed the number of units or structures allowable under the standard development requirements of the district classification which applies to the property.
- (5) *Subdivision and ownership.* It shall be permissible within a planned unit development to subdivide properties into lesser size parcels for individual ownership and create common open space areas in undivided proportions under joint ownership. Such ownership arrangements are commonly defined as condominium and/or cooperative developments. The joint area of the project must, however, conform to the minimum area requirements established for the respective district classification which jointly applies to the property.
- (6) *Minimum project size.*

¹³⁶ BILL SPOONER COMMENT: On Page 296, Subd. 4, I think what that means is that the front and side yard restrictions on the outside edges of a planned unit development are the same as the front and side yard restrictions in the district in which the planned unit development is an overlay, but it seems a little unclear to me from the wording what that means. SFox— I've made no text change associated with this comment and await specific directive from the city.

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ORDINANCE NO. _____, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION, SECTION 11.14, ENTITLED "SIGNS"; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11, entitled "Land Use Regulation (Zoning)" is hereby amended by adding Section 11.14 to read as follows:

SECTION 11.14. SIGNS.

(a) Findings. The City Council finds that the lack of a comprehensive, constitutionally sound ordinance regulating signs within the City limits of the City of Paynesville constitutes a threat to public health, safety and welfare because, among other concerns, signs could be erected without regard to the manner in which the size or location of the sign interferes with traffic sight lines, endangering or distracting drivers and pedestrians, and that signs could be constructed in a manner or from such materials as are structurally unsound or vulnerable to collapse endangering persons or property in the vicinity of the sign. The Council further finds that exterior signs have a substantial impact on the character and quality in the environment in which they are located. Such signs provide an important medium through which individuals can convey a variety of messages. Signs can create traffic hazards, aesthetic concerns and detriments to property values thereby threatening the public health, safety and welfare.

(b) Intent and Purpose. It is not the intent or purpose of this sign ordinance to regulate the message displayed on any sign. It is not the intent or purpose of this ordinance to regulate a design or display not defined as a sign or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is:

(1) To regulate the number, location, size, type, illumination and other physical characteristics of sign within the City limits in order to promote public health, safety and welfare.

(2) To maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.

(3) To improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals with regard to public safety and aesthetics.

(4) Provide for fair and consistent enforcement of sign regulations set forth herein under the zoning authority of the City.

(c) **Effect.** A sign may be erected, displayed or maintained in the City only if it is conformity with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

(1) Allow for a wide variety of sign types in certain commercial and industrial zones and a more limited variety of sign types in other zones, subject to standards set forth in this ordinance.

(2) Allow certain small, unobtrusive signs incidental to the principle use of the site in all zones when in compliance with the requirements of this ordinance.

(3) Prohibit signs whose location, size, illumination or other physical characteristics negatively affecting the environment where the communication can be accomplished by means having lesser impact on the environment and the public health, safety and welfare.

(4) Provide for enforcement of the provisions of this sign ordinance.

(d) **Definitions.** The following words, terms and phrases, when used in section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Area. The area within the frame of a sign shall be used to calculate the square footage, except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plain figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, freestanding structures, suspended by balloons, or kites, or on persons, animals, or

vehicles, are considered a sign and are included in calculating the overall square footage.

Awning means a roof like cover, often a fabric, plastic, metal or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign means a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign means a sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air.

Building sign means any sign attached or supported by any building.

Changeable copy sign means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign. The term "changeable copy signs" does not include signs upon which characters, letters or illustrations change or rearrange only once in a 24 hour period.

Commercial speech means speech advertising a business, profession, commodity, service or entertainment.

Electrical sign means any sign which uses electricity for lighting or any other purposes.

Elevation means the view from the side, front or rear of a given structure.

Elevation area means the area of all walls that face any lot line.

Erect means constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or in any other way bringing into being or establishing.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pull, so as to allow movement of the material as a result of wind movement and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Grade means the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for design height computation.

Height of Sign. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated Sign means any sign which contains an element designed to emanate artificial light internally or externally.

Lot or parcel means the area of land designated by a county parcel identification number.

Noncommercial speech means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premises sign means a commercial speech sign which directs the attention of the public to a business, activity conducted or product sold or offered at a location not on the same lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside of such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered to be off-premises signs.

On-premises signs means signs which identify or advertise an establishment, person, activity, goods, products for services located on the premises where the sign is installed.

Owner of lot means the legal owner of the lot according to the records of the county recorder.

Pull Sign means any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated above ground level by pulls or beams and with the area below the sign space open.

Sign means any letter, word, or symbol, poster, picture, statuary, reading matter or representation in the nature of an

advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face means the surface of the sign upon, against or through which the message of the sign is exhibited.

Sign structure means any structure including supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Zones means:

(1) *Agricultural zones.* Agricultural zones are all areas zoned A-1 under the provisions of this chapter.

(2) *Residential zones.* Residential zones are all areas zoned "R-1", "R-2", "R-1A" or "R-M" under the provisions of this chapter.

(3) *Commercial zones.* Commercial zones are all those areas zoned "C-1" or "C-2" under this chapter.

(4) *Industrial zones.* Industrial zones are all those areas zoned "I-1" or "I-2" under this chapter.

(e) *Permit required.* No sign shall be erected, altered, reconstructed, maintained or moved in the City without first securing a permit from the City. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny the sign permit. Exceptions to permit requirements are listed under subsection (n) of this section. Application for a permit shall be in writing addressed to the administrator of the City and shall contain the following information:

(1) The name and address of the applicant, owner of the sign and the lot on which the sign is to be placed.

(2) The address at which the sign is to be erected.

(3) The lot, block and addition at which the signs are to be erected and the streets on which they are to front.

(4) A complete set of plans showing the necessary elevations, setbacks, size and details to fully and clearly represent the construction in place of the signs.

(5) The cost of the sign.

(6) The type of the sign. (i.e. awning sign, balloon sign, off-premises sign, on-premises sign, pull sign, etc.).

(7) Certification by the applicant indicating that the application complies with the requirements of this section.

(8) If the proposed on - or off-premises sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign, if necessary. The application shall be submitted to the zoning administrator which shall approve or deny the sign permit no more than 30 days from receipt of a complete application, including the applicable fee. All permits not approved or denied by the zoning administrator within 30 days shall be deemed approved. If the permit is denied, the zoning administrator shall prepare a written notice of denial within ten days of his decision, describing the right to appeal and send it by certified mail, return receipt requested, to the applicant. Appeals will be made to the planning commission.

(f) Exception to permit requirement. The following signs shall not require a permit:

(1) Signs 16 square feet or less in size.

(2) All signs of any size containing non-commercial speech may be posted in any number from 46 days before the state primary in a state general election until 10 days following the state general election.

(3) Any non-commercial flag.

g) General sign regulations.

(1) **Illuminated signs.** Illuminated signs may be permitted, but devices giving off an intermittent or rotating beam of light shall be prohibited. Floodlighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residence.

(2) *Interference with a traffic signal.* No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.

(3) *Fences, rocks and other structures.* No sign shall be painted or placed on a fence, rock or similar structure or feature, nor shall paper or similar signs be attached directly to a building wall with adhesive or by other similar means.

(4) *Intersections.* No sign in excess of six square feet per surface, with no more than two surfaces shall be less than 30 feet from the intersection of two public roads or the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building closer to such intersection in such manner as not to cause any greater obstruction of vision than is caused by the building itself.

(5) *Road right-of-way.* All signs shall be outside of the right-of-way of public roads, except as otherwise permitted in the central business district under the provisions of subsection (j) of this section.

(6) *Adjacent property line setback.* All signs shall be set back from adjacent property lines one foot for each one foot in height of the sign, except that in all commercial and industrial districts signs shall be set back five feet from adjacent property lines regardless of height, except where those commercial or industrial properties abut residential districts, in which case signs shall be set back 20 feet from the common boundary line with the abutting residential property.

(7) *Obstructions prohibited.* No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress from any building or structure.

(h) *Signs permitted in all zoning districts.* The following signs are permitted in all zoning districts:

(1) A real estate sign for the purpose of selling, renting or leasing a single parcel, not in excess of 32 square feet per surface and with no more than two surfaces, may be placed within the front yard of the property.

(2) There shall be no more than one temporary sign on any lot, and such sign shall not exceed 32 square feet per surface and with no more than two surfaces, which may remain on site a maximum of ten days not to exceed 90 days in a calendar year.

(3) Election signs, provided such signs are removed within ten days following the election to which the sign is related and otherwise comply with subsection (f)(4) of this section.

(4) Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar materials or made of bronze, steel, aluminum or other permanent type of construction.

(5) Signs on private property requesting "No Trespassing", "No Hunting", etc.

(6) Any signs authorized by a governmental unit, such as directional, street name, traffic, safety, danger and parking signs.

(7) One area identification sign, such as "John Doe Heights Addition", not to exceed 32 square feet per surface with no sign having more than two surfaces, shall be allowed for each street entrance to a development or municipality.

(i) Signs in agricultural and residential districts. 1) The following signs shall be permitted in agricultural and residential districts:

(i) One name plate sign for each dwelling unit not to exceed two square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces.

(ii) One sign for each permitted non-residential use or use by conditional use permit may be allowed. Such signs shall not exceed 32 square feet in area per surface and no sign shall be so constructed as to have more than two surfaces. On principal arterial and minor arterial streets, signs in excess of 32 square feet may be permitted by conditional use permit, but in no case shall the total square footage exceed 64 square feet per surface or 128 total square feet. This would apply, for example, at a residence with a homebased business use (a residence with a home based business such as a cabinet shop), on roads like Business 23 or Highway 55, or other principal arterial or minor arterial streets as defined in this Code.

(iii) Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.

(iv) No sign shall exceed six feet in height above the average grade level, except for the purpose of selling or promoting, which shall not exceed ten feet.

(v) For the purpose of selling or promoting a multiple lot residential project, one sign not exceeding 64 square feet per surface with no more than two surfaces may be erected on the project site.

(vi) Crop demonstration signs advertising the use of a particular variety, brand or type of agricultural plant, chemical or tillage.

(vii) Agricultural product signs indicating that the proprietor of a farm is a dealer in seed, fertilizer or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

(viii) A non-residential use that is permitted or allowed by conditional use permit within an agricultural or residential district is allowed one electronic and changeable copy sign provided, however, that such sign shall:

a. Not use electricity or be lit up between 10:00 p.m. and 7:00 a.m.

b. Shall be located at least 50 feet from the property line with any adjoining residential use.

2) Regulation of signs in an agricultural or residential district are as follows:

(i) No sign shall be erected or maintained which extends or projects over a sidewalk or street right-of-way.

(ii) No sign shall which is erected or maintained flat against any building or structure shall extend or project more than 12 inches over the sidewalk or street right-of-way.

(iii) Any electrical sign which is permitted must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.

(iv) Permitted changeable copy signs, including, but not limited to, digital signs, which have a capacity of making transitions between images, must display each image for no less than seven seconds before the

commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

3) Prohibited Signs:

(i) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(ii) Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.

(iii) Any sign which would obstruct a window, door, fire escape, stairway or opening in a building intended to provide light, air, ingress or egress.

(iv) Signs with rotating beams or flashing illumination.

(v) Signs painted on or attached to a vehicle where the vehicle is parked on the property primarily for its signage value.

(vi) Changeable copy signs except as permitted herein.

(j) Signs in a "C-1" commercial district. 1) The following regulations shall apply in the "C-1" Central Business District:

(i) The aggregate square footage of sign space per lot, including all sign surfaces, shall not exceed 250 square feet.

(ii) No sign shall extend in height above the parapet wall of any principal building.

(iii) No sign shall be mounted on a structure on or above the roof line.

(iv) For the purpose of selling or promoting a commercial or an industrial project, one sign not to exceed 128 square feet with no more than two surfaces, may be erected upon the project site.

(v) An on-premises sign allowed in the "C-1" district which is not attached to a building, may be up to a maximum of 35 feet in height.

(vi) Changeable copy signs, including, but not limited to, digital signs, which have a capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

(vii) No sign shall be erected or maintained which extends or projects over a sidewalk, street or highway. No sign which is erected or maintained flat against any building structure shall extend or project more than 12 inches over the sidewalk, street or highway.

(viii) Electrical signs must be installed in accordance with the current electric code and a separate permit from the building official must be obtained prior to placement. Electrical signs are not permitted in a residential district. Illumination for electrical signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(ix) Changeable copy signs, including, but not limited to, digital signs which have the capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

2) Prohibited Signs:

(i) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(ii) Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.

(iii) Any sign which would obstruct a window, door, fire escape, stairway or opening in a building intended to provide light, air, ingress or egress.

(iv) Signs with rotating beams or flashing illumination.

(v) Signs painted on or attached to a vehicle where the vehicle is parked on the property primarily for its signage value.

(vi) Changeable copy signs except as permitted herein.

(k) Signs permitted in "C-2" commercial and in all industrial districts. 1) The following regulations shall apply in the "C-2", "I-1" and "I-2" districts:

(i) All signs permitted in "C-1" commercial districts shall be permitted in the "C-2", "I-1" and "I-2" districts.

(ii) Off-premises signs (billboards) may be permitted as a conditional use in any industrial districts and in "C-2" commercial districts providing that:

a. No off-premises sign (billboard) shall be located within 500 feet of parks, historical sites, public picnic or rest areas, or within 200 feet of church or school property.

b. No off-premises sign (billboard) shall be located closer than 750 feet horizontal distance from any other advertising sign measured in any direction.

c. Off-premises signs shall not exceed 35 feet above the average ground level at the base of the sign (top of the sign to the ground).

d. The maximum area of any off-premises sign shall not exceed 400 square feet per side (for example, 10 by 40), and there shall be no more than two facings per sign.

e. Off-premises signs may not be stacked one on top of the other.

f. Off-premises signs are subject to all general sign limitations set forth herein including, but not limited to, the maximum height

limits and distances from intersections. For a complete listing see subsection (g) of this section.

g. All off-premises signs shall be constructed on and supported by a single pole.

h. All signs must meet the city airport zoning regulations.

(iii) Changeable copy signs, including, but not limited to, digital signs, which have a capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

(iv) The top of a sign, including its superstructure, shall not be higher than the roof of the building to which the sign is attached or, if the sign is not attached to a building, shall not be higher than 35 feet.

(v) No sign shall be erected or maintained which extends or projects over a sidewalk, street or highway. No sign which is erected or maintained flat against any building structure shall extend or project more than 12 inches over the sidewalk, street or highway.

(vi) Electrical signs must be installed in accordance with the current electric code and a separate permit from the building official must be obtained prior to placement. Electrical signs are not permitted in a residential district. Illumination for electrical signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(vii) Changeable copy signs, including, but not limited to, digital signs which have the capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

Prohibited Signs:

(i) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, railroad sign or signal, or emergency vehicle signal, or which attempts to direct the

movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(ii) Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.

(iii) Any sign which would obstruct a window, door, fire escape, stairway or opening in a building intended to provide light, air, ingress or egress.

(iv) Signs with rotating beams or flashing illumination.

(v) Signs painted on or attached to a vehicle where the vehicle is parked on the property primarily for its signage value.

(vi) Changeable copy signs not in compliance with subsection (m) of this section.

(l) Regulation; public right-of-way.

(1) General. Except as hereinafter provided, no sign shall be erected or maintained which extends or projects over a sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than 12 inches over the sidewalk, street or highway.

(2) Exceptions. This provision shall not be applicable in the central business district. This provision shall not apply to public utility warning signs.

(m) Electrical Signs. Electrical signs must be installed in accordance with the current electric code and a separate permit from the building official must be obtained prior to placement. Electrical signs are not permitted in a residential district. Illumination for electrical signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(n) Changeable copy signs. Changeable copy signs, including, but not limited to, digital signs which have the capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition

must occur in less than two seconds to minimize the distraction created by transitioning images.

(o) Fees. To defray the costs of processing requests for permits for signs, a fee shall be paid by the applicant at the time that the applicant requests a permit. If a refund is requested, the building permit refund policy will be followed. The amount of the permit fee shall be set by the council, adopted by resolution and enforced uniformly with each application. The fee will be a flat fee. The fee may, from time to time, be amended by council resolution.

(p) Violations. Violations of this section are a misdemeanor. Each day that a violation continues is a separate offense.

(q) Illumination limitations. Illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(r) Noncommercial signs. Noncommercial speech signs are permitted anywhere that advertising or business signs are permitted, subject to the same regulations as would apply to commercial speech signs in the same location.

(s) Nonconforming signs; compliance. It is recognized that signs exist within zoning districts which were lawful before the ordinance from which this section is derived was enacted, but will be prohibited under the terms of this section. It is the intent of this section that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this section to permit legal nonconforming signs existing on the effective date of the ordinance from which this section is derived to continue as nonconforming signs, provided such signs are safe, are maintained so that the structure of the sign is sound and the sign does not become unsightly and not become abandoned or removed subject to the following provisions:

(1) No sign shall be enlarged or altered in a way which increases its nonconformity.

(2) If the use of the nonconforming sign or structure is discontinued for a period of one year, the sign or sign structure shall not be re-constructed or used except in conformity with the provisions of this section.

(3) Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this section.

(4) Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform with the regulations of the zoning district in which it is located after it is moved.

(5) No existing sign devoted to use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

(6) When a building loses its non-conforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be re-painted in a neutral color or color which will harmonize with the structure.

(t) Illegal nonconforming signs. A legal nonconforming sign becomes an illegal nonconforming sign and subject to the violation provisions of this section if:

(1) The sign is relocated or replaced.

(2) The structure or size of the sign is altered in any way except toward compliance with this article. This does not refer to change of copy or normal maintenance.

(u) Effect of issuance of a permit. Neither the issuance of a permit under this section, nor compliance with the conditions thereof, shall relieve any person from any responsibility otherwise imposed by state, federal or other law or rules for damages to persons or property, nor shall the issuance of a permit under this section serve to impose any liability on the city, its officers or employees, for any injury or damage to persons or property. A permit issued pursuant to this section does not relieve the permittee of the responsibility for securing and complying with any other permit which may be required under any other law or regulation.

(v) Maintenance. All signs shall be properly maintained by the permit holder. Permits for signs which fall into disrepair or become unused, may be revoked and the sign may be ordered removed upon 45 days' notice

to cure the specific problem. The permit holder is entitled to request a hearing on any order for removal. That hearing would be before the full planning commission and report and recommendation forwarded to the city council pursuant to section 2-329.

Section 2. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this _____ day of _____, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on _____.

ORDINANCE NO. ____, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION 11.53 ENTITLED "WIND ENERGY CONVERSION SYSTEMS REGULATIONS" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11 Entitled "Land Use Regulations (Zoning)" is hereby amended by adding Section 11.53 to read as follows:

SECTION 11.53. WIND ENERGY CONVERSION SYSTEMS REGULATIONS.

Subd. 1. Authority & Purpose. This provision is enacted pursuant to the authority granted by the Municipal Planning Act, M.S.A. 462.351, et seq. The intent of this provision is to ensure public health, safety and general welfare in accordance with adopted goals, plans and policies of the City of Paynesville, to enhance privacy and the quality of the physical environment of the City; to protect and maintain property values and preserve and develop the economic base within the City.

Subd. 2. Definition.

Wind Energy Conversion System or Windmill. An apparatus capable of converting wind energy into electricity.

Subd. 3. Permitted Wind Energy Systems. Wind energy systems may be permitted as a conditional use in any zoning district.

Subd. 4. Requirements to Obtain a Conditional Use Permit. In order to qualify for a Conditional Use Permit in any zoning district, the wind energy conversion system must meet the following criteria:

i) Wind energy conversion systems shall be set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor.

ii) Wind energy conversion systems shall be certified by a professional engineer as being of a design adequate for the atmospheric conditions in the area.

iii) Wind energy conversion systems shall be equipped with over speed or similar controls designed to prevent disintegration of the rotor in high winds.

iv) Wind energy conversion systems shall be in compliance with all building and electrical code requirements of the City, noise regulations of the Minnesota

Pollution Control Agency, and rules and regulations of the Federal Communication Commission and Federal Aviation Administration.

v) The Conditional Use Permit shall provide that if a wind energy conversion system has not been operated for a period of one (1) year or fails to meet the conditions required in this section, the City Council may order it dismantled and the site restored to its original condition.

vi) The Conditional Use Permit shall further provided that if the owner or person responsible for a wind energy conversion system does not maintain it or comply with all requirements of this chapter, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on 10 days notice.

vii) Wind energy conversion systems shall not have exterior lights that illuminate or glare upon or into adjoining parcels of real estate.

Section 2. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violations a Misdemeanor", are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this ____ day of _____, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

ORDINANCE NO. ____, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION 11.52 ENTITLED "SOLAR ENERGY SYSTEMS REGULATIONS" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11 Entitled "Land Use Regulations (Zoning)" is hereby amended by adding Section 11.52 to read as follows:

SECTION 11.52. SOLAR ENERGY SYSTEMS REGULATIONS.

Subd. 1. Authority & Purpose. This provision is enacted pursuant to the authority granted by the Municipal Planning Act, M.S.A. 462.351, et seq. The intent of this provision is to ensure public health, safety and general welfare in accordance with adopted goals, plans and policies of the City of Paynesville, to enhance privacy and the quality of the physical environment of the City; to protect and maintain property values and preserve and develop the economic base within the City.

Subd. 2. Definitions.

a) Solar Energy System. An apparatus capable of converting solar energy into electricity or capturing solar energy without transforming it into another form of energy or transferring the heat via a heat exchanger.

b) Integrated Solar Energy System. An integrated solar energy system is an integral part of a principle or accessory building rather than a separate mechanical device, replacing or substituting for an architectural element or structural component including, but not limited to, photo voltaic or hot water solar energy systems contained within roofing materials, windows, skylights and awnings.

Subd. 3. Permitted Solar Energy Systems. Solar energy systems are allowed in all zoning districts, subject to the following:

a) System Standards - Electrical.

- i) All electrical shall be installed underground.
- ii) An exterior disconnect switch shall be installed at the electrical meter serving the property.
- iii) The system shall be grounded to protect against natural lightning strikes in conformance with the national electrical code.

iv) No solar energy system shall be interconnected with a local electrical utility company until the company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the national electrical code.

b) Maximum Area - Ground Mounted Solar Energy Systems. Ground mounted solar energy systems shall be limited to a maximum area of:

i) Residential Uses – 240 square feet

ii) Non-Residential Uses – 10% of lot area

c) Maximum Area - Roof Mounted Solar Energy Systems. Roof mounted solar energy systems must:

i) Use colors that are the same or similar with the color of the roof material on the building.

ii) Comply with the maximum height requirements applicable to the zoning district.

iii) Not extend beyond the roof perimeter or exterior walls of the building on which it is mounted.

Subd. 4. Ground Mounted Solar Systems. Ground mounted solar systems must:

a) Meet the location and setback requirements for an accessory building under the provisions of this chapter.

b) Meet any setback and screening requirements for the zoning district within which the solar energy system is located.

Subd. 5 General Requirements. All solar energy systems must:

a) Be certified by Underwriters Laboratories, Inc., and comply with the requirements of the International Building Code.

b) Be removed if the system becomes inoperable for 12 successive months or fails to meet the conditions and requirements of this section. The City may order the system to be dismantled and removed under such circumstances. If the owner or person responsible for the solar energy system does not maintain or comply with all requirements of this chapter, the City may take such steps as are necessary to achieve compliance. The costs of such work, including administrative costs, shall be a lien against the property and may be collected as

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a special assessment. The City may sell salvaged and valuable materials at public auction on 10 days notice.

c) Obtain a building permit as may be required by the Building Code for any solar energy system prior to installation.

Section 2. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violations a Misdemeanor", are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this ____ day of _____, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on _____, 2016.

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ORDINANCE NO. , 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY MODIFYING SECTION 11.03, SUBD. 2, ENTITLED "DEFINITIONS" BY ADDING AT NO. 37 THEREOF A DEFINITION OF "INTERMODAL CONTAINER" AND RE-NUMBERING THE FOLLOWING PARAGRAPHS TO ACCOMMODATE THE ADDITION; BY AMENDING SECTION 11.10 ENTITLED "GENERAL REQUIREMENTS" BY ADDING THERETO A SUBDIVISION 9 ENTITLED "INTERMODAL CONTAINERS"; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE, MINNESOTA ORDAINS:

Section 1. City Code, Chapter 11, Section 11.03, Subd. 2, is hereby amended to read:

Subd. 2. Definitions. The following terms, as used in this Chapter, shall have the meanings stated:

1. Accessory Building – A subordinate building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use.

2. Accessory Use – A use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

3. Adult Arcade – An establishment where, for any form of consideration, one or more motion pictures projectors, slide projectors or similar machines for viewing by five (5) or fewer persons are each used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or sexual anatomical areas.

4. Adult Bookstore – An establishment that has as a substantial portion of its tock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

5. Adult Cabaret – A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

6. Adult Motion Picture Theater – An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

7. Adult Theater – A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

8. Adult use Establishments – Adult use establishments include, but are not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or sexual encounter establishment.

9. Alley - Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

10. Automobile Wrecking or Junk Yard – A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used or second-hand materials of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it

practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicle within a garage or other structure in residential districts or two (2) unlicensed motor vehicles not including farm implements within a farm in the agricultural district.

11. Basement – That portion of a floor of a building which is wholly or partially, up to fifty (50) percent, underground or below grade.

12. Boarding or Rooming House – A boarding or rooming house shall be construed to mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations, providing that accommodations are not provided for more than ten (10) persons.

13. Building – Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind, when any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

14. Buildable Area – That part of the lot remaining after required yards have been provided.

15. Building Principal – A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

16. Building Height – The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

17. Building Setback Line – The front line of the building or the legally established line which determines the location of the building with respect to the street line.

18. Carport – A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.

19. Clear-Cutting – The removal of an entire stand of trees.

20. Clinic - A clinic for the purpose of this Chapter, is a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.

21. Conditional Use – A use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a “Conditional Use Permit” may be granted.

22. District Zoning – Any section of the incorporated area of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

23. Dwelling – A building or portion thereof, designed exclusively for residential occupancy, including one family, two family and multiple family dwellings, but not including motels, hotels, boarding house and garage space.

24. Dwelling, Multiple – A building designed with three (3) or more units for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

25. Dwelling, Single Family – A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.

26. Dwelling, Two Family – A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.

27. Easement – A grant by a property owner for the use of a strip of land for the purpose of construction and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

28. Equal Degree of Encroachment – A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

29. Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communications, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

30. Family – A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this Chapter, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

31. Farming – The cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

32. Farmstead – Property on which structures and a farm dwelling are located for management, storage, and general farm operation.

33. Flood – A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

34. Flood Fringe – That portion of the flood plain outside of the floodway.

35. Flood Plain – Those areas adjoining a water course which have been or hereafter may be covered by the regional flood.

36. Flood Proofing – A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

37. Intermodal Container – A large standardized water resistant shipping or cargo container designed and built for intermodal freight transportation, parking or storage, and commonly referred to as containers, cargo or freight containers, ISO containers, shipping, sea or ocean containers, container van, connex box, sea can or c-can, and often capable of being mounted on a rail car, truck trailer or ship. This term specifically excludes from this definition trailers, travel trailers, tractor trailers, or similar vehicles which are not allowed to be used as storage. Also separately addressed are sheds and other traditional accessory structures.

38. Floodway – The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

39. Floor Area, Ground – The area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three (3) or more exterior sides.

40. Garage, Community - Any space or structure or series of structures for the storage of motor

vehicles for the use of two (2) or more occupants of property in the vicinity and having no public shop or service therein.

41. Garage, Private – An accessory building designed or used for the storage of not more than three (3) licensed automobiles, trucks, or buses, owned and used by the occupants of the building to which it is accessory.

42. Gasoline Service Station – A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

43. Home Occupation – Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling when carried on within the dwelling unit and not in an accessory building. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises, and no stock in trade shall be kept or sold. No other persons residing on the premises shall be employed, and no mechanical equipment shall be employed that is not customarily found in the home. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, nor exterior signs except as allowed in the sign regulations for the zoning districts in which such home occupation is located; there shall be no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; special offices, of a clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied by the same; and teaching, with musical, dancing, and other instruction limited to one (1) pupil at a time, except daycare centers as regulated in the districts.

44. Livestock Operation – Any operation for the feeding and care of animals or poultry for food, pelts or as pets.

45. Lot – A lot is a piece or parcel of land occupied or to be occupied by a building, structure or use, or by other activity permitted thereon and including the open spaces required under this Chapter, and having its principal frontage on a public street.

46. Lot Area – The area of a horizontal plane within the lot lines.

47. Lot Corner – A lot situated at the junction of two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

48. Lot, Coverage – The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

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

50. Lot Frontage – The front of a lot shall be for purposes of complying with this Chapter, that boundary abutting a public right-of-way having the least width.

51. Lot Line – A property boundary line of any lot held in single or separate ownership: except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

52. Lot Width – The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

53. Lot of Record – A lot which is part of a subdivision, the map of which has been recorded in the office of the Stearns County Recorder or a lot described by metes and bounds, the deed to which has been recorded in the office of the Stearns County Recorder prior to the effective date of this Chapter.

54. Mobile Home – A structure transportable in one or more sections, which when erected on site measures eight body feet or more in width and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label certifying that the mobile home meets Federal Mobile Home Construction and Safety Standards.

55. Modular Home – A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site, and bears a seal from the State of Minnesota stating that the unit is approved by the State Building Inspector certifying that the unit is a manufactured building and complies with the State Building Code. A modular home shall be congruous to a single-family dwelling.

56. Motel or Motor Court – A business comprising a series of attached, semi-attached or detached rental units with or without eating facilities for the overnight accommodations of transient guests.

57. Non-Conforming Building, Structure or Use – A building, structure or use which does not conform with the district regulations in which it is situated.

58. Ordinary High Water mark – A mark delineating the highest water 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.

59. Parking Space – An area sufficient in size to store one (1) standard automobile, which has adequate access to a public street or alley.

60. Permitted Use – A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.

61. Public Waters – Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1976, Section 105.37, Subdivision 6. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two (2) square miles need be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commission of Natural Resources shall be exempt from the provisions of these regulations.

62. Reach – A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

63. 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 100 years recurrence interval.

64. Regulatory Flood Protection Elevation – A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Chapter are required to be elevated or flood proofed.

65. Set Back – The minimum horizontal distance between a building and street or lot line.

66. Shoreland - The land located within the following distances from public waters (a) 1,000 feet from the normal high water mark of a lake, pond, or flowage; (b) 300 feet from a river or stream, or the landward extent of a flood plain designated by this Chapter on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural or man-made topographic divides which extend landward from the waters for lesser distances.

67. Specified Anatomical Areas – As used herein, specified anatomical areas means and includes any of

the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

68. Specified Sexual Activities – As herein, specified sexual activities means and includes any of the following: (1) the fondling of other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

69. Story – That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.

70. Structure – Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner.

71. Temporary Structure - Any structure which is moved or constructed to temporarily meet the needs of a land owner in a commercial or industrial district who has lost the use of a permanent structure which has been destroyed or seriously damaged by fire, storm or other natural disaster.

72. Townhouse – Single family attached units in structures housing three (3) or more dwelling units contiguous to each other, only by the share of one (1) common wall, and each dwelling unit shall have separate and individual front and rear entrances.

73. Use – The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

74. Variance – The waiving of specific literal provisions of this Chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of this Chapter. Furthermore, hardship must be demonstrated on a non-economic basis.

75. Yard – An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth of width specified in the yard regulations for the zoning district in which such lot is located.

76. Yard, Front – A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

77. Yard, Rear – A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

78. Yard, Side – A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Section 2. City Code, Chapter 11, Section 11.10, is amended to include a new Subdivision 9 to read as follows:

Subd. 9. Intermodal Containers. A) No intermodal containers shall be placed on a parcel of real estate zoned A-1, R, R-1, R-1A, R-2, RM, or any other future residential district, except for temporary construction uses as allowed herein.

B) Intermodal containers are allowed in commercial and industrial districts, but only after obtaining a placement permit from the City Zoning Administrator specifying the location of placement. The use of intermodal containers shall be for storage only. They shall not be used for human habitation or storage of hazardous materials, refuse or debris.

C) Intermodal containers may be used on a temporary basis for construction work where a building permit has been issued for a parcel of property only after issuance of a placement permit by the City Zoning Administrator specifying the location of placement. Any temporary intermodal container shall be removed within 30 days after the expiration, revocation or finalization of the building permit for the property.

D) Placement permits for intermodal containers shall ensure that:

i) Such containers do not occupy any required off-street parking spaces, loading areas or fire lanes within any zoning district.

ii) Such containers do not block, obstruct or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.

iii) Such containers conform to the setback requirements of the zoning district where they will be placed.

iv) Such containers shall not be permitted in a location nearer to the public street than the main building, except for projects where the intermodal container is being used for temporary construction where there is an active building permit.

v) Such containers shall not be stacked on top of each other or on top of any other structure unless specifically permitted within an industrial zone. In any event, no more than three (3) containers shall be allowed to be stacked.

vi) Such containers shall be structurally sound, stable and in good repair. Any intermodal container that becomes unsound, unstable or otherwise dangerous, shall be immediately repaired or removed from the property.

Section 3. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and City Code, Chapter 11, Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this _____ day of _____, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on _____.

ORDINANCE NO. ____, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION 11.54 ENTITLED "OPTING-OUT OF REQUIREMENTS OF M.S.A. §462.3593" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11 Entitled "Land Use Regulations (Zoning)" is hereby amended by adding Section 11.54 to read as follows:

SECTION 11.54. OPTING-OUT OF REQUIREMENTS OF M.S.A. 462.3593.

Subd. 1. Authority. M.S.A. §462.3593 allows cities to opt-out of the regulations codified in M.S.A. §462.3593.

Subd. 2. Purpose. Governor Dayton signed into law on May 12, 2016, M.S.A. §462.3593 which provides a process to permit and regulate temporary family health care dwellings. The purpose of this ordinance is to opt-out of those regulations.

Subd. 3. Opt-out of M.S.A. §462.3593. Pursuant to the authority granted by M.S.A. §462.3593, Subd. 9, the City of Paynesville opts-out of the requirements of M.S.A. §462.3593, which defines and regulates temporary family health care dwellings.

Subd. 4. Effective Date. This ordinance is effectively immediately upon its passage and publication.

Section 2. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violations a Misdemeanor", are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this ____ day of _____, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on _____.

Building Inspection Report

Brad Mehlhop

JULY 18th, 2016

On June 30th I took the trip to St. Paul to take the test for the Building Official Limited certification. I did pass and am now considered certified. Renee has started the paperwork with the State to designate me as the Building Official for the City.

There are two categories of Building Officials: Building Official (BO), and Building Official Limited (BOL). The state uses a point system for a person to be eligible to sit for the exams to become certified. Now that I am certified as a BOL I will begin accumulating points to be eligible to sit for the BO exam. The required points for the BO exam is 100. I currently have 70.

As a Building Official Limited I am able to perform code administration for one and two family dwellings and their accessory buildings. I will continue to work with Jim Tews on commercial projects. I expect that within a year, I will be eligible to sit for the BO exam.

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CCLD REVIEW

CONSTRUCTION CODES AND LICENSING DIVISION
MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

SUMMER 2016

Building officials

Building official forum draws dozens to Camp Ripley

The second annual Building Official Forum on June 17, 2016, hosted by DLI's Construction Codes and Licensing Division, attracted more than 70 attendees from throughout Minnesota.

State Building Official Scott McLellan opened the event at Camp Ripley by discussing issues important to municipal building officials and the building code enforcement profession. Topics included a recap of the 2016 legislative session, progress made in the past year addressing challenges to the industry and establishing goals for the coming year. McLellan also shared the results of a recent survey about the educational needs of building officials.

Assistant Director Scott McKown discussed recent improvements made to the state's delegation agreement process and gave an update about building inspection



State Building Official Scott McLellan addresses attendees at the second annual Building Official Forum on June 17, 2016, at Camp Ripley.

programs and classes available through a community college along with the potential for another through the university system. The forum concluded with a discussion of the ongoing challenges facing building officials including the increasing complexity of the codes.

Boilers

Reminder: Boiler and pressure vessel codes in effect

DLI would like to remind all involved with the construction, installation, operation and inspection of boilers and pressure vessels that the following codes and standards became mandatory Jan. 1, 2016, in Minnesota.

The 2015 American Society of Mechanical Engineers (ASME) codes

- Section I, Power Boilers
- Section II, Materials
- Section IV, Heating Boilers
- Section V, Non Destructive Examination
- Section VI, Maintenance and Operation of Heating Boilers
- Section VII, Maintenance and Operation of Power Boilers
- Section VIII, Division 1, 2, and 3, Pressure Vessel Construction



Updated boiler and pressure vessel codes have been in effect since Jan 1, 2016, in Minnesota

- Section IX, Welding
- 2015, CSD-1, Controls and Safety Devices for Automatically Fired Boilers

2015 National Fire Protection Association

- NFPA-85, Boiler and Combustion Systems Hazards Code

2015 National Board Inspection Code

- Part 1, Installation
- Part 2, Inspection
- Part 3, Repairs and Alterations

Visit www.dli.mn.gov/CCLD/Boiler.asp for more information.

DLI electrical staff share information at Upper Midwest Expo



DLI staff participated in the Upper Midwest Electrical Expo on April 13-14, 2016, in Minneapolis. More than 10,000 people from 35 states, four Canadian Provinces and Australia took part in the large trade show and educational presentations. The next Expo is April 18-19, 2018, in Minneapolis.

Leaking current

New signs warn of electric shock drowning

In advance of an expected requirement of the 2017 National Electrical Code, signs are being erected at marinas and boatyard facilities warning of the dangers of electric shock drowning.

Electric shock drowning can occur when an electric current leaks into the water and a victim in the water encounters the resulting electric field. The deadly current leaks can, depending on magnitude, paralyze the limbs, incapacitate the lungs or cause the heart to stop pumping and result in drowning. Causes of an electricity leak can include electrically-powered boat lifts, dock lighting, receptacle outlets, dock equipment, submerged irrigation pumps and similar devices.

Electric shock drowning prevention advocates say that the 2017 National Electrical Code (Article 555 Marinas and Boatyards) will likely contain updates to address the sometimes deadly situation by reducing the maximum permissible ground-fault current protection levels and requiring that of warning signs be posted where electrical equipment is installed on or at dock facilities.

For more information, visit www.electricshockdrowningmn.com.



CCLD Review is a quarterly publication of the Minnesota Department of Labor and Industry.

Receive email notification when an issue is available by subscribing online.

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Visit the Contact Us page

Licensing information
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Business/contractor licenses and bonds:
(651) 284-5034

(Including: electrical, HPP, plumbing, residential, manufactured structures, mechanical bonds, technology system, water conditioning)

Personal licenses and certificates: (651) 284-5031
(Including: boiler engineers, electricians, plumbers, power limited technicians, pipefitters, unlicensed individuals, building officials)

Electrical information
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Phone: (651) 284-5544
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Plumbing information
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Phone: (651) 284-5069
Fax: (651) 284-5746
DLI.Contractor@state.mn.us

Contractor registration
Phone: (651) 284-5074
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Codes and standards

New electrical bulletins about wiring, LEDs online

DLI has an online directory of electrical codes and standards bulletins about topics ranging from general safety and wiring to licensing and inspections. View the complete list of DLI's electrical bulletins at www.dli.mn.gov/CCLD/ElectricalCodes.asp.

The newest additions to the list of resources include:

- Use of Type NM Cable in Garages and Accessory Buildings at Multi-Family Dwellings: www.dli.mn.gov/CCLD/PDF/eli_bulletin_nm.pdf
- Wiring Methods for Class 2 LED Drivers: www.dli.mn.gov/CCLD/PDF/eli_bulletin_led.pdf
- LED Inspection Fee Calculation: www.dli.mn.gov/CCLD/PDF/eli_bulletin_led_fee.pdf

Solar

Building Code requirements for solar panel installations

1. A building permit is required for all photovoltaic solar panel installations. Code-compliance checks include a structural analysis to evaluate the additional weight of the panels plus any new snow-drift loads on the roof. DLI, in cooperation with the Minnesota Department of Commerce, developed a standardized load table to help contractors and building officials determine if the roof structure for wood framed buildings is sufficient without further analysis by a structural engineer. Ground-mounted solar panel systems require a building permit for foundations supporting the panels.
2. An electrical permit is required.
3. Solar photovoltaic arrays installed on buildings regulated by the Minnesota Building Code (commercial buildings and apartments) must conform to Section 3113. Arrays are limited to 150 feet in any direction. Non-residential buildings are required to provide access pathways around the perimeter of the roof and along the centerlines of the roof as well as meet specific criteria for smoke ventilation through the roof in the event of fire. Multi-family residential buildings have no perimeter access pathway requirement and only require 3-foot-wide pathways from eave to ridge/peak where roof slopes exceed 2:12. Designers must read the rule for specific access pathway requirements.
4. Solar photovoltaic panel arrays installed on buildings regulated by the Minnesota Residential Code (single-family homes, two-family homes and townhomes) are not regulated by Section 3113 Solar Photovoltaic Power Systems, of the Minnesota Building Code.
5. All ground-mounted solar panel systems are classified as "other structures" and are regulated by the Minnesota Building Code. The code review for these installations includes the foundation design for structural support, wind loads and materials. In addition, a 10-foot clear brush-free area is required around the perimeter of the array.
6. Solar installations may be regulated by local zoning ordinances regarding property line setbacks and location on the building.

Vehicles

Electrical contractor vehicles must be properly marked

Minnesota law requires that any vehicle used by a contractor while performing electrical work for which a contractor's license is required must have the contractor's name and license number affixed to the side of the vehicle.

View the Minnesota regulation for complete requirements about marking of contractor vehicles at <https://www.revisor.mn.gov/rules/?id=3800.3570>

Plumbing: Frequently asked questions and answers

Backflow prevention installation and testing requirements:

- Q. Under the 2015 Minnesota Plumbing Code, a listed double check valve assembly backflow device is now required for fire protection sprinkler systems connected to the building water supply. Because of this change, can a fire protection contractor install the double check valve assembly instead of a plumbing contractor?*
- A. No. A licensed plumber is required to perform or engage in new installation of double check valve assembly and any backflow prevention devices.
- Q. Do I have to be a licensed plumber to be a backflow prevention tester?*
- A. No. A backflow prevention tester does not need to be a licensed plumber or work for a plumbing contractor. Backflow prevention testing can be performed by any company that has a certified backflow prevention tester.
- Q. Can a certified backflow prevention tester perform maintenance or open up a backflow device to clean the internal parts?*
- A. No. A backflow tester can perform work relating to opening and closing valves, hook-up a testing gauge to a backflow device and make necessary observations in accordance with the applicable ASSE testing standard of the device. A certified backflow prevention rebuilder working for a licensed plumbing contractor can open and perform work on any internal parts or replace a backflow device, as well as test the device.

Backflow prevention and testing information:

- Backflow protection, testing for fire sprinklers: www.dli.mn.gov/CCLD/pdf/review37spring16.pdf#page=4
- Backflow fact sheet: www.dli.mn.gov/CCLD/PDF/fs_backflow.pdf
- Sprinklers and the 2015 Plumbing Code: www.dli.mn.gov/CCLD/PDF/pe_backflow_sprinklers.pdf

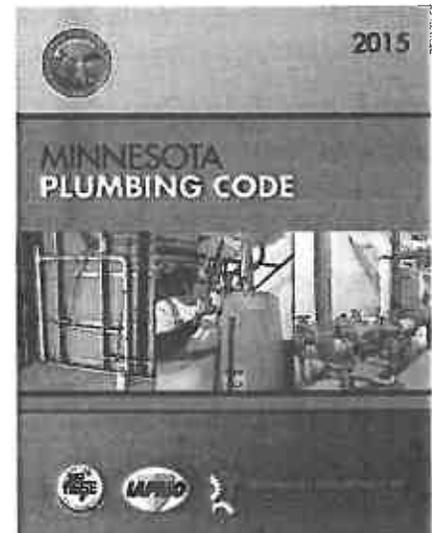
2015 Minnesota Plumbing Code:

- Q. Is polyethylene piping (PE) listed in Table 604.1 of the Plumbing Code allowed for building supply (water service) installed under and inside of buildings?*
- A. Yes. On June 15, 2016, the Minnesota Plumbing Board issued a final interpretation that allows installation of PE piping under and inside of buildings to a water meter or pressure tank. View the final interpretation at www.dli.mn.gov/PDF/pb/Interp/PB0085.pdf.

Installation of PE piping must meet the manufacturer's installation instructions.

- Q. Is a water hammer arrester required on every dishwasher or clothes washer installation? How about during a change out?*
- A. The Plumbing Code requires water hammer arresters (also known as shock arresters) when solenoid valves or other quick closing devices are used in the plumbing system. This requirement protects the fixtures from repeated pressure surges. Arresters must be installed as close as possible to the valves or quick closing devices.

A water hammer arrester may not necessarily be needed for each dishwasher or clothes washer installation or replacement. One properly sized water hammer arrester may serve multiple fixtures with quick closing devices if the arrester is located within close proximity of the quick closing devices.



Plumbing FAQs continue on page 5

Plumbing FAQs continued from Page 4

Water hammer arresters must be considered in each installation or change out of these fixtures if none exist. It is recommended the designer or contractor consult with the manufacturer for recommended surge limits for adequate protection.

- Q.** *The 2015 Minnesota Plumbing Code requires thermostatic mixing valves in accordance with ASSE 1070 be installed at public-use lavatories. Does this apply to hand washing sinks in a commercial kitchen?*
- A.** No. A hand washing sink is not a lavatory installed in a public use restroom.
- Q.** *Is high density polyethylene (HDPE), coated steel or fiberglass resin an acceptable construction material for use as a flammable and oil waste interceptor?*
- A.** The 2015 Minnesota Plumbing Code does not list an approved type of construction material for use as an oil and flammable waste interceptor. However, those construction materials are acceptable when designed in accordance with the Plumbing Code, documented for the intended application and approved by the administrative authority.

A fact sheet about the requirements of oil and flammable waste interceptor can be found at www.dli.mn.gov/CCLD/PDF/fs_pe_interceptors.pdf.

Enforcement actions

Unlicensed electrical contractor fined \$7,500

Some recent CCLD enforcement actions include

- A licensed electrical contractor from Oakdale, Minn., who was not licensed for residential building construction, was discovered performing a kitchen remodel project. Further investigation revealed multiple residential building projects, many without benefit of contracts or permits. The contractor was ordered to cease and desist from unlicensed activity and fined \$7,500.
- An unlicensed contractor from Cannon Falls, Minn., who was the subject of prior enforcement action in 2015, was found to be advertising residential building contracting, electrical and plumbing services on numerous websites. The contractor was ordered to cease and desist from this activity and fined \$10,000.
- An unlicensed contractor from Ramsey, Minn., who was the subject of enforcement action in 2007, contracted with homeowners for services that included a bathroom remodel, tile and plumbing work. In most cases the contractor failed to complete the projects or performed poor quality work. The contractor was ordered to cease and desist from unlicensed activity and fined \$10,000.



Enforcement actions
View enforcement
and license actions
taken against
licensees

Summaries of all final CCLD enforcement actions are available at www.dli.mn.gov/CCLD/Enforcement.asp
Questions about specific enforcement actions should be directed to (651) 284-5069 or DLI.contractor@state.mn.us.

Planning to hire a contractor? Make sure they're licensed

Before hiring a contractor, visit DLI's consumer web page for steps to take before signing a contract. Some of the topics include how to select a contractor, how to solicit bids, what to include in a contract and how to file a complaint against a contractor.

➤ View more information at www.dli.mn.gov/cclld/RBCconsumer.asp.

Be sure to verify contractor registration for 2016

Registration and renewal are free and completed online every two years

Since September 2012, all contractors who provide commercial or residential building construction or improvement services must either be licensed by DLI (if required by law) or registered in the Construction Contractor Registration Program.

All registrations that were issued prior to October 2015 expired Dec, 31, 2015, so contractors should verify their registration has been renewed through Dec. 31, 2017, as well as the registrations of any subcontractors. Verify your registration using DLI's License Lookup at <https://secure.doli.state.mn.us/lookup/licensing.aspx>.

Why contractor registration?

The Contractor Registration Program helps DLI and other state agencies in their investigations of worker misclassification. Misclassification occurs when a contractor has employees but treats them as independent contractors. Instead of providing workers' compensation and unemployment insurance and withholding payroll and FICA taxes, some employers pay their workers cash or give them 1099's instead of W-2s, denying them the rights and benefits that employees are entitled to under state and federal laws. A 2007 report by the Minnesota Office of the Legislative Auditor identified worker misclassification as a significant problem in the construction industry.

An individual worker or owner of a business cannot be treated as an independent contractor unless they are



Contractor Registration

State law requires registration for some construction contractors



licensed by DLI or registered in the Contractor Registration Program, and they meet all nine factors of the nine factor test. An individual is considered an employee and not an independent contractor if not registered.

Contractors can check the license or registration of their subcontractors using DLI's License Lookup. All contractor registrations begin with the letters 'IR' and are followed by six digits.

Register and renew online for free

Registration is free and is done online. Contractors who have already registered but need to renew their registration should do so using the DLI ReNew online renewal tool.

Contractors can also check to see if their subcontractors have been the subject of any enforcement action, including registration suspension or revocation by checking the enforcement actions page at www.dli.mn.gov/CCLD/register_actions.asp.

Steam boilers fired at Rollag

Joel Amato, DLI chief boiler inspector, recently participated in the University of Rollag Steam Engineering School at the Western Minnesota Steam Threshers Reunion Show Grounds located in Rollag, Minn.

The hands-on event covers the basics of historical boiler operation, maintenance and emergency procedures for historical steam engines that have manually fired boilers.

The engine pictured was built in 1899. Also pictured with Amato is Rob Troutt, chief inspector of Texas.



Minnesota Chief Boiler Inspector Joel Amato, front, took part in Steam School in Rollag, Minn. Pictured with Amato is Rob Troutt, chief inspector of Texas.

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