

CHAPTER 11 LAND USE REGULATION (ZONING)

(Repealed, Ord. No. 109 Second Series)

(Added, Ord. No. 109 Second Series)

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SEC. 11.01. TITLE AND APPLICATION

Subd. 1. Title.

This Chapter shall be known as the **PINE ISLAND ZONING ORDINANCE** except as referred to herein, where it shall be known as "this Chapter".

Subd. 2. Intent and Purpose.

The intent of this Chapter is to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations in regard to location, erection, construction, alteration and use of structures and land. More specifically, it is the purpose of this Chapter to:

A. Be applicable to all lands and waters within the corporate limits of Pine Island, Minnesota.

B. Guide the orderly development and redevelopment of the City, promote high quality urban design, and regulate land uses and the location and use of structures for residential, commercial, and other purposes consistent with the goals and policies of the City's Comprehensive Plan.

C. Assist in providing a physical environment that provides for the housing, employment, business, service, recreational, social, cultural, educational and entertainment needs of the City and maintains and enhances a high quality of life for its residents.

D. Provide a diversity of areas characterized by differing land use activities, scale and intensity, while maintaining neighborhood and community identity, and quality development by maintaining a balance between residential and non-residential land uses and compatibility of different land uses.

E. Respect the City's environmental setting and constraints, and meet the needs of the City for adequate public services and infrastructure.

F. Ensure the maintenance of property within the City by requiring each owner, occupant, or other person in charge of any property to keep it in good repair and in compliance with the provisions of this Chapter.

G. Maintain and enhance the City of Pine Island's town character with a unique, distinctive and secure environment for the City's residents and businesses.

H. To provide adequate light, air and convenience of access to property.

I. To prevent congestion in the public right-of-way and to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population.

J. To provide for administration of this chapter and to provide for amendments and prescribe penalties for violation of such regulations.

K. To define powers and duties of the City staff, the Board of Zoning Adjustment, the Planning Commission and the City Council in relation to this Chapter.

Subd. 3. Standard Requirements.

A. Where the conditions imposed by any provision of this Chapter are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail.

B. In their interpretation and application, the provisions of this Chapter shall be held to the minimum requirements for the promotion of the public health, safety and welfare.

C. All references within this Chapter to other City, county, state, and federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of county, state, or federal regulations. Furthermore, all references to other City, county, state, and federal regulations within this Chapter are intended to refer to the most current version and citation for those regulations. If such references are invalid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern unless otherwise specified.

D. No structure shall be erected, converted, enlarged, reconstructed, altered or moved, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

E. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Chapter.

F. In their application, these regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Chapter are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Chapter shall be controlling.

G. No error in a resolution approving a permit, or an omission of a requirement of this Chapter from a resolution or other approval, shall affect the applicant's obligation to comply with all applicable provisions of this Chapter.

H. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building, and no lot shall be used for more than one principal building unless otherwise provided for herein.

I. Each new occupied building shall be required to connect to the City sewage disposal system where it is available. In any district where City sewage service is not available, the private sewage disposal system shall meet the standards of the Minnesota Pollution Control Agency (6MCAR #4.8040).

Subd. 4. Relation to the City's Comprehensive Plan.

It is the policy of the City, that the City's adopted Comprehensive Plan shall serve as the basis upon which land use and development shall be regulated and that the enforcement, amendment, and administration of this Chapter be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan as developed and amended from time to time by the City. The City recognizes the Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

Subd. 5. Existing Lots.

A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of this Chapter may be used for residential dwelling purposes provided the area and width thereof are within 60% of the minimum requirements of this Chapter; and provided it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling.

Subd. 6. Prior Conditional Uses.

Any established use or building legally existing prior to June 21, 2011 and which is now classified as a conditional use may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use, or any other subsequently approved conditional use shall, however, require a new conditional use permit be processed according to this Chapter.

Subd. 7. Building Compliance.

Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all requirements of this Chapter have been fully met.

Subd. 8. Monuments.

For the purpose of this Chapter, all international, Federal, State, County and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

Subd. 9. 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 cases the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what Zoning District would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this chapter to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subd. 10. Separability.

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

A. If any court of competent jurisdiction shall judge any provision of this Chapter to be invalid, such judgment shall not effect any other provisions of this Chapter not specifically included in said judgment.

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

Subd. 11. Authority.

This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.365.

SEC. 11.02. RULES AND DEFINITIONS.

Subd. 1. Rules.

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- F. For terminology not defined in this Chapter, this code, the Minnesota state building code or the Webster's dictionary shall be used to define such terms.

Subd. 2. Definitions.

The following words and terms, wherever they occur in this Chapter, shall be interpreted as herein defined:

"Accessory Use or Structure" - A use or structure, or portion of a structure, on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

"Acid Etch" - A finish achieved by casting concrete against a smooth, hard surface. After removal from the form the element is allowed to harden to a uniform hardness. The element is then washed with an acid solution and scrubbed to remove the cement surface to a sand level resulting in a smooth, sand textured surface.

"Advertising Sign" - A sign which directs attention to a business, commodity, activity, service or product not necessarily conducted, sold or offered upon the premises where such sign is located.

"Agricultural Product Sign" - A sign displayed on any farm by the owner or other operator thereof, for the purpose of identifying such farm or advertising the products thereof.

"Agriculture Use" - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:

- A. Field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
- B. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
- C. Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

"Alley" - A street or thoroughfare affording secondary access to abutting property.

"Agricultural Building or Structure" - Any building or structure existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.

"Animal Feedlot" - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals (not including animal laboratories, research and development facilities) and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

"Animal Kennel" - Any place where more than three domestic animals of one type, over six months of age, are kept, sold, boarded, bred, or exhibited, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

"Animal Unit" - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For the purposes of this Chapter, the following multiplication factors shall apply:

	<u>Animal</u>	<u>Units</u>
A.	Dairy cattle:	
	1 mature cow (milked or dry) greater than 1,000 pounds	1.4
	1 mature cow (milked or dry) less than 1,000 pounds	1.0
	1 heifer	0.7
	1 calf	0.2
B.	Beef cattle:	
	1 cow and calf pair	1.2
	1 slaughter cow or stock steer	1.0
	1 feeder cattle or heifer	0.7
	1 calf	0.2
C.	Swine:	
	1 greater than 300 pounds	0.4
	1 55 pounds to 300 pounds	0.3
	1 less than 55 pounds	0.05
D.	1 horse	1.0
E.	1 sheep or lamb	0.1
F.	Chicken:	
	1 laying hen or broiler - liquid storage	0.033
	1 laying hen or broiler - dry storage greater than 5 pounds	0.005
	1 laying hen or broiler - dry storage less than 5 pounds	0.003

G.	Turkey:	
	1 greater than 5 pounds	0.018
	1 less than 5 pounds	0.005
H.	1 duck	0.01

For animals not listed, the number of animal units shall be the average weight of the animal in pounds divided by 1,000 pounds.

"Animals" -

A. Farm Animals: Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the state of Minnesota.

B. House Pets: Animals such as dogs, cats, birds (not including pigeons, chickens, geese, turkeys or other domestic fowl), gerbils, hamsters, rabbits (including those normally sheltered outside of the principal structure), and tropical fish, that can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure that would require a building permit, excluding wild or domesticated wild animals.

"Attached Sign" - Any sign posted, painted or constructed, attached to the wall, roof, facade, canopy, marquee or porch of any structure; provided the sign does not extend above the highest point of the roof.

"Auto or Motor Vehicle Reduction Yard" - A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sales as scrap, storage, or abandonment. (See also Junk Yard.)

"Automobile Service Station" - A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles or any portion thereof.

"Basement" - A portion of a building located partly underground but having half or more of its floor to ceiling height below the average grade of the adjoining ground.

"Boarding House" (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed 20 persons.

"Brick" - The conventional molded rectangular block of baked clay, nominal four inch width. Thin brick veneer, faux brick, or decorative brick shall not be permitted as a building material for nonresidential structures.

"Brick Face" - A precast panel with a cavity cast in, or a plate cast in if the brick runs to the bottom of the edge so that the brick can be set in the panel after its removal from the form.

"Building" - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

"Building Height" - A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

"Building Integrated SES" – An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights and awnings. (Added Ord. No. 127, Second Series, 2-17-15)

"Building Line" - A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance, which all or any part of the building is set back from said right-of-way line.

"Building Setback" - The minimum horizontal distance between the building and a lot line, or the normal high water mark of a stream or river.

"Business" - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

"Business Sign" - A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

"Cast Stone" - A finish achieved by ramming moist zero slump concrete against smooth rigid formwork until the product is densely compacted and ready for removal from the form. After curing, the panel may be hand rubbed or acid etched.

"Changing Sign" - A sign which has a message which is automatically changed, such as those signs providing the time, temperature or stock market data.

"Clear-Cutting" - The entire removal of a stand of vegetation.

"Clustering/Cluster Housing" - The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

"Community SES" - A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location or the solar energy system, for the primary purpose of generating electricity for use by members of the Community SES. A community SES shall be an accessory land use for the parcel on which it is located. (Added Ord. No. 127, Second Series, 2-17-15)

"Comprehensive Plan" - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City and its environs, as defined in the Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

"Commissioner" - The Commissioner of Natural Resources.

"Conditional Use" - A specific type of structure or land use that is allowed under this Chapter, but only upon a finding that : (1) certain specified conditions are satisfied or adequately addressed, and (2) the structure or land use conforms to the comprehensive land use plan and is compatible with the existing neighborhood.

"Conditional Use Permit" - A permit issued by the City Council in accordance with procedures specified in this Chapter that authorizes, with conditions, a requested structure or land use.

"Curb Level" - The grade elevation established by the Council of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Chapter.

"Daycare Facility" - Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "nonresidential programs" as defined by Minnesota Statutes Section 245A.02, Subdivision 10.

"Directional Sign" - A sign directing traffic on private property but bearing no advertising matter.

"Drive-In" - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

"Dwelling, Attached" - One which is joined to another dwelling or building at one or more sides by a party wall or walls.

"Dwelling, Detached" - One which is entirely surrounded by open space on the same lot with no common party walls.

"Dwelling" - A building or portion thereof, designated for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels, boarding houses, bed and breakfast, mobile homes or trailers.

"Dwelling, Efficiency Apartment" - A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or dining alcove.

"Dwelling, Multiple-Family" - A building designed with three or more dwelling units for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits.

A. Apartment: A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit.

B. Common Interest Communities: A development containing individually owned units and jointly owned and shared areas wherein the boundaries are defined by a common interest community in accordance with Minnesota Statutes, Chapters 515, 515A or 515B, as amended.

C. Condominium: A multiple-family dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota condominium law, Minnesota Statutes, Sections 515.01 through 515.29.

D. Cooperative: A multiple-family dwelling owned and maintained by the residents and subject to the provisions of Minnesota Statutes 290.09 and 290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

"Dwelling, Nursing Home" - A state licensed facility or that part of a facility which provides nursing care to five or more persons and does not include a facility or that part of a facility which is a hospital, a hospital with approved swing beds as defined in Minnesota Statutes, Section 144.562, clinic, doctor's office, diagnostic or treatment center, or a residential program licensed pursuant to Minnesota Statutes, Sections 245A.01 to 245A.16 or 252.28

"Dwelling, Senior Housing" - A dwelling with open occupancy limited to persons over 55 years of age.

"Dwelling, Single-Family" - A dwelling unit designed for and occupied exclusively by one family.

A. Attached: A dwelling which is joined to another at one or more sides by a party wall.

B. Detached: A dwelling unit not attached to another dwelling or structure.

"Dwelling, Townhouses" - Structures housing three or more dwelling units contiguous to each other only by the sharing of one or more common walls with each unit having a separate entrance/exit, such structures to be of the townhouse or row house type as contrasted to multiple-family dwelling apartment structures.

"Dwelling, Townhouses, Detached" - A structure having the characteristics of a multiple-unit townhouse structure that has been separated into single dwelling units at the common side wall, typically with structure dimensions that have a narrow front and deep side walls and are typically without windows or features on at least one of the side walls.

"Dwelling, Two-Family" - A structure designed for occupancy by two families living independently of each other.

A. Duplex: A two-family dwelling with one unit above the other.

B. Twinhome: A two-family dwelling with two units side by side.

"Dwelling Unit" - A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers

"Earth Sheltered Building" - A building constructed so that 50% or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth-sheltered building is a complete structure that does not serve just as a foundation or substructure for above-ground construction. A partially completed building shall not be considered earth sheltered.

"Earth Sheltered Berm" - An earth covering on the above grade portions of building walls.

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

"Efficiency Unit" - A dwelling unit with one primary room which doubles as a living room, kitchen, and bedroom.

"Equal Degree of Encroachment" - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

"Essential Services" - The erection, construction, alteration, or maintenance by private or public utilities, or municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, communication, waste, or water transmission, distribution, collection, supply or disposal systems, including water towers, wells, poles, wires, radio receivers and transmitters, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, utility substations and other similar equipment, accessories and related structures in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Essential services shall not include waste facilities or personal wireless service antennas or support structures.

"Exposed Aggregate" - A finish achieved by:

A. Casting against a form surface that has been painted with retarder that retards the set of the concrete at its surface.

B. Application of a chemical retarder to the surface of the form. The retarder prevents the matrix from hardening at the surface of the panel to a specific depth, controlled by the strength of the retarder. After curing, the unhardened layer of matrix at the surface of the panel is removed by a high pressure water washing, thus, exposing the aggregate used in the concrete.

C. Casting concrete against a smooth hard surface. After removal from the form, the finished surface is sandblasted to remove the matrix and expose, as well as etch, the coarse aggregate.

"Exterior Storage" (Includes Open Storage) – The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

"Extraction Area" - Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of two feet in depth, other than activity involved in preparing land for earth sheltered or conventional construction of residential, commercial and industrial buildings, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

"Family" - An individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

"Farm" - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

"Fence" - Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.

"Fitness Center" - A business that provides strength machine and cardiovascular exercise stations within a circuit training program, usually for the benefit of its membership, excluding any and all group classes, hot tubs, saunas, and competitive sports facilities.

"Flashing Sign" - A sign which contains an intermittent flashing light by means of animation or an externally-mounted intermittent light source.

"Flood" - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

"Flood Frequency" - The frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.

"Flood Fringe" - That portion of the flood plain outside of the floodway. Flood Fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Pine Island, Minnesota.

"Flood Plain" - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

"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.

"Floodway" - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

"Floor Area" - The sum of the gross horizontal area of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within a building or structure.

"Form Liners" - A finish achieved by the use of plaster, rubber, grained wood, rope or other material as a liner in the casting form to impart a particular finish to the face of the panel.

"Freestanding Sign" - A sign standing on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts on similar uprights with or without braces, including benches and "A" or sandwich boards.

"Frontage" - That boundary of a lot which abuts an existing or dedicated public street.

"Garage, Private" - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

"Grade" - The average of the finished level at the center of the exterior walls of the building. For an earth-sheltered building, grade means the average of the finished level at the center of the lot. For a building with earth berms but less than 50% earth covering, grade means the average of the finished level at the center of the building at the beginning of the earth berm.

"Ground Mounted SES" - Freestanding solar energy system (panels) that are mounted to the ground by use of stabilizers or similar apparatus. (Added Ord. No. 127, Second Series, 2-17-15)

"Health Club" - A business that provides recreational services and facilities, usually for the benefit of its membership, involving aerobic exercises, strength and cardiovascular equipment, indoor or outdoor game courts, swimming pools, running tracks, massage, tanning, hair and other personal services, saunas, showers and lockers.

"Home Occupation" - Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barbershops, beauty shops, tourist homes, or similar uses.

"Home Occupation Sign" - A sign permitted in association with an occupation conducted on the premises within a dwelling unit occupied by the operator of the business.

"Horticulture" - Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

"Hotel" - A building, which provides a common entrance, lobby, halls and stairway and in which 20 or more people can be, for compensation, lodged with or without meals.

"Identification Sign" - A permanent sign announcing the name of a subdivision, group housing project, church, school, park, planned shopping center, planned industrial center or public or quasi-public areas.

"Illuminated Sign" - Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or tubes or by other artificial light directed to the sign or internally illuminated.

"Interim Use" - A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow it.

"Interim Use Permit" - A permit issued in accordance with procedures specified in this Chapter, as a flexible device to enable the City Council to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions.

"Junk Yard" - An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes an auto-wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

"Kennel" - Any structure or premises on which two or more dogs over six months of age are kept for sale, breeding, profit, etc.

"Landscaping" - Plantings, including trees, grass, ground cover, and shrubs.

"Light Sandblast" - A finish achieved by casting concrete against a smooth, hard surface. After removal from the form, the element is given a light sandblasting removing the cement skin from the surface resulting in a smooth, sand textured surface.

"Location Sign" - A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

"Lodging Rooms" - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room, which provides sleeping accommodation shall be counted as one lodging room.

"Lot" - A designated parcel or portion of land established by subdivision or plat of land, separated from other parcels by legal description, for the purpose of conveyance or use thereof.

"Lot of Record" - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Goodhue County, Minnesota, prior to the effective date of this Chapter.

"Lot Area" - The area of a lot in a horizontal plane bounded by the lot lines.

"Lot, Corner" - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

"Lot Coverage" - The area of the zoning lot occupied by the principal buildings and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only the above grade portions of an earth-sheltered building should be included in lot coverage calculations.

"Lot Depth" - The mean horizontal distance between the front lot line and the rear lot line of a lot.

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"Lot Line" - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for purposes of this Chapter.

"Lot Line, Front" - That boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.

"Lot Line, Rear" - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

"Lot Line, Side" - Any boundary of a lot, which is not a front lot line or a rear lot line.

"Lot, Substandard" - A lot or parcel of land for which a deed has been recorded in the office of the County Recorder upon or prior to the effective date of this Chapter which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Chapter.

"Lot Width" - The maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of the lot depth.

"Manufactured Home" - A structure, transportable in one or more sections, which in the traveling mode is eight body 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 unit with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this Chapter. The term "manufactured home" does not include the term "recreational vehicle."

"Manufactured/Mobile Home Park" - Any site, lot, field or tract of land under single ownership, designated, maintained or intended for the placement of two or more occupied homes. It shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile/manufactured home park.

"Metes and Bounds" - A method of property description by means of their direction and distance from an easily identifiable point.

"Mining" - The extraction of sand, gravel, rock, soil or other material from the land in the amount of 1,000 cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

"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.

"Motel" (Tourist Court) - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

"Name Plate Sign" - Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

"Natural Stone Veneer" - A finish achieved by placing natural stone pieces into a form and casting concrete behind it resulting in a precast panel having a natural stone face.

"Non-Conforming Use" - Use of land, buildings, or structures legally existing on the effective date of this Chapter which does not comply with all the regulations of this Chapter or any amendments hereto governing the zoning district in which such use is located.

"Nursery, Landscape" - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

"Nursing Home" - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statutes, Section 144.50.

"Obstruction" - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory 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.

"Off Premises Sign" - A commercial speech sign, including billboards, 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 the sign ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off premises sign.

"Open Sales Lot" (Exterior Storage) - Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

"Parking Space" - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

"Pedestrian Way" - A public or private right-of-way across or within a block, to be used by pedestrians.

"Permitted Use" - A public or private use which of itself conforms with the purpose, objectives, requirements, regulations and (not "arid") performance standards of the applicable zoning district.

"Photovoltaic System" - An active solar energy system that converts solar energy directly into electricity. (Added Ord. No. 127, Second Series, 2-17-15)

"Planned Unit Development" - A residential development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowner's association.

"Principal Use or Structure" - All uses or structures that are not accessory uses or structures. A **"principal use"** may be either permitted or conditional.

"Professional Sign" - An attached sign of no more than 15 square feet indicating the location of a professional office and its tenants. A professional sign may be illuminated only if such illumination causes no direct or reflected glare on adjacent property.

"Projecting Sign" - A sign, other than a wall sign, which is attached to the building wall and which extends more than 18 inches from the face of such wall and is supported by a wall of a the building or structure.

"Property Line" - The legal boundaries of a parcel of property which may also coincide with a right-of-way line or a road, cartway, and the like.

"Property Owner" - Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one year, a dominant easement interest, or an option to purchase any of same, but not including owners or interests held for security purposes only.

"Protective Covenant" - A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

"Public Land" - Land owned or operated by municipal, school district, county, state or other governmental units.

"Public Service Sign" - A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show, or similar event, when conducted by a public agency or for the benefit of any civic or charitable cause; provided that the sign shall be displayed for a short period of time only, in no event to exceed 21 days, signs of any political party or announcing the candidacy of any individual for any nomination for a general or special election can be displayed no sooner than 90 days before the event and must be removed within five days after the event.

"Pylon Sign" - A free standing sign erected upon a single pylon or post which is in excess of ten feet in height with a sign mounted on top thereof.

"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 consecutive bridge crossings would most typically constitute a reach.

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(Rev. 2015)**

"Real Estate Sign" - An on-premise sign for the purpose of advertising the sale or lease or the completion of the sale or lease, of real estate when erected or displayed on the property so advertised and removed within 14 days of sale or lease. No zoning permit is required if the sign has an area of six square feet or less.

"Recreation, Commercial" - Includes all uses such as bowling alleys, roller and skating rinks, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

"Recreation, Public" - Uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

"Regional Flood" - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

"Registered Land Survey" - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number. (See Minnesota Statutes 508.47).

"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 flood plain that result from designation of a floodway.

"Religious Institution" - A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

"Residential Care Facility" - Means a living unit established primarily for the accommodation and treatment of persons who are mentally ill, developmentally disabled, physically disabled, and drug dependent.

"Roof or Building Mounted SES" - A solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus. (Added Ord. No. 127, Second Series, 2-17-15)

"Roof Pitch" - The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12 or 12/12. (Added Ord. No. 127, Second Series, 2-17-15)

"Rotating Sign" - Any sign or portion of a sign which moves in a revolving or oscillating or similar manner by mechanical means but not including changing signs.

"Selective Cutting" - The removal of single scattered trees.

"Setback" - The minimum distance between a structure or sanitary facility and a road, highway or property line.

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"Shore Land" - Land located within the following distance from public waters: (1) 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shore lands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water or lesser distances and when approved by the Commissioner.

"Shore Land Alteration" - Grading and filling in shore land area or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

"Shoreland Setback" - The minimum horizontal distance between a structure and the ordinary highwater mark.

"Sign" - Any presentation or representation by letter, symbol, number or combination thereof, which is visible from a public right-of-way for the purpose of making something known. Signs include, but are not limited to figures, devices, pennants, emblems and pictures. Signs do not include the interior of buildings.

"Sign Structure" - The supports, uprights, bracing or framework of any structure, be it single-faced, double-faced, V-type or otherwise exhibiting a sign.

"Smooth As Cast" - Concrete placed against a hard, smooth formwork to achieve a smooth "as cast" finish on the precast element.

"Solar Access" - A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Central Standard time on any day of the year. (Amended Ord. No. 127, Second Series, 2-17-15)

"Solar Collector" - A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, mechanical, chemical or electrical energy. (Amended Ord. No. 127, Second Series, 2-17-15)

"Solar Energy" - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. (Added Ord. No. 127, Second Series, 2-17-15)

"Solar Energy System (SES)" - An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means. (Amended Ord. No. 127, Second Series, 2-17-15)

"Solar Farm" - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity, shall be located on property five (5) acres in size or more. A solar farm is the primary land use for the parcel on which it is located. (Added Ord. No. 127, Second Series, 2-17-15)

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"Solar Skyspace" - The space between a solar energy collector and the sun, which must be free of obstructions that shade the collector to an extent which precludes its cost effective operation. (Amended Ord. No. 127, Second Series, 2-17-15)

"Solar Skyspace Easement" - A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limited activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods. (Amended Ord. No. 127, Second Series, 2-17-15)

"Story" - That portion of a building included between the surface of any floor and the surface of the floor next above, including below ground portions of earth sheltered buildings.

"Street" - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.

"Street, Collector" - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

"Street, Major or Thoroughfare" - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

"Street, Local"- A street intended to serve primarily as an access to abutting properties.

"Street Pavement" - The wearing or exposed surface of the roadway used by vehicular traffic.

"Street Width" - The width of the right-of-way, measured at right angles to the centerline of the street.

"Structure" - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 11.60, Subdivision 9 of this Chapter and other similar items.

"Structure Height" - A distance to be measured from the mean ground level to the top of the structure. (Added Ord. No. 127, Second Series, 2-17-15)

"Subdivision" - The division or redivision of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.

"Substantial Damage" – Damage of any origin that is sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

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"Substantial Improvement" – Any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition or other improvement of a structure, within any consecutive 365 day period, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Any alteration of a historic structure, as defined in the Federal Code of Regulations in Part 59.1, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Surface Area of Sign" - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside of the limits of such sign and not forming an integral part of the display.

"Temporary Sign" - An attached sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows or auctions, displayed in such a manner less than 14 consecutive days.

"Tooled" - A finish achieved by casting concrete against a smooth or specifically textured or patterned formwork. After removal from the form, the hardened surface is treated mechanically to create the desired effect such as "fractured fin" or "bush hammered".

"Travel Trailer" – 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. As used in this Section, the terms recreational vehicle and travel trailer and travel vehicle are synonymous.

"Use" - The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

"Variance" - A City Council approved modification to the literal requirements of this Chapter.

"Wall Sign" - A sign affixed directly to the exterior wall and confined within the limits thereof of any building and which projects from that surface less than 18 inches at all points.

"Wetland" - Land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp, or marsh.

**11.02, Subd. 2
(Rev. 2011)**

"Yard" - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located. For earth sheltered buildings and buildings covered with earth berms, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.

"Yard, Rear" - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

"Yard, Side" - The yard extending along the side lot line between the front yard and rear yard to a depth or width required by setback regulations for the zoning district in which such lot is located.

"Yard, Front" - A yard extending along the full width of the front lot line between side lot lines and extending from the front lot line to a depth required in the setback regulations for the zoning district in which such lot is located.

"Zoning Amendment" - A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

"Zoning District" - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform as defined by this Chapter.

"Zoning District Overlay" - A Zoning District containing regulations superimposed upon other Zoning District regulations and superseding the underlying Zoning District use regulations.

SEC. 11.03. NON-CONFORMING USES AND STRUCTURES.

Subd. 1. Purpose.

It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained. This zoning Chapter establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section that all nonconforming uses shall be eventually brought into conformity.

Subd. 2. General Provisions.

Any structure or use lawfully existing upon the effective date of this Chapter that does not conform to the provisions of this Chapter may be continued, including through repair, replacement, restoration, maintenance or improvement, subject to the following conditions:

A. A non-conforming structure or use may only be expanded or enlarged upon issuance of a variance (Amended, Ord. 124, Second Series, 9-25-2013).

B. If a non-conforming use is discontinued for a period of 12 months, any subsequent use must thereafter conform to this Chapter.

C. If a non-conforming structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value as indicated in the records of the county assessor at the time of damage, such structure may not be repaired, replaced or restored except in conformity with this Chapter unless a building permit is applied for within 180 days of the date of the property was damaged. The City may impose reasonable conditions in the building permit to mitigate the impact of any adjacent property or water body.

D. The City may impose reasonable regulation upon non-conforming structures or uses to prevent and abate nuisances and to protect the public health, welfare, or safety.

E. The City may regulate the repair, replacement, maintenance, improvement or expansion of non-conforming uses and structures in floodplain areas to maintain eligibility in the National Flood Insurance Program, and to reduce the flood damage potential or increase the degree of obstruction to flood flows in the floodway.

11.04 – 11.10
(Rev. 2011)

SEC. 11.04 - 11.10 RESERVED FOR FUTURE EXPANSION.

SEC. 11.11. PLANNED UNIT DEVELOPMENT (PUD).

Subd. 1. Purpose.

The purposes of this Section are: (1) to encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan and preserving the health, safety, and welfare of the citizens of Pine Island; (2) to allow for a mixture of residential units in an integrated and well-planned area; and, (3) to ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.

Subd. 2. Permitted Uses.

Dwelling units in detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof.

Subd. 3. General Requirements.

A conditional use permit shall be required of all planned unit developments. The City may approve the planned unit development only if it finds that the development satisfies all the following standards in addition to meeting the requirements of Section 11.17 except for the time limit:

- A. The planned unit development is consistent with the Comprehensive Plan of the City.
- B. The planned unit development is an effective and unified treatment of the development possibilities in the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
- C. The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.
- D. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.
- E. A minimum of five or more principal structures are proposed.
- F. The tract under consideration is under single control.
- G. The tract is at least two acres in size.

Subd. 4. Coordination with Subdivision Regulations.

A. It is the intent of this Chapter that Subdivision review under the Subdivision regulations be carried out simultaneously with the review of a planned development under this Section.

11.11, Subd. 4.B.
(Rev. 2011)

B. The plans required under this Section must be submitted in a form which will satisfy the requirements of the Subdivision regulations for the preliminary and final plans required under these regulations.

Subd. 5. Pre-Application Meeting.

Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator, and if necessary, with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to avail themselves of the advice and assistance of the planning staff to facilitate the review of the outline plan and preliminary plat.

Subd. 6. Preliminary Development Plan.

A. An applicant shall make an application for a conditional use permit following the procedural steps as set forth in this Chapter.

B. In addition to the criteria and standards set forth herein for the granting of the conditional use permits, the following additional findings shall be made before the approval of the outline development plan.

1. The proposed PUD is in conformance with the Pine Island.
2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to potential surrounding uses.
3. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation of dwelling units and common open space are balanced and coordinated.
4. The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which are proposed to serve the district.
5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

C. Preliminary Development Plan Documentation. The following exhibits shall be submitted to the Zoning Administrator by the proposed developer as part of the application of a conditional use permit:

1. An explanation of the character and need for the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
2. A statement of proposed financing of the PUD.

11.11, Subd. 6.C.3.
(Rev. 2011)

3. A statement of the present ownership of all the land included within the planned development and a list of property owners within 350 feet of the outer boundaries of the property.

4. A general indication of the expected schedule of development including sequential phasing and time schedules.

5. A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easement, street rights-of-way, utilities, and buildings for the property, and for the area 350 feet beyond.

6. Natural features map or maps of the property and area 350 feet beyond showing contour lines at no more than two foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil condition.

7. A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.

8. Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water system, streets, and other public utilities.

D. Preliminary Plat. The applicant shall also submit a preliminary plat and all the necessary documentation as required under the Subdivision Regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one hearing or may be held concurrently.

Subd. 7. Final Development Plan.

A. Within 90 days following the approval of the preliminary development plan with recommended modifications, if any, and the preliminary plat, the applicant shall file with the Zoning Administrator a final development plan containing in final form the information required in the preliminary development plan plus any changes recommended by the Planning Commission and the Council as a result of the public hearing. The applicant shall also submit a final plat for all or that portion to be platted.

B. The Zoning Administrator shall submit a final development plan and the final plat to the Planning Commission for review.

C. The final development plan and the final plat shall conform to the preliminary development plan and preliminary plat plus any recommended changes by the Planning Commission or the Council to the general development plan and preliminary plat.

D. The Council shall review the final development plan and final plat. The Council shall give notice and provide opportunity to be heard on the final development plan to any person who has indicated in writing that they wish to be notified.

E. If the final development plan is approved by the Council, the Zoning Administrator shall issue a conditional use permit to the applicant.

Subd. 8. Enforcing Development Schedule.

The construction and provisions of all of the common open spaces and public and recreational facilities, which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan, the Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If the Administrator shall find that the rate of construction of dwelling units is faster than the rate at which common open spaces and public and recreational facilities have been constructed and provided, the Administrator shall forward this information to the Council, which may revoke the conditional use permit. If the developer or landowners fail to complete the open spaces and recreation areas within 60 days after the completion of the remainder of the project, the City may finish the open space areas and assess the cost back to the developer or landowner.

Subd. 9. Conveyance and Maintenance of Common Open Space.

A. All land shown on the final development plan as common open space must be conveyed under one of the following methods at the option of the City:

1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

B. If the common open space is conveyed to a homeowner's association, and the common open space is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs back to the homeowner's association.

Subd. 10. Standards for Common or Public Open Space.

A. No open area may be accepted as common open space under the provisions of this Chapter unless it meets the following standards:

B. The location, shape, size and character of the common open space must be suitable for the planned development.

C. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

11.11. Subd. 10.D.
(Rev. 2011)

D. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must converse and enhance the amenities of the common open space having regard to its topography and unimproved condition.

Subd. 11. PUD Review and Amendments.

A. Annual Review. The Zoning Administrator and the Planning Commission shall review all PUD's within the City at least once each year and shall make a report to the Council on the status of the development in each of the PUD Districts. If the Council finds that the development has not occurred within a reasonable time after the original approval of the conditional use for the PUD, the Planning Commission may recommend that the City revoke the conditional use permit as set forth herein.

B. Revisions to the PUD.

1. Minor changes in the location, placement, and heights of buildings or structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved.

2. Approval of the Planning Commission and the Council shall be required for other minor changes such as rearrangement of lots, blocks, and building tracts. These changes shall be consistent with the purpose and intent of the approved final development plan.

C. Amendments to the PUD. Any amendment to the PUD shall require the same procedures for the application of a conditional use permit as set forth herein.

11.12 – 11.14
(Rev. 2011)

SEC. 11.12 - 11.14 RESERVED FOR FUTURE EXPANSION.

(6-29-11)

SEC. 11.15. ADMINISTRATION.

Subd. 1. Enforcing Officer.

This Chapter shall be administered and enforced by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may institute in the name of the City any appropriate actions or proceedings against a violator as provided by statute, charter or ordinance. The Zoning Administrator's duties shall include, but not be limited to, the following:

A. Review and approve administrative (zoning) for building permits and approve other permits, and make and maintain records of all permits, all certificates and all copies of notices of violation, discontinuance, or removal for such time as necessary to ensure a continuous compliance with the provisions of this Chapter and, on request, provide information to any person having a proprietary or tenancy interest in any specific property.

B. Periodically conduct inspections of buildings and use of land to determine compliance with the terms of this Chapter.

C. Maintain permanent and current records of this Chapter, including but not limited to zoning amendments, conditional use permits, interim use permits, administrative permits, site plans, variances, appeals and applications.

D. Receive, file and forward, as applicable, to the Board of Zoning Adjustment, Planning Commission, or City Council all zoning amendments, conditional use permits, interim use permits, administrative permits, site plans, variances, appeals and applications and provide clerical and technical assistance to the planning commission and board of zoning adjustments and appeals and after a public hearing concerning a request, the reviewing body may adopt findings and shall transmit a recommendation concerning the request to the Council.

E. Institute in the name of the City any appropriate actions for proceedings against a violator as provided for in this Chapter by ordering discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alterations; order discontinuance of illegal work being done; or take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints.

F. Notify, in writing, any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.

Subd. 2. Violation.

Any person who violates any of the provisions of this Chapter shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

Subd. 3. Standards and Procedures for Applications and Petitions.

Pursuant to Minnesota Statutes 15.99, all applications and petitions submitted for approval under this Chapter shall be approved or denied within 60 days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

A. A pre-application meeting may be required by City staff at which the appropriate application procedures, requirements and applicable provisions relating to the request will be reviewed and explained.

B. Request for any application approval, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. Unless modified by the Zoning Administrator, such application shall be accompanied by a fee as provided for by City Council resolution. Such application shall also be accompanied by 15 copies of detailed written and graphic materials fully explaining the proposed change, development, or use and a list of property owners located within 350 feet of the subject property. Said listing shall be obtained from and certified by an abstract company. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within ten days of the date of submission.

C. Upon receipt of said application, the Zoning Administrator shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten days prior to the hearing. Written notification of said hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question.

D. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

E. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.

F. The Planning Commission shall consider possible effects of the proposed application and what additional conditions may be necessary to reduce any adverse effects. At a minimum, the Planning Commission, in its judgment, shall consider the following factors:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.

**11.15, Subd. 3.F.3.
(Rev. 2011)**

3. The proposed use conforms with all performance standards contained in the City Code.

4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

5. Traffic generation by the proposed use is within capabilities of streets serving the property.

G. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

H. The Planning Commission shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff, and shall be entered in and made part of the permanent written record of the City Council meeting.

I. The City Council shall not grant application approval until the Planning Commission has held a public hearing on the request. The City Council shall act upon the application within 60 days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes 15.99.

J. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary, shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.

K. Subject to limitations of Minnesota Statutes 15.99, if, upon receiving said report and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

L. Approval of a request shall require passage by a majority vote of the City Council.

M. The Zoning Administrator shall keep a record of applications and a certified copy of any approved application shall be filed with the County Recorder.

**11.15, Subd. 3.N.
(Rev. 2011)**

N. Whenever an application has been considered and denied by the City Council, a similar application affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the City Council.

Subd. 4. Information Requirement.

The information required for all applications generally consists of the following items, and shall be submitted unless waived by the Zoning Administrator.

A. Site boundaries, buildings, structures and other improvements shall be identified on-site with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:

1. Scale of plan (engineering scale only, at one inch equals 50 feet (1" = 50') or less.
2. North point indication.
3. Existing boundaries with lot dimension and area.
4. Existing site improvements.
5. All encroachments.
6. Easements of record.
7. Legal description of the property.
8. Ponds, lakes, springs, rivers, delineated wetlands or other waterways bordering on or running through the subject property.

B. A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:

1. Name and address of developer/owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. All proposed improvements, including:

11.15, Subd. 4.B.6(a)
(Rev. 2011)

- (a) Required and proposed setbacks.
- (b) Location, setback and dimensions of all proposed buildings and structures.
- (c) Location of all adjacent buildings located within 100 feet of the exterior boundaries of the property in question.
- (d) Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.
- (e) Location, number, and dimensions of proposed loading spaces.
- (f) Location, width, and setbacks of all curb cuts and driveways.
- (g) Vehicular circulation.
- (h) Sidewalks, walkways, trails.
- (i) Location and type of all proposed lighting, including details of all proposed fixtures.
- (j) Location of recreation and service areas.
- (k) Location of rooftop equipment, exterior heating, ventilation and air conditioning equipment and proposed screening.
- (l) Provisions for outdoor storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
- (m) Location, sizing, and type of water and sewer system mains and proposed service connections.
- (n) Location of proposed fire lanes and fire hydrants.

C. Grading/stormwater drainage plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:

- 1. Existing contours at two foot intervals (may be prepared by a Minnesota licensed surveyor).
- 2. Proposed grade elevations at two foot maximum intervals.
- 3. Drainage plan, including the configuration of drainage areas and calculations.
- 4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
- 5. Spot elevations (may be prepared by a Minnesota licensed surveyor).

6. Proposed driveway grades.
7. Surface water ponding and treatment areas.
8. Erosion control measures.

D. Landscaping plan, utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:

1. Planting schedule (table) containing:
 - (a) Symbols.
 - (b) Quantities.
 - (c) Common names.
 - (d) Botanical names.
 - (e) Sizes of plant material.
 - (f) Root specification (bare root, balled and burlapped, potted, etc.).
 - (g) Special planting instructions.
2. Location, type and size of all existing significant trees to be removed or preserved.
3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
4. Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
5. Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.
6. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
7. Delineation of both sodded and seeded areas with respective areas in square feet.
8. Coverage plan for underground irrigation system, if any.
9. Where landscape or manmade materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.

**11.15, Subd. 4.D.10
(Rev. 2011)**

10. Other existing or proposed conditions which could be expected to affect landscaping.

E. Other plans and information as required by the Zoning Administrator including, but not limited to:

1. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).

2. "Typical" floor plan and "typical" room plan drawn to scale with a summary of square footage for each use or activity.

3. Fire protection plan.

4. The extent of any proposed modifications, if any, to land within any overlay districts, as established by Section 11.24, Subdivision 1 of this Chapter.

5. Type, location and size (area and height) of all signs to be erected upon the property in question.

6. Vicinity map showing the subject property in reference to nearby highways or major street intersections.

7. Sound source control plan.

8. Lighting plan.

9. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program.

10. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

SEC. 11.16. ZONING AMENDMENTS.

The Council may adopt, by ordinance, amendments to this Chapter and the Zoning Map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions in the City.

Subd. 1. Kinds of Amendments.

- A. A change in a district's boundary (rezoning).
- B. A change in a district's regulations.
- C. A change in any other provision of this Chapter.

Subd. 2. Initiation of Proceedings.

Proceedings for amending this Chapter shall be initiated by at least one of the following three methods:

- A. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
- B. By recommendation of the Planning Commission.
- C. By action of the City Council.

Subd. 3. Procedure.

Pursuant to Minnesota Statutes 15.99, an application for an amendment shall be approved or denied within 60 days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

A. Request for text and map amendments to the zoning ordinance shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are complied with as determined by the Zoning Administrator. In cases when an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within 15 business days from the date of submission.

B. Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request and a general description of the property location, and be published in the official newspaper at least ten days prior to the hearing. Written notification of said hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question, if notification is required by state statute.

11.16, Subd. 3.C.
(Rev. 2011)

C. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

D. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of action to the City Council.

E. The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.

3. The proposed use conforms with all performance standards contained in this Code.

4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

5. Traffic generation by the proposed use is within capabilities of streets serving the property.

F. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to apply all necessary supportive information may be grounds for denial of the request.

G. Unless excused by the Zoning Administrator, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.

H. The Planning Commission shall, as appropriate, make findings of fact and shall recommend approval or denial of the request. Such recommendation shall be accompanied by the report and recommendation of the City staff.

I. The City Council shall not act upon an amendment until the Planning Commission has held a public hearing on the request. The City Council shall act upon the amendment within 60 days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes, Section 15.99.

J. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary.

**11.16, Subd. 3.K.
(Rev. 2011)**

K. Subject to limitations of Minnesota Statutes, Section 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

L. Approval of an amendment shall require a majority vote of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial require a two-thirds majority vote of the City Council.

M. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.

N. Whenever an application for an amendment has been considered and denied by the City Council, a similar application for the amendment affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full City Council.

Subd. 4. Certification of Taxes Paid.

Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.

SEC. 11.17. CONDITIONAL USE PERMITS.

Subd. 1. Purpose.

The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety and to require conditions related to the establishment of said use necessary to carry out the intent and purpose of the Chapter. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

Subd. 2. Application and Procedures.

Uses defined as "conditional uses" shall be processed according to the standards and procedures set forth in Section 11.15, Subdivision 3 of this Chapter.

Subd. 3. Information Requirement.

The information required for all conditional use permit applications shall be as specified in Section 11.15, Subdivision 4 of this Chapter unless waived by the Zoning Administrator.

Subd. 4. General Performance Standards.

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include conditions which are considered necessary to meet the performance standards and criteria of this Chapter and to protect the best interests of the surrounding area or the City as a whole. The general performance standards and criteria may include but are not limited to the following:

A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.

B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 11.70, Subdivision 24 of this Chapter.

C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.

D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 11.70, Subdivision 24 of this Chapter.

E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district, and provided in compliance with Section 11.70, Subdivision 24 and Subdivision 26 of this Chapter.

**11.17, Subd. 4.F.
(Rev. 2011)**

F. Whenever a nonresidential use "is adjacent to" a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with Section 11.70, Subdivision 7 of this Chapter.

G. General site screening and landscaping shall be provided in compliance with Section 11.70, Subdivision 7 of this Chapter.

H. All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 11.70, Subdivision 4 of this Chapter.

I. Potential exterior noise and odor generated by the use shall be identified and mitigation measures as may be necessary shall be imposed to ensure compliance with Section 11.70, Subdivision 6 of this Chapter.

J. The site drainage system as well as availability and compatibility of utilities shall be subject to the review and approval of the City Engineer.

K. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

L. Provisions shall be made for daily litter control, an interior location for recycling, and trash handling and storage or an outdoor, enclosed receptacle area shall be provided.

M. All signs and informational or visual communication devices shall be in compliance with Section 11.71 of this Chapter.

N. Any applicable business licenses mandated by this code are approved and obtained and the use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.

O. Any applicable business licenses mandated by the City Code are approved and obtained.

P. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.

Q. The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any non-conformities shall be eliminated.

R. All additional conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

Subd. 5. Enforcement.

Enforcement of the provisions of this Chapter shall be in accordance with Section 11.15, Subdivision 1 of this Chapter. The City reserves the right upon issuing any conditional use permits to inspect the premises to ensure compliance with the provisions of this Chapter or any conditions additionally imposed. Violation of an issued permit or of the provisions of this Chapter shall be grounds for revocation and denial of future permit applications or modifications.

Subd. 6. Revocation.

The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this Chapter, City Code, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the Zoning Administrator shall notify the responsible person that they have an opportunity to show why the permit should not be revoked. The application shall be processed and considered pursuant to Section 11.17, Subdivision 2 of this Chapter. The Zoning Administrator shall provide the responsible person a copy of the proceedings and findings of the Planning Commission and City Council.

Subd. 7. Permit Modifications.

Holders of a conditional use permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the conditional use shall, however, be undertaken without prior approval of those changes by the City Council. Conditional use permit modifications may include, but shall not be limited to, hours of operation, number of employees, expansion of structures and/or premises, operational modifications resulting in increased traffic, and the like. Permit modifications shall be further subject to and processed according to Section 11.17, Subdivision 2 of this Chapter and shall be subject to all requirements and standards of this Section.

Subd. 8. Expiration.

Unless the City Council specifically approves a different time when action is officially taken on the request, conditional use permits which have been issued under the provisions of this Chapter shall expire without further action by the Planning Commission or the City Council within one year of the date of approval unless the applicant has substantially commenced the authorized use or improvement, or unless within 30 days prior to the expiration of the conditional use permit the applicant has petitioned for a time extension by completing and submitting a request for an extension, including the renewal fee as established by City Council resolution. Such extension request shall be submitted in writing and shall state facts showing a good faith attempt to complete or utilize the approval permitted in the conditional use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the City Council. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

Subd. 9. Certification of Taxes Paid.

Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.

SEC. 11.18. INTERIM USE PERMITS.

Subd. 1. Purpose and Intent.

The purpose and intent of allowing interim use permits is:

A. To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction.

B. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

C. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

Subd. 2. Application and Procedures.

Uses defined as "interim uses" shall be processed according to the standards and procedures set forth in Section 11.15, Subdivision 3 of this Chapter.

Subd. 3. Information Requirement.

The information required for all interim use permit applications shall be as specified in Section 11.15, Subdivision 4 of this Chapter unless waived by the Zoning Administrator.

Subd. 4. General Performance Standards.

An interim use shall comply with the following:

A. Conform to the applicable general performance standards of Section 11.17, Subdivision 4 of this Chapter.

B. The use is allowed as an interim use in the respective zoning district.

C. The date or event that will terminate the use can be identified with certainty.

D. The use will not impose additional unreasonable costs on the public.

E. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

Subd. 5. Enforcement.

Enforcement of the provisions of this Chapter shall be in accordance with Section 11.15, Subdivision 1 of this Chapter. The City reserves the right upon issuing any interim use permits to inspect the premises to ensure compliance with the provisions of this Chapter or any conditions additionally imposed. Violation of an issued permit or of the provisions of this Chapter shall be grounds for termination of the interim use permit.

Subd. 6. Termination.

An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- A. The date or event stated in the permit.
- B. Upon violation of conditions under which the permit was issued.
- C. Upon change in the City's zoning regulations rendering the use non-conforming.

Subd. 7. Certification of Taxes Paid.

Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.

Subd. 8. Expiration.

Unless the City Council specifically approves a different time when action is officially taken on the request, interim use permits which have been issued under the provisions of this Section shall expire without further action by the Planning Commission or the City Council within one year of the date of approval unless the applicant has substantially commenced the authorized use or improvement, or unless within 30 days prior to the expiration of the interim use permit the applicant has petitioned for a time extension by completing and submitting a request for an extension, including the renewal fee as established by City Council resolution. Such extension request shall be submitted in writing and shall state facts showing a good faith attempt to complete or utilize the approval permitted in the interim use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the City Council. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

SEC. 11.19. VARIANCES.

Subd. 1. Purpose.

The purpose of this Section is to provide for consideration of requests for variances from the requirements of the Zoning Code including restrictions placed on nonconformities.

Subd. 2. Board of Zoning Adjustment.

A. The Planning Commission shall act as the Board of Zoning Adjustment and the Zoning Administrator and a member of the Council appointed by the Council shall serve as ex-officio non-voting members of the Board.

B. The Board shall review all questions as they may arise in the administration of this Chapter, including the interpretation of zoning maps, and it shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the administrative officer charged with enforcing this Chapter. Such appeal may be taken by any person, firm or corporation aggrieved or by any officer, department, board or bureau of the City. The Board shall also have the authority to grant variances to the provisions of this Chapter under certain conditions, as indicated in this Chapter.

C. Meetings by the Board shall be held within such times and upon such notice to interested parties as is provided in this Chapter.

Subd. 3. Standards for Review of Variance Requests.

The Board of Zoning Adjustment shall consider variance requests in accordance with the following standards:

A. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Zoning Code.

B. Variances shall only be permitted when consistent with the comprehensive plan.

C. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Code.

1. "Practical difficulties" shall mean that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Code; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

2. Economic considerations alone do not constitute practical difficulties.

D. The Board of Zoning Adjustment may not permit as a variance any use that is not allowed under the zoning code for property in the zone where the land is located.

11.19, Subd. 3.E.
(Rev. 2011)

E. The Board of Zoning Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subd. 4. Application and Procedures.

Pursuant to Minnesota Statutes 15.99, an application for a variance shall be approved or denied within 60 days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

A. Request for a variance or appeal shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. This fee shall not be refunded. Unless modified by the Zoning Administrator, such application shall also be accompanied by detailed written and graphic materials necessary for the explanation of the request, and a list of property owners located within 350 feet of the subject property obtained from and certified by an abstract company.

B. The application shall be considered as being officially submitted complete when the applicant has complied with all the specified informational requirements, which shall include the following:

1. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this Chapter.

2. Supporting materials, as outlined in Section 11.15, Subdivision 4 of this Chapter, as determined by the Zoning Administrator to be applicable and necessary for the complete and clear definition and understanding of the request.

C. In cases when an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within 15 business days from the date of submission.

D. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.

E. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the board.

F. The Board of Zoning Adjustment and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

11.19, Subd. 4.G.
(Rev. 2011)

G. Unless excused by the Board of Zoning Adjustment Chair, the applicant or a representative thereof shall appear before the Board of Zoning Adjustment to answer questions concerning the proposed variance.

H. The Board of Zoning Adjustment shall make findings of fact and approve or deny the request. The City staff reports shall be presented to the Board, and shall be entered in and made part of the permanent written record of the Board meeting.

I. The Board shall not act upon the variance until the Planning Commission has held a public hearing on the request. The Board shall act upon the request within 60 days from the date of submission, unless an extension has been provided, pursuant to Minnesota Statutes 15.99.

J. Upon receiving the report and recommendation of the planning commission and the City staff, the board shall have the option to set and hold a public hearing if deemed necessary.

K. Subject to limitations of Minnesota Statutes 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the board finds that specific inconsistencies exist in the review process and thus the final determination of the board may differ from that of the Planning Commission, the Board may, before taking final action, refer the matter back to the Planning Commission for further consideration. The Board shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

L. The Board shall make findings of fact and approve or deny a request for variance within 30 days after the close of the public hearing on the request.

M. A variance of this Zoning Chapter shall be by a majority vote of the Board.

N. In granting any variance under the provisions of this Chapter, the Board shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.

O. The Zoning Administrator shall serve a copy of the final order of the Board upon the applicant by mail.

P. Whenever an application for a variance has been considered and denied by the Board, a similar application for a variance affecting substantially the same property shall not be considered again by the Board for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Board for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by a four-fifths vote of the full Board.

Subd. 5. Expiration.

Unless the Board of Zoning Adjustment specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this Section shall expire without further action by the Board, unless the applicant commences the authorized use or improvement within one year of the date the variance is issued; or, unless before the expiration of the one year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for an extension not exceeding one year shall be subject to the review and approval of the Zoning Administrator.

Subd. 6. Certification of Taxes Paid.

Prior to approving an application for a variance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the variance application relates.

SEC. 11.20. APPEALS.

Subd. 1. Board Designation.

The Planning Commission shall serve as the Board of Zoning Adjustment.

Subd. 2. Applicability.

An appeal shall only be applicable to an administrative order, requirement or interpretation of intent of provisions of this Chapter. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

Subd. 3. Filing.

An appeal from the action of an administrative officer of the City shall be filed by the property owner or their agent with the Zoning Administrator within ten days after the making of the order, requirement, or interpretation being appealed.

Subd. 4. Stay of Proceedings.

An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Zoning Adjustment, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.

Subd. 5. Procedure.

The procedure for making an appeal shall be as follows:

A. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council resolution. In cases where the application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within 15 business days of the date of submission.

B. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the board of Zoning Adjustment.

C. Pursuant to Minnesota Statutes 15.99, the Board of Zoning Adjustment shall make its decision by resolution within 60 days from the date on which a completed application is filed.

D. The Zoning Administrator shall serve a copy of the final order of the board upon the applicant by mail.

SEC. 11.21. ADMINISTRATIVE PERMITS.

Subd. 1. Purpose.

The purpose of this Section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit (also referred to as a zoning permit), and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

Subd. 2. Procedure.

A. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.

B. The application shall be accompanied by a fee as established by City Council resolution.

C. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter. In cases where the application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within 15 business days of the date of submission.

D. The Zoning Administrator's review shall be based upon the following factors:

1. Compliance with and effect upon the comprehensive plan and any public facilities plans.

2. The establishment, maintenance or operation of the use, event or activity will not be detrimental to or endanger the public health, safety, or welfare.

3. The establishment of the use, event or activity will not conflict with existing uses and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

4. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.

5. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located and to the performance standards as outlined in Section 11.17, Subdivision 4 of this Chapter and all other applicable provisions of this Chapter.

E. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within 60 days from the date of submission of a complete application.

F. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter shall be attached to the permit.

**11.21, Subd. 2.G.
(Rev. 2011)**

G. Determination of noncompliance with applicable codes, ordinances, and the standards in this Section shall be communicated to the applicant in writing and the application for the permit shall be considered denied.

H. Unresolved disputes as to administrative application of the requirements of this Section shall be subject to appeal as defined by Section 11.20 of this Chapter.

Subd. 3. Information Requirement.

The information required for all administrative permit applications shall include:

A. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on site security, provisions for trash containment, provisions for on site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.

B. A copy of the approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.

C. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.

D. Information identified in Section 11.15, Subdivision 4 of this Chapter, as may be applicable.

Subd. 4. Performance Standards.

All structures, uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such structure, use, event or activity is proposed, as well as the applicable standards in Section 11.17, Subdivision 4 of this Chapter.

Subd. 5. Administration and Enforcement.

A. The Zoning Administrator shall keep a record of applications and administrative permits.

B. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.

C. Enforcement of the provisions of this section shall be in accordance with Section 11.15, Subdivision 1 and Subdivision 2 of this Chapter. Violation of an issued permit or of the provisions of this Section also shall be grounds for denial of future permit applications.

Subd. 6. Certification of Taxes Paid.

Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

SEC. 11.22. SITE PLAN REVIEW.

Subd. 1. Purpose.

The purpose of this Section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Chapter.

Subd. 2. Exceptions to Review.

Except in those cases specifically cited within this Chapter, the following shall be exempt from the foregoing requirements of this Chapter:

- A. Agricultural uses and developments.
- B. Single-family detached dwellings.
- C. Two-family attached dwellings.

Subd. 3. Sketch Plan.

A. Prior to the formulation of a site plan, applicants may present a sketch plan to the Zoning Administrator prior to filing of a formal application. The plan shall be conceptual but shall be drawn to scale with topography and may include the following:

- 1. The proposed site with reference to existing development, topography, and drainage conditions on adjacent properties, at least to within 200 feet.
- 2. Natural features.
- 3. General location of existing and proposed structures including signs.
- 4. Tentative access, circulation and street arrangements, both public and private.
- 5. Amenities to be provided such as recreational areas, open space, walkways, landscaping, etc.
- 6. General location of parking areas.
- 7. Proposed public sanitary sewer, water and storm drainage.
- 8. A statement showing the proposed density of the project with the method of calculating said density also shown.
- 9. Extent of and any proposed modifications to land within the environmental protection districts as established by this Chapter.

10. Other items as may be deemed necessary by the Zoning Administrator.

B. Any opinions or comments provided to the applicant by the Zoning Administrator in relation to the sketch plan shall be considered advisory only and shall not constitute a binding decision on the request.

Subd. 4. Procedure.

Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within 60 days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

A. Filing of Request: Request for site plan approval, as provided within this Section, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use. The request shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within 15 business days of the date of submission.

B. Proof of Ownership or Authorization: The applicant shall supply proof of title and the legal description of the property for which the site plan approval is requested, consisting of an abstract of title and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested site plan application.

C. Technical Reports: The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in conducting an evaluation of the request.

D. Additional Information: City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert assistance with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

E. Meeting with Zoning Administrator and/or Staff: The applicant or a representative thereof shall meet with the Zoning Administrator and/or City staff in order to present information and answer questions concerning the proposed requests.

F. Decision: The Zoning Administrator shall reach a decision on the request within 60 days after the meeting at which the matter was officially submitted.

Subd. 5. Certification of Taxes Paid.

Prior to approving an application for a site plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan review application relates.

Subd. 6. Evaluation Criteria.

The Zoning Administrator shall evaluate the proposed site plan based upon compliance with the City comprehensive plan, provisions of this Chapter, and other applicable chapters of this Code.

Subd. 7. Information Requirement.

The information required for all site plan applications shall be as specified in Section 11.15, Subdivision 4 of this Chapter unless waived by the Zoning Administrator.

Subd. 8. Plan Modifications.

An amended site plan involving major changes as determined by the Zoning Administrator shall be applied for and administered as required for a new site plan.

Subd. 9. Lapse of Approval.

A. Unless otherwise specified by the Zoning Administrator, the site plan approval shall become null and void one year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this Section.

B. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Zoning Administrator shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

C. The request for an extension of site plan approval shall be determined by the Zoning Administrator within 15 days from the receipt of a complete request.

Subd. 10. Building Codes.

The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this Chapter. The site plan approval process does not imply compliance with the requirements of these building and fire codes.

Subd. 11. Plan Agreements.

All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval.

Subd. 12. Plan Referral.

The Zoning Administrator shall have the authority to refer a sketch plan or site plan to the Planning Commission and City Council for discussion, review, comment and approval. If the Zoning Administrator forwards the sketch plan or site plan to the Planning Commission and City Council for approval, the Planning Commission shall report its findings and make recommendations to the City Council. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare. Approval of a request shall require passage by a majority vote of the City Council.

11.23 – 11.24
(Rev. 2011)

SEC. 11.23 - 11.24 RESERVED FOR FUTURE EXPANSION.

(6-29-11)

SEC. 11.25. ZONING DISTRICTS AND DISTRICT PROVISIONS.

Subd. 1. Establishment of Districts.

In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the city is hereby divided into Zoning Districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

- A. Agricultural Districts.**
 - 1. AG Agricultural District.
- B. Residential Districts.**
 - 1. R-1 Suburban Residential District.
 - 2. R-2 Traditional Residential District.
 - 3. R-3 Urban Residential District.
 - 4. R-4 Multi-Family Residential District.
- C. Commercial Districts.**
 - 1. C-1 Central Business District.
 - 2. C-2 Highway Commercial District.
 - 3. C-3 Neighborhood Commercial District
- D. Industrial Districts.**
 - 1. I-1 Heavy Industrial District.
 - 2. I-2 Light Industrial District
 - 3. BP Business Park District
- E. Special Districts.**
 - 1. RR Regional Recreation
 - 2. PI Public/Institutional District
 - 3. POS Parks and Open Space District.

F. Environmental Protection Districts.

1. FP Floodplain Management Overlay District.
2. SL Shoreland Management Overlay District

Subd. 2. District Regulations.

A. The regulations of this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly except as hereinafter provided.

B. No buildings, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

C. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy greater percentage of lot area, to have narrower or smaller rear yard, front yard, side yard, or other open space, than herein required, or in any other manner contrary to the provisions of this Chapter.

D. No yard or lot existing on June 21, 2011 shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after June 21, 2011 shall meet at least the minimum requirements established by this Chapter.

Subd. 3. Zoning District Boundaries.

Zoning District boundary lines established by this Chapter generally follow lot lines, the centerlines of railroad right-of-ways, street right-of-ways, watercourses or the corporate limit lines, all as they exist on the effective date of this Chapter.

A. Appeals concerning the exact location of a zoning district boundary line shall be heard by the Planning Commission serving as the Board of Zoning Adjustment pursuant to Section 11.20 of this Chapter. In the case of interpretation of flood plain boundaries, the Board shall make the necessary interpretation based upon elevations on the regional flood profile and other available technical data.

B. Whenever any street, alley or other public way is vacated by official action of the City, the Zoning District adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

C. All streets, alleys, public ways and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways or railroad right-of-ways. Where the centerline of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

11.25, Subd. 3.D
(Rev. 2011)

D. All areas within the corporate limits of the City which are underwater and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the halfway point and/or to the corporate limits. District boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline. District boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.

Subd. 4. Zoning Map.

A. The location and boundaries of the districts established by this Chapter are set forth on the Official Zoning Map entitled Pine Island Zoning Map. Said map, which is hereby incorporated as part of this Chapter, shall be on file with the Zoning Administrator, and hereinafter referred to as the "Zoning Map". Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Chapter by reference.

B. The Flood Plain Management Overlay District (FL) is based on the data contained in the Flood Insurance Study for Goodhue County, Minnesota and incorporated areas and Flood Insurance Rate Map Panels therein numbered 27049C0683E, 27049C0684E, 27049CO685E and 27049C0705E, all dated September 25, 2009, and prepared by the Federal Emergency Management Agency, and Flood Insurance Rate Map panel numbers 27109C0050D, 27109C0025D and 27109C0041D for Olmsted County, Minnesota and incorporated areas, dated April 17, 1995 and prepared by the Federal Emergency Management Agency. The Flood Insurance Study and the Flood Insurance Rate Map Panels are hereby adopted by reference and declared to be part of this Chapter.

C. All land hereafter annexed to the City which is not shown on the zoning map shall automatically, upon annexation, be classified within the AG Agricultural District and shall be subject to all regulations, notations, references and conditions as are applicable to said district until such time that a determination may be made as to the proper district classification for such land and an map amendment can be made to that effect.

D. It shall be the responsibility of the Zoning Administrator to maintain and amend said Zoning Map. The Zoning Administrator shall make any corrections or amendments to said Map after all of the procedures outlined in this chapter for the making of such revisions or amendments shall have been followed by the Planning Commission and the City Council.

E. Amendments to the Zoning Map shall be recorded on said Map within 15 days after adoption by the Council. The copy of the Official Zoning Map shall be kept on file in the office of the Zoning Administrator and shall be open to public inspection at all times during which the office of the Zoning Administrator is customarily open.

SEC. 11.26. LOT REQUIREMENTS AND SETBACKS.

The following are the minimum requirements for lots and setbacks in each established zoning district. All requirements and setbacks are to be construed as indicating the minimum footages permitted unless otherwise specified.

District	Lot Area	Lot Width	Lot Depth	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback Corner Lot	Maximum Ground Coverage	Maximum Height
Agricultural District (AG)	40 acres	660 feet	660 feet	30 feet	30 feet	10 feet	30 feet	None	2 1/2 stories or 35 feet
Suburban Residential District (R-1)	Interior lot: 9,000 sq ft Corner lot: 11,400 sq ft	Interior lot: 75 feet Corner lot: 95 feet	120 feet	25 feet	25 feet	10 feet	25 feet	30%	2 1/2 stories or 35 feet
Traditional Residential District (R-2)	Single family interior lot: 4,500 sq ft Single family corner lot: 6,300 sq ft	Single family interior lot: 50 feet Single family corner lot: 70 feet	90 feet	20 feet	20 feet	5 feet	20 feet	40%	2 1/2 stories or 35 feet
Urban Residential District (R-3)	Single family interior lot: 7,200 sq ft Single family corner lot: 9,600 sq ft Two family interior lot: 8,400 sq ft Two family corner lot: 10,800 sq ft	Single family interior lot: 60 feet Single family corner lot: 80 feet Two family interior lot: 70 feet Two family corner lot: 90 feet	120 feet	25 feet	25 feet	5 feet	25 feet	40%	2 1/2 stories or 35 feet
Multiple Family Residential District (R-4)	Base lot area: 10,000 sq ft Two Family and townhome unit lots: The following minimum unit lot requirements shall be applied to the subdivision of two family dwellings or townhomes to	100 feet	100 feet	30 feet	30 feet or the height of the building whichever is greater	10 feet	30 feet	45%	3 stories or 40 feet whichever is less

District	Lot Area	Lot Width	Lot Depth	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback Corner Lot	Maximum Ground Coverage	Maximum Height
	<p>permit individual private ownership of a single dwelling within such a structure:</p> <p>1. Unit lot Area: Two family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.</p>								
Central Business District (C-1)	None	None	None	None	5 feet	None except 50 feet for any lot abutting a residential district	None	None	3 stories or 40 feet
Highway Commercial District (C-2)	20,000 sq ft	100 feet	100 feet	30 feet	30 feet except 50 feet for any building abutting a residential district	20 feet except 50 feet for any building abutting a residential district	30 feet	75%	3 stories or 40 feet, whichever is less
Neighborhood Commercial District (C-3)	15,000 sq ft	100 feet	100 feet	25 feet	25 feet except 50 feet for any building abutting a residential district	10 feet except 50 feet for any building abutting a residential district	25 feet	75%	3 stories or 40 feet, whichever is less
Heavy Industrial District	30,000 sq ft	100 feet	100 feet	35 feet	30 feet except 50 feet for	20 feet except 50 feet for	35 feet	75%	4 stories or 45 feet

District	Lot Area	Lot Width	Lot Depth	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback Corner Lot	Maximum Ground Coverage	Maximum Height
(I-1)					any building abutting a residential district	any building abutting a residential district			
Light Industrial District (I-2)	15,000 sq ft	100 feet	100 feet	30 feet	30 feet except 50 feet for any building abutting a residential district	20 feet except 50 feet for any building abutting a residential district	30 feet	75%	4 stories or 45 feet
Business Park District (BP)	40,000 sq ft	150 feet	150 feet	35 feet	30 feet except 50 feet for any building abutting a residential district	20 feet except 50 feet for any building abutting a residential district	35 feet	75%	4 stories or 45 feet
Regional Recreation District (RR)	5 acres	200 feet	200 feet	40 feet	30 feet except 50 feet for any building abutting a residential district	15 feet except 50 feet for any building abutting a residential district	40 feet	50%	50 feet
Public/Institutional District (PI)	20,000 sq ft	100 feet	100 feet	30 feet	30 feet	10 feet	30 feet	75%	3 stories or 40 feet
Parks and Open Space District (POS)	None	None	None	Parks, playgrounds, play fields, trails and open space: None Parks, playgrounds, play fields, trails and open space	Parks, playgrounds, play fields, trails and open space: None Parks, playgrounds, play fields, trails and open space	Parks, playgrounds, play fields, trails and open space: None Parks, playgrounds, play fields, trails and open space	Parks, playgrounds, play fields, trails and open space: None Parks, playgrounds, play fields, trails and open space	Parks, playgrounds, play fields, trails and open space: 25%	Three stories or 35 feet

District	Lot Area	Lot Width	Lot Depth	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback Corner Lot	Maximum Ground Coverage	Maximum Height
				(buildings only): 30 feet All other uses: 30 feet	(buildings only): 30 feet All other uses: 30 feet	(buildings only): 10 feet All other uses: 10 feet	(buildings only): 30 feet All other uses: 30 feet		

(6-29-11)

SEC. 11.27. AGRICULTURAL DISTRICT (AG).

Subd. 1. Purpose.

The purpose of the AG Agricultural District is to protect existing agricultural investments until such time as public utilities may be extended and there is a need for additional urban development. It is also intended to provide for larger lots to insure that the feasibility of future urban development is not compromised.

Subd. 2. Permitted Uses.

A. Commercial feedlots, provided that no feedlot shall be located within 1,000 feet of a residential district.

B. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

C. Farms, hobby farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms not including animal feedlots regulated by Section 11.70, Subdivision 31 of this Chapter.

D. Golf courses and country clubs.

E. Parks, trails, playgrounds, recreation, open space and directly related buildings and structures.

F. Private stables.

G. Single-family detached dwellings.

H. State licensed residential care facility serving six or fewer persons in a single-family detached dwelling.

Subd. 3. Accessory Uses.

A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, and interim in this Section, subject to applicable regulation of this Chapter.

B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.

C. Boarding or renting of rooms to not more than two individuals per dwelling unit.

D. Daycare facilities serving 14 or fewer persons in a single-family detached dwelling.

- E.** Fences.
- F.** Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.
- G.** Keeping of animals subject to Section 11.70, Subdivision 31 of this Chapter.
- H.** Private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.
- I.** Private playground and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J.** Roadside stands for the sale of agricultural products.
- K.** Signs, subject to the standards in Section 11.71 of this Chapter.
- L.** Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)
- M.** Yard/garage sales, provided each does not exceed four days in duration, and there are no more than three sales per year conducted on the premises.

Subd. 4. Conditional Uses.

- A.** Home occupations.
- B.** Cemeteries and memorial gardens.
- C.** Agricultural products and livestock processing plants.
- D.** Commercial stables and riding academies.
- E.** Resort campgrounds.
- F.** Nursery and garden supplies.
- G.** Planned unit developments as regulated by Section 11.11 of this Chapter.
- H.** Animal kennels provided that:
 - 1.** No animals shall be kept outside the building or be otherwise located so as to cause offensive odors discernible at the property line of lot on which the animals are kept.
 - 2.** The building in which animals are kept shall be at least 100 feet from the nearest property line.

11.27, Subd. 4.I.
(Rev. 2015)

I. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

J. Government buildings and structures necessary for the health, safety and general welfare of the City; public or quasi-public or private recreational buildings and neighborhood or community centers provided that:

1. The required side yard setback shall be a minimum 30 feet.

2. Screening and landscaping shall be installed and maintained along all public right-of-ways and along all lot lines adjacent to a residentially zoned district according to Section 11.70, Subdivision 7 of this Chapter.

3. All service drives shall be paved.

K. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses

A. Mining, sand and gravel operations.

B. Outdoor storage as a principal or nonrelated accessory use provided that:

1. A drainage plan for the site shall be approved by the City Engineer.

2. All outdoor storage area shall be located a minimum of 50 feet from any property line.

3. The outdoor storage area shall be fenced, screened and/or landscaped from view of neighboring residential uses, abutting residential districts and the public right-of-way according to a plan in compliance with Section 11.70, Subdivision 7 of this Chapter and subject to the approval of the Zoning Administrator.

4. The property stored shall not include any waste, except as provided in Section 11.70, Subdivision 6 of this Chapter.

5. The outdoor storage area shall not encroach into the required rear yard setback or side yard setback area if abutting a residential district.

C. Solar Farms as regulated by section 11.73, subd. 3 of this chapter. (Added Ord. No. 127, Second Series, 2-17-15)

Subd. 6. Performance Standards.

The following minimum requirements shall be observed in the AG Agricultural District subject to the additional requirements, exceptions and modifications set forth in this Chapter. All requirements and setbacks are to be construed as indicating the minimum footages permitted unless otherwise specified.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the AG district shall exceed the following height:

1. Maximum Height - Three stories or 35 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 30 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - ten feet.
2. Minimum Rear Yard Setback - 30 feet.
3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 660 feet
2. Minimum Lot Depth - 660 feet

E. Lot Area Regulations.

1. Minimum Lot Area - 40 acres

F. Lot Coverage. None.

G. Minimum Floor Area. Minimum floor area per dwelling unit shall be required as regulated in Section 11.70, Subdivision 32 of this Chapter.

H. Residential Buffer Yards. Residential buffer yards shall be required as regulated in Section 11.70, Subdivision 7, Letter D of this Chapter, on any lot when the front, side or rear yard of the lot abuts an arterial or regional collector street, as designated in the Pine Island Comprehensive Plan.

I. Location of Structures. Structures shall be located on each lot as to permit re-subdivision if and when municipal sanitary sewer and water systems become available if not available at the time of construction.

J. General Requirements. Additional requirements and other regulations for parking, signs, sewage systems are set forth in Section 11.70 of this Chapter.

11.28 – 11.30
(Rev. 2011)

SEC. 11.28 - 11.30 RESERVED FOR FUTURE EXPANSION.

(6-29-11)

SEC. 11.31. SUBURBAN RESIDENTIAL DISTRICT (R-1).

Subd. 1. Purpose.

The purpose of the R-1 Suburban Residential District is to provide for urban density single-family detached residential dwelling units and directly related, complementary uses in areas serviced by municipal urban services.

Subd. 2. Permitted Uses.

- A. Single Family dwelling unit.
- B. Parks, trails, playgrounds, recreation, open space and directly related buildings and structures.
- C. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.
- D. State licensed residential care facility serving six or fewer persons in a single-family detached dwelling.

Subd. 3. Accessory Uses.

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, and interim in this Section, subject to applicable regulation of this Chapter.
- B. Private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.
- C. Signs, subject to the standards in Section 11.71 of this Chapter.
- D. Boarding or renting of rooms to not more than two individuals per dwelling unit.
- E. Daycare facilities serving 14 or fewer persons in a single-family detached dwelling.
- F. Fences.
- G. Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.
- H. Keeping of animals subject to Section 11.70, Subdivision 31 of this Chapter.
- I. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.

11.31, Subd. 3.J.
(Rev. 2015)

J. Private playground and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

K. Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)

L. Yard/garage sales, provided each does not exceed four days in duration, and there are no more than three sales per year conducted on the premises.

Subd. 4. Conditional Uses.

A. Bed and breakfast establishments.

B. Daycare facilities as a principal or an accessory use, except as provided for by this Chapter.

C. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

D. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

E. Cemeteries, memorial gardens and funeral homes.

F. Home occupations.

G. Government buildings and structures necessary for the health, safety and general welfare of the City; public or quasi-public or private recreational buildings and neighborhood or community centers provided that:

1. The required side yard setback shall be a minimum 30 feet.

2. Screening and landscaping shall be installed and maintained along all public right-of-ways and along all lot lines adjacent to a residentially zoned district according to Section 11.70, Subdivision 7 of this Chapter.

3. All service drives shall be paved.

H. Planned unit developments as regulated by Section 11.11 of this Chapter.

I. Golf courses and country clubs.

J. Religious institutions such as churches, chapels, temples, and synagogues.

Subd. 5. Interim Uses

- A. Temporary classroom type structure for use by public or private institutions.

Subd. 6. Performance Standards.

A. **Height Regulations.** Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the R-1 district shall exceed the following height:

1. Maximum Height - Three stories or 35 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 25 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - 10 feet.
2. Minimum Rear Yard Setback - 25 feet.
3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width Interior Lot - 75 feet.
2. Minimum Lot Width Corner Lot - 95 feet.
3. Minimum Lot Depth - 120 feet.

E. Lot Area Regulations.

1. Minimum Lot Area Interior Lot - 9,000 square feet.
2. Minimum Lot Area Corner Lot - 11,400 square feet.
3. Minimum Lot Area, Unsewered Lots. Lot sizes where public sewer is not available shall conform to the minimum requirements set forth below.

(a) Single Family.

- (1)** Except as herein provided, the minimum single-family lot size is 2.5 acres.

11.31, Subd. 6.E(a)(2)
(Rev. 2011)

(2) The minimum lot size of 2.5 acres shall not apply to smaller separate parcels of record in separate ownership lawfully existing prior to June 21, 2011, provided that they comply with minimum standards for the district and that it can be demonstrated by means satisfactory to the City that the smaller parcels will not result in ground water, soil or other contamination which may endanger the public health.

(b) Prohibited Structures.

(1) Public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school.

(2) Religious institutions such as churches, chapels, temples, and synagogues, and other nongovernment institutional uses.

(c) Nonresidential Buildings and Uses. Subject to the other provisions of this Chapter, other uses, as allowed within the district, may be allowed on unsewered lots by conditional use permit, provided that:

(1) Except as herein provided, the minimum lot size for each principal use is 2.5 acres. The minimum lot size shall not apply to smaller separate parcels of record in separate ownership lawfully existing prior to June 21, 2011, provided the conditions of the conditional use permit are met.

(2) A conditional use permit shall not be granted unless it can be demonstrated by means satisfactory to the City that the use:

(i) Will not result in ground water, soil or other contamination which may endanger the public health.

(ii) Will not increase future City utility service demands and expense.

(iii) Will not jeopardize public safety and general welfare.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 30%.

G. Minimum Floor Area. Minimum floor area per dwelling unit shall be required as regulated in Section 11.70, Subdivision 32 of this Chapter.

H. Residential Buffer Yards. Residential buffer yards shall be required as regulated in Section 11.70, Subdivision 7, Letter D of this Chapter, on any lot when the front, side or rear yard of the lot abuts an arterial or regional collector street, as designated in the Pine Island Comprehensive Plan.

I. Location of Structures. Structures shall be located on each lot as to permit re-subdivision if and when municipal sanitary sewer and water systems become available if not available at the time of construction.

11.31, Subd. 6.J
(Rev. 2011)

J. General Requirements. Additional requirements and other regulations for parking, signs, sewage systems are set forth in Section 11.70 of this Chapter.

SEC. 11.32. TRADITIONAL RESIDENTIAL DISTRICT (R-2).

Subd. 1. Purpose.

The purpose of the R-2 Traditional Residential District is to provide an area for the continuation of existing residential single-family development and development of existing single-family lots in the older residential areas where municipal urban services are available. The combination of small lots in encouraged.

Subd. 2. Permitted Uses.

- A. Any permitted use allowed in the R-1 District.

Subd. 3. Accessory Uses.

- A. Any accessory uses permitted in the R-1 District.

Subd. 4. Conditional Uses.

- A. Any conditional use permitted in the R-1 District except golf courses and country clubs.

Subd. 5. Interim Uses

- A. Any interim use permitted in the R-1 District.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the R-2 district shall exceed the following height:

- 1. Maximum Height - Three stories or 35 feet.

B. Front Yard Regulations.

- 1. Minimum Front Yard Setback - 20 feet.
- 2. The exception to these setback requirements is in a block where two or more residences have already been constructed facing the same street, the setbacks for the remaining lots in that block fronting on the same street shall be determined by the average setback of the existing buildings.

C. Side and Rear Yard Regulations.

- 1. Minimum Side Yard Setback - 5 feet.
- 2. Minimum Rear Yard Setback - 20 feet.
- 3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width Interior Lot - 50 feet.
2. Minimum Lot Width Corner Lot - 70 feet.
3. Minimum Lot Depth - 90 feet.

E. Lot Area Regulations.

1. Minimum Lot Area Interior Lot - 4,500 square feet.
2. Minimum Lot Area Corner Lot - 6,300 square feet.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 40%.

G. Minimum Floor Area. Minimum floor area per dwelling unit shall be required as regulated in Section 11.70, Subdivision 32 of this Chapter.

H. Residential Buffer Yards. Residential buffer yards shall be required as regulated in Section 11.70, Subdivision 7, Letter D of this chapter, on any lot when the front, side or rear yard of the lot abuts an arterial or regional collector street, as designated in the Pine Island Comprehensive Plan.

I. General Requirements. Additional requirements and other regulations for parking, signs, sewage systems regulations are set forth in Section 11.70 of this Chapter.

SEC. 11.33. URBAN RESIDENTIAL DISTRICT (R-3).

Subd. 1. Purpose.

The purpose of the R-3 Urban Residential District is to provide for a transition in housing density and styles between low density single-family areas and medium to high density multiple family areas by providing for one and two unit dwellings and directly related, complementary uses in areas serviced by municipal urban services.

Subd. 2. Permitted Uses.

- A. Any permitted use allowed in the R-1 District.
- B. Two-family dwelling units.

Subd. 3. Accessory Uses.

- A. Any accessory uses permitted in the R-1 District.

Subd. 4. Conditional Uses.

- A. Any conditional use permitted in the R-1 District except golf courses and country clubs.
- B. Manufactured home parks.

Subd. 5. Interim Uses

- A. Any interim use permitted in the R-1 District.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the R-3 district shall exceed the following height:

- 1. Maximum Height - Three stories or 35 feet.

B. Front Yard Regulations.

- 1. Minimum Front Yard Setback - 25 feet.
- 2. The exception to these setback requirements is in a block where two or more residences have already been constructed facing the same street, the setbacks for the remaining lots in that block fronting on the same street shall be determined by the average setback of the existing buildings.

C. Side and Rear Yard Regulations.

- 1. Minimum Side Yard Setback - 5 feet.

2. Minimum Rear Yard Setback - 25 feet.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Single Family Lot.

(a) Minimum Lot Width Interior Lot - 60 feet.

(b) Minimum Lot Width Corner Lot - 80 feet.

(c) Minimum Lot Depth - 120 feet.

2. Two-family Lot.

(a) Minimum Lot Width Interior Lot - 70 feet.

(b) Minimum Lot Width Corner Lot - 90 feet.

(c) Minimum Lot Depth - 120 feet.

E. Lot Area Regulations.

1. Single Family Lot.

(a) Minimum Lot Area Interior Lot - 7,200 square feet.

(b). Minimum Lot Area Corner Lot - 9,600 square feet.

2. Two-Family Lot.

(a) Minimum Lot Area Interior Lot - 8,400 square feet.

(b) Minimum Lot Area Corner Lot - 10,800 square feet.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 40%.

G. Minimum Floor Area. Minimum floor area per dwelling unit shall be required as regulated in Section 11.70, Subdivision 32 of this Chapter.

H. Residential Buffer Yards. Residential buffer yards shall be required as regulated in Section 11.70, Subdivision 7, Letter D of this Chapter, on any lot when the front, side or rear yard of the lot abuts an arterial or regional collector street, as designated in the Pine Island Comprehensive Plan.

I. General Requirements. Additional requirements and other regulations for parking, signs, sewage systems are set forth in Section 11.70 of this Chapter.

Subd. 7. Common Areas.

The following minimum requirements shall be observed in the R-3 Urban Residential District governing common areas:

A. Ownership. All common areas within an R-3 Urban Residential District development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:

1. Condominium ownership pursuant to Minnesota Statutes 515A.1-106.
2. Two-family subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.

B. Homeowners' Association. Homeowners' association: If a homeowners' association is established for two-family developments within the R-3 Urban Residential District, the homeowners' association shall be subject to review and approval of the City Attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

SEC. 11.34. MULTI-FAMILY RESIDENTIAL DISTRICT (R-4).

Subd. 1. Purpose.

The purpose of the R-4 Multi-Family Residential District is to provide for medium and high density housing (up to 16 units per acre) in multiple-family structures and directly related complementary uses in areas serviced by municipal urban services.

Subd. 2. Permitted Uses.

- A. Two-family dwelling units, including duplexes and twinhomes.
- B. Townhouses, up to six units in a row or 12 units back to back.
- C. Townhouses, Detached.
- D. Multiple-family dwelling structures including apartments, condominiums, common interest communities and cooperatives.
- E. Nursing homes.
- F. Senior housing including assisted care living facilities or continuing care retirement communities.
- G.
- H. Parks, trails, playgrounds, recreation, open space and directly related buildings and structures.
- I. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

Subd. 3. Accessory Uses.

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, and interim in this Section, subject to applicable regulation of this Chapter and only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.
- B. Private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.
- C. Signs, subject to the standards in Section 11.71 of this Chapter.
- D. Boarding or renting of rooms to not more than two individuals per dwelling unit.

11.34, Subd. 3.E.
(Rev. 2015)

- E.** Daycare facilities serving 16 or fewer persons in a single-family detached dwelling.
- F.** Fences.
- G.** Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.
- H.** Keeping of animals subject to Section 11.70, Subdivision 31 of this Chapter.
- I.** Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- J.** Private playground and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- K.** Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)
- L.** Yard/garage sales, provided each does not exceed four days in duration, and there are no more than three sales per year conducted on the premises.

Subd. 4. Conditional Uses.

- A.** Cemeteries, memorial gardens and funeral homes.
- B.** Daycare facilities as a principal or an accessory use, except as provided for by this Chapter.
- C.** Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.
- D.** Government buildings and structures necessary for the health, safety and general welfare of the City; public or quasi-public or private recreational buildings and neighborhood or community centers provided that:
 - 1.** The required side yard setback shall be a minimum 30 feet.
 - 2.** Screening and landscaping shall be installed and maintained along all public right-of-ways and along all lot lines adjacent to a residentially zoned district according to Section 11.70, Subdivision 7 of this Chapter.
 - 3.** All service drives shall be paved.
- E.** Group homes.

- F. Home occupations.
- G. Manufactured home parks.
- H. Planned unit developments as regulated by Section 11.11 of this Chapter.
- I. Religious institutions such as churches, chapels, temples, and synagogues.
- J. State licensed residential care facilities serving 16 or fewer persons.

K. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses

- A. Temporary classroom type structure for use by public or private institutions.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the R-4 district shall exceed the following height:

1. **Maximum Height** - The maximum height of all buildings shall not exceed three stories or 40 feet.

B. Front Yard Regulations.

- 1. Minimum Front Yard Setback - 30 feet.

C. Side and Rear Yard Regulations.

- 1. Minimum Side Yard Setback - 10 feet.
- 2. Minimum Rear Yard Setback - 30 feet.
- 3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.
- 4. No building shall be located closer than 30 feet from the R-1, R-2 and R-3 districts.

D. Lot Width and Depth Regulations.

- 1. Minimum Lot Width - 100 feet.
- 2. Minimum Lot Depth - 100 feet.

E. Lot Area Regulations.

1. Minimum Base Lot Area - 10,000 square feet.

2. Two-Family and townhome unit lots. The following minimum unit lot requirements shall be applied to the subdivision of two family dwellings or townhomes to permit individual private ownership of a single dwelling within such a structure:

(a) Unit Lot Area: Two family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.

3. The maximum density shall be 16 units per acre.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 45%.

G. Minimum Floor Area. Minimum floor area per dwelling unit shall be required as regulated in Section 11.70, Subdivision 32 of this Chapter.

H. Residential Buffer Yards. Residential buffer yards shall be required as regulated in Section 11.70, Subdivision 7, Letter D of this Chapter, on any lot when the front, side or rear yard of the lot abuts an arterial or regional collector street, as designated in the Pine Island Comprehensive Plan.

I. General Requirements. Additional requirements for parking, signs, sewage systems and other regulations for multi-family dwelling units are set forth in Section 11.70 of this Chapter.

Subd. 7. Common Areas.

The following minimum requirements shall be observed in the R-4 Multiple-Family Residential District governing common areas:

A. Ownership. All common areas within an R-4 Multiple Family Residential District development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:

1. Condominium ownership pursuant to Minnesota Statutes 515A.1-106.

2. Two-family and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.

B. Homeowners' Association. A homeowners' association shall be established for all two-family, townhome and multiple-family developments within the R-4 Multiple-Family Residential District, subject to review and approval of the City Attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

Subd. 8. Building Design and Construction Standards.

A. Unit Size: The size of dwelling units shall comply with the minimums established in Section 11.70, Subdivision 32 of this Chapter.

B. Unit Width: The minimum width of a dwelling unit within the R-4 Multiple Family Residential District shall be 25 feet.

C. Unit Construction:

1. Subdivision Requests: Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance with Section 11.70, Subdivision 33 of this Chapter.

2. Decks or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.

3. Minimum Overhang: In case of a gable roof, a minimum 12 inch soffit shall be required.

4. Townhome Exterior Building Finish: The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhome dwelling structures shall comply with the following requirements:

(a) No townhome dwelling structure shall have more than 80% of the front building facade one type of exterior finish.

(b) For the purpose of this Subdivision:

(1) The area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

(2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this Section.

D. Townhome Garages:

1. Each dwelling unit shall include an attached garage.

2. Garages shall comply with the following minimum size standards:

(a) For dwellings with basements: 440 square feet.

- (b) For dwellings without basements: 540 square feet.
- (c) Garages shall be a minimum of 20 feet in width.

E. Multiple-family Dwelling Exterior Building Finish: The exterior of multiple-family dwelling structures shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple-family dwelling structures shall comply with the following requirements:

1. A minimum of 50% of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
2. For the purposes of this Section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

11.35 – 11.39
(Rev. 2011)

SEC. 11.35 - 11.39 RESERVED FOR FUTURE EXPANSION.

(6-29-11)

SEC. 11.40. CENTRAL BUSINESS DISTRICT (C-1).

Subd. 1. Purpose.

The purpose of the C-1 Central Business District is to encourage a viable downtown area which is intended to serve the entire city and be a diversified commercial center that offers the full range of comparison goods, sales and services, cultural, civic, and entertainment opportunities, financial and professional offices, and public uses as well as allowing residential uses to locate above the commercial establishments. Although this district relies on automobile traffic, the needs of pedestrians and bicyclists are deemed equally important. Pedestrian and bicycle linkages, landscaping, and appropriate amenities are important components of this district. The pedestrian orientation of buildings adjacent to sidewalks encourages parking in the rear yards and enhances the traditional character exemplified by historical central business districts. Zoning standards are intended to promote compatibility in form, function and style.

Subd. 2. Permitted Uses.

A. Apartments, provided they are located above the first floor level.

B. Commercial establishments offering merchandise or services to the general public in return for compensation. Such establishment to include but not be limited to the following:

1. Retail establishments such as groceries, bakery, department stores, hardware, drug, clothing and furniture stores.

2. Personal services such as laundry, barber, shoe repair shop and photography studios.

3. Existing drinking establishments, including restaurants, cafes and supper clubs.

4. Professional services such as architects and attorneys offices.

5. Repair services such as jewelry and radio and television repair shops.

6. Banks, finance, insurance and real estate services.

7. Indoor commercial recreations such as, entertainment and amusement services such as motion picture theaters, bowling alleys, art galleries.

8. Lodging services such as hotel and motel.

C. Government and public utility buildings and structures necessary for the health, safety and general welfare of the City.

D. Private clubs and lodges.

E. Hospitals and medical and dental clinics.

F. Public garages, parking lots and bus stations.

G. Automobile and implement sales.

H. Funeral homes and mortuaries.

I. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

Subd. 3. Accessory Uses.

A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed 30% of the gross floor space of the principal use.

B. Fences.

C. Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.

D. Off-street parking and off-street loading.

E. Signs, subject to the standards in Section 11.71 of this Chapter.

F. Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)

Subd. 4. Conditional Uses.

A. Auto body shops, auto glass, muffler and upholstery shops, tire recapping and supply stores, and indoor vehicle (automobiles, boats) storage for new or used vehicles (this does not include dismantling or wrecking), provided:

1. Not less than 25% of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.

2. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.

3. The hours of operation shall be between 7:00 A.M. and 6:00 P.M. Evening hours of operation shall be subject to the approval of the City Council.

4. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the state of Minnesota pollution control standards, Minnesota regulation APC 1-15, as amended.

**11.40, Subd. 4.A.5
(Rev. 2011)**

5. The emission of odor by a use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulation APC 7011, as amended.

6. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code.

7. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.

8. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.

B. On and off-sale liquor establishments.

C. Daycare facilities as a principal or an accessory use, except as provided for by this chapter.

D. Commercial car washes (drive through, self-service and mechanical) provided that:

1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.

2. Magazine or stacking space is constructed to accommodate six vehicles per wash stall and shall be subject to the approval of the city engineer.

3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.

4. Parking or car magazine storage space shall be screened from view of abutting residential districts.

5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.

6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property.

7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the City Engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

11.40, Subd. 4.E.
(Rev. 2011)

E. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

F. Fitness centers limited to 2,000 square feet of gross floor area or less provided that:

1. Adequate off-street parking and off-street loading shall be provided in compliance with Section 11.70, Subdivision 24 of this Chapter.

2. The total number of stations shall not exceed one per 100 square feet of gross floor area.

3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

4. Hours of operation shall be limited to 5:00 A.M. to 11:00 P.M. unless otherwise allowed by the City Council.

G. Nursing homes and residential care facilities provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 11.70, Subdivision 7 of this Chapter.

2. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with Section 11.70, Subdivision 7 of this Chapter.

3. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.

H. Religious institutions such as churches, chapels, temples, and synagogues.

I. Planned unit developments as regulated by Section 11.11 of this Chapter.

J. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses

A. Buildings temporarily located for the purpose of construction.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the C-1 district shall exceed the following height:

1. Maximum Height - Three stories or 40 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - None.

C. Side and Rear Yard Regulations.

1. **Minimum** Side Yard Setback - None except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - Five feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - None.
2. Minimum Lot Depth - None.

E. Lot Area Regulations.

1. Minimum Lot Area - None.

F. Lot Coverage. There shall be no lot coverage requirements for the C-1 district.

G. Minimum Floor Area. Commercial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a conditional use permit.

H. Screening and Fencing. The City may require the screening or fencing of any commercial side and rear yard which abuts a residential district.

I. General Regulations. Additional requirements and other regulations for signs, parking, shopping centers, and other regulations are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

SEC. 11.41. HIGHWAY COMMERCIAL DISTRICT (C-2).

Subd. 1. Purpose.

The C-2 Highway Commercial District is designed and intended to promote the development of uses which require large concentration of automobile traffic. The district is also designed to accommodate those commercial activities which may be incompatible with the uses permitted in the C-1 Central Business District or C-3 Neighborhood Commercial District, and whose service is not confined to any one neighborhood community.

Subd. 2. Permitted Uses.

- A.** Farm implement dealers.
- B.** Cafes and restaurants including drive-in restaurants.
- C.** Restaurant cocktails lounges and other eating and drinking establishments.
- D.** Motels and hotels.
- E.** Motor vehicle fuel sales and motor vehicle fuel sales including convenience grocery and/or prepared food.
- F.** Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve open and outdoor sales and display areas larger than 30% of the area of the principal building provided that:
 - 1.** The outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district.
 - 2.** The architectural appearance, scale, building materials and functional plan of the site and building shall not be dissimilar to existing uses and buildings so as to cause a blighting influence.
 - 3.** The sales area is surfaced with bituminous material or concrete.
 - 4.** The sales area does not take up parking space as required for conformity to this Chapter.
 - 5.** Hours of operation shall be limited to 7:00 A.M. to 10:00 P.M. unless otherwise allowed by the City Council.
 - 6.** Accessory automobile repair shall require the processing of a separate conditional use permit.
- G.** Bait and sporting goods shops.
- H.** Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

- I.** Ambulance service.
- J.** Appliance store, sales and storage.
- K.** Auction rooms.
- L.** Auto parts and accessory sales including outdoor display of auto accessories provided that such outdoor display or storage is separated from abutting development by ornamental fencing or screen planting.
- M.** Bank.
- N.** Beauty or barbershop.
- O.** Bicycle store.
- P.** Blueprinting, photostatting and lithographing.
- Q.** Bowling alley and billiard parlor.
- R.** Bus, railway, or airline depot or ticket office.
- S.** Catalog service and mail order house.
- T.** Private clubs or lodges.
- U.** Dance hall.
- V.** Diaper service.
- W.** Discount store.
- X.** Drugstore.
- Y.** Dry cleaning.
- Z.** Electric contractor.
- AA.** Exterminator.
- BB.** Floral sales.
- CC.** Fruit store.
- DD.** Furniture store.
- EE.** Government and public utility buildings and structures necessary for the health, safety and general welfare of the City.

- FF.** Grocery store.
- GG.** Gunsmith.
- HH.** Halls; rented for meetings, conventions, or social gatherings.
- II.** Hardware store.
- JJ.** Health equipment and supply store.
- KK.** Janitorial service.
- LL.** Laboratory; scientific and testing.
- MM.** Laundromat.
- NN.** Linen supply.
- OO.** Liquor store (off-sale).
- PP.** Locksmith.
- QQ.** Medical facilities including clinics, appliances, sales and fittings.
- RR.** Mortuary.
- SS.** Office Building.
- TT.** Paint and wallpaper store.
- UU.** Painting and decorating contractor.
- VV.** Pawn shop.
- WW.** Pet store.
- XX.** Photographic studio, picture processing, or equipment.
- YY.** Shopping centers.
- ZZ.** Plumbing contractor.
- AAA.** Printing, publishing, and allied industries.
- BBB.** Radio and television broadcasting (including transmitter and studios).
- CCC.** Second hand store.

- DDD.** Sign contractor.
- EEE.** Tailor.
- FFF.** Taxidermist.
- GGG.** Theatrical studio.
- HHH.** Upholstery shop of any type.
- III.** Variety store.

Subd. 3. Accessory Uses.

- A.** Any accessory uses permitted in the C-1 District.
- B.** Roadside stands for the sale of agricultural products.
- C.** Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Added Ord. No. 127, Second Series, 2-17-15)

Subd. 4. Conditional Uses.

- A.** Mobile home sales.
- B.** Auto body shops, auto glass, muffler and upholstery shops, tire recapping and supply stores, and indoor vehicle (automobiles, boats) storage for new or used vehicles (this does not include dismantling or wrecking), provided:
 - 1.** Not less than 25% of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
 - 2.** The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.
 - 3.** The hours of operation shall be between 7:00 A.M. and 6:00 P.M. Evening hours of operation shall be subject to the approval of the City Council.
 - 4.** All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the state of Minnesota pollution control standards, Minnesota regulation APC 1-15, as amended.
 - 5.** The emission of odor by a use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulation APC 7011, as amended.

**11.41, Subd. 4B.6
(Rev. 2011)**

6. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code.

7. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.

8. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.

C. Commercial car washes (drive through, self-service and mechanical) provided that:

1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.

2. Magazine or stacking space is constructed to accommodate six vehicles per wash stall and shall be subject to the approval of the City Engineer.

3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.

4. Parking or car magazine storage space shall be screened from view of abutting residential districts.

5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.

6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property.

7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the City Engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

D. Community or convention centers.

E. Daycare facilities as a principal or an accessory use, except as provided for by this Chapter.

F. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

G. Fitness centers and health clubs provided that:

**11.41, Subd. 4.G.1
(Rev. 2011)**

1. Adequate off-street parking and off-street loading shall be provided in compliance with Section 11.70, Subdivision 24 of this Chapter.

2. The total number of stations shall not exceed one per 100 square feet of gross floor area.

3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

4. Hours of operation shall be limited to 5:00 A.M. to 11:00 P.M. unless otherwise allowed by the City Council.

H. Garden supplies and landscape nursery.

I. Planned unit developments as regulated by Section 11.11 of this Chapter.

J. Religious institutions such as churches, chapels, temples, and synagogues.

K. Theaters, indoor

L. Veterinary clinics provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

M. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses.

A. Buildings temporarily located for the purpose of construction.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the C-1 district shall exceed the following height:

1. Maximum Height - Four stories or 45 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 30 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - 20 feet except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - 30 feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 100 feet.

2. Minimum Lot Depth - 100 feet.

E. Lot Area Regulations.

1. Minimum Lot Area - 20,000 square feet.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 75%.

G. Minimum Floor Area. Commercial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a conditional use permit.

H. Screening and Fencing. The City may require the screening or fencing of any commercial side and rear yard which abuts a residential district.

I. General Standards. Additional requirements and other regulations for signs, parking, shopping centers, and other regulations are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

SEC. 11.42. NEIGHBORHOOD COMMERCIAL DISTRICT (C-3).

Subd. 1. Purpose.

The purpose of the C-3 Neighborhood Commercial District is to provide for the establishment of limited scale, low-intensity neighborhood commercial centers that offer basic convenience type goods and service oriented uses for the immediately surrounding residential neighborhoods. Immediate surrounding residential neighborhoods are understood to be those that are generally within a five to ten minute walking distance of a neighborhood commercial area.

Subd. 2. Permitted Uses.

- A. Bank, savings and loan, savings credit unions and other financial institutions.
- B. Funeral homes and mortuaries.
- C. Government and public utility buildings and structures necessary for the health, safety and general welfare of the City.
- D. Office businesses.
- E. On site service businesses.
- F. Public garages and parking lots.
- G. Restaurants, takeout/delivery only.
- H. Retail businesses.
- I. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

Subd. 3. Accessory Uses.

- A. Any accessory uses permitted in the C-2 District.

Subd. 4. Conditional Uses.

- A. Commercial car washes (drive through, self-service and mechanical) provided that:
 - 1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
 - 2. Magazine or stacking space is constructed to accommodate six vehicles per wash stall and shall be subject to the approval of the City Engineer.

**11.42, Subd. 4.A.3
(Rev. 2011)**

3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.

4. Parking or car magazine storage space shall be screened from view of abutting residential districts.

5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.

6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property.

7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

B. Daycare facilities as a principal or an accessory use, except as provided for by this Chapter.

C. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

D. Fitness centers limited to 2,000 square feet of gross floor area or less provided that:

1. Adequate off street parking and off street loading shall be provided in compliance with Section 11.70, Subdivision 24 of this Chapter

2. The total number of stations shall not exceed one per 100 square feet of gross floor area.

3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M. unless otherwise allowed by the City Council.

E. Motor vehicle fuel sales and motor vehicle fuel sales including convenience grocery and/or prepared food.

F. Religious institutions such as churches, chapels, temples, and synagogues.

G. Veterinary clinics provided that:

**11.42, Subd. 4.G.1
(Rev. 2011)**

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

H. Planned unit developments as regulated by Section 11.11 of this Chapter.

I. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses

A. Buildings temporarily located for the purpose of construction.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the C-3 district shall exceed the following height:

1. Maximum Height - Three stories or 40 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 25 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - 20 feet except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - 25 feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 100 feet.

2. Minimum Lot Depth - 100 feet.

E. Lot Area Regulations.

1. Minimum Lot Area - 15,000 square feet.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 75%.

G. Minimum Floor Area. Commercial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a conditional use permit.

H. Screening and Fencing. The City may require the screening or fencing of any commercial side and rear yard which abuts a residential district.

I. General Standards. Additional requirements and other regulations for signs, parking, shopping centers, and other regulations are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

11.43 – 11.49
(Rev. 2011)

SEC. 11.43 - 11.49 RESERVED FOR FUTURE EXPANSION.

SEC. 11.50. HEAVY INDUSTRIAL DISTRICT (I-1).

Subd. 1. Purpose.

The purpose of the I-1 Heavy Industrial District is to provide an area for industrial uses in locations remote from residential uses and in which urban services and adequate transportation exist.

Subd. 2. Permitted Uses.

- A. Wholesale business establishments.
- B. Warehousing, including self-storage and packing and crating establishments.
- C. Transportation terminals.
- D. Contractors' shops, roofing, electrical, paper-hanging, ventilating, welding, upholstering, fencing, building.
- E. Storage yards for building material, coal, wood and ice, including building materials sales.
- F. Laboratories, research and development facilities.
- G. Public and private utility uses.
- H. Manufacturing.
- I. Trade schools.
- J. Offices.
- K. Animal clinics.
- L. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.
- M. Automobile repair.
- N. Commercial printing establishments.
- O. Compounding, assembly, packaging, treatment, or storage of products and materials except waste.
- P. Government and public utility buildings and structures necessary for the health, safety and general welfare of the City.
- Q. Office, general.

11.50, Subd. 2.R.
(Rev. 2015)

R. Servicing of motor freight vehicles and heavy construction equipment; directly related accessory materials and parts sales for such repair and servicing (not including new or used vehicle sales); and accessory materials and parts warehousing which is related to and dependent upon such uses, provided that:

1. All servicing of vehicles and equipment shall occur entirely within the principal structure.
2. To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulate matter.
3. Storage and use of all flammable materials, including liquids and rags, shall conform with applicable provisions of the Minnesota Uniform Fire Code.
4. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the City Engineer and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semitrailer/tractor trucks.
5. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
6. The sale of products other than those specifically mentioned in this Subsection shall be subject to a separate conditional use permit.

Subd. 3. Accessory Uses.

- A. Essential security and safety facilities as approved by the Council.
- B. Commercial or business building and structures for a use accessory to the principal use but such use shall not exceed 30% of the gross floor area of the principal use.
- C. Fences.
- D. Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.
- E. Off-street parking and off-street loading as regulated by Section 11.70, Subdivision 24 of this Chapter.
- F. Signs, subject to the standards in Section 11.71 of this Chapter.
- G. Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)

(2-17-15)

Subd. 4. Conditional Uses.

- A.** Dwellings for watchmen or custodians of industrially used property only.
- B.** Outdoor storage of vehicles or materials or open sales lot.
- C.** Restaurants, lunch counters, confectioneries to serve the employees of the district.
- D.** Manufacturing, refining and processing of chemicals.
- E.** Animal kennels provided that:
 - 1.** No animals shall be kept outside the building or be otherwise located so as to cause offensive odors discernible at the property line of lot on which the animals are kept.
 - 2.** The building in which animals are kept shall be at least 100 feet from the nearest property line.
- F.** Crude oil, gasoline or other liquid storage tanks.
- G.** Daycare facilities as an accessory use, except as provided for by this chapter.
- H.** Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.
- I.** Planned unit developments as regulated by Section 11.11 of this Chapter.
- J.** Adult use businesses.
- K.** Truck/car washes (automatic mechanical drive-through only) as an accessory use associated with a truck stop, provided:
 - 1.** The accessory car/truck wash must be on the same parcel of record as the truck stop.
 - 2.** Magazine or stacking space is constructed to accommodate six vehicles per wash stall and shall be subject to the approval of the City Engineer.
 - 3.** Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.
 - 4.** Parking or car/truck magazine storage space shall be screened from view of abutting residential districts.
 - 5.** The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on site parking and loading areas.

**11.50, Subd. 4.K.6
(Rev. 2011)**

6. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with vacuum machines. Additionally, the garage doors must remain closed during the operation of the car/truck wash.

7. Untreated water from the car/truck wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the City Engineer and building official.

L. Truck stops.

M. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses.

A. Buildings temporarily located for the purpose of construction.

B. Outdoor service, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30% of the gross floor area of the principal use.

2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district.

3. To control dust the sales area is surfaced with asphalt, concrete or pavers with perimeter concrete curb, unless the City Engineer exempts all or portions of the curb for stormwater management purposes.

4. The sales area shall not encroach upon required parking space or required loading space as required by Section 11.70, Subdivision 24 of this Chapter.

5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with Section 11.18, Subdivision 6 of this Chapter.

6. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a residential district.

C. Outdoor storage as a principal use provided that:

1. The outdoor storage area shall be fenced, screened and/or landscaped from view of neighboring residential uses, abutting residential districts and the public right-of-way according to a plan and subject to the approval of the Zoning Administrator.

2. The outdoor storage area occupies space other than a required front yard setback or side yard setback area abutting the right-of-way on a corner lot.

11.50, Subd. 5.C.3
(Rev. 2015)

3. The outdoor storage area is surfaced with asphalt, concrete or pavers with perimeter concrete curb, unless the city engineer exempts all or portions of the curb for stormwater management purposes.

4. The outdoor storage area shall not encroach upon required parking space or required loading space as required by Section 11.70, Subdivision 24 of this Chapter.

5. The property stored does not include any waste.

6. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

7. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a residential district.

8. The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with Section 11.18, Subdivision 6 of this Chapter.

D. Solar Farms as regulated by section 11.73, subd. 3 of this chapter. (Added Ord. No. 127, Second Series, 2-17-15)

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the C-3 district shall exceed the following height:

1. Maximum Height - Four stories or 45 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 35 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - 20 feet except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - 30 feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 100 feet.
2. Minimum Lot Depth - 100 feet.

E. Lot Area Regulations.

1. Minimum Lot Area - 30,000 square feet.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 75%.

G. Minimum Floor Area. Industrial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a conditional use permit.

H. Screening and Fencing. The City may require the screening or fencing of any industrial side and rear yard which abuts a residential district.

I. General Regulations. Additional requirements and other regulations related to signs, parking, etc. are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

SEC. 11.51. LIGHT INDUSTRIAL DISTRICT (I-2).

Subd. 1. Purpose.

The purpose of the I-2 Light Industrial District is to provide for an area for industrial, light manufacturing, and office uses which are generally not obtrusive and which may serve as a transition between more intensive sites and residential and business land uses.

Subd. 2. Permitted Uses.

- A. Building materials sales.
- B. Commercial printing establishments.
- C. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.
- D. Compounding, assembly, packaging, treatment, or storage of products and materials except waste.
- E. Government and public utility buildings and structures necessary for the health, safety and general welfare of the City.
- F. Laboratories, research and development facilities.
- G. Manufacturing.
- H. Office, general.
- I. Trade schools.
- J. Transportation terminals.
- K. Warehousing, including self-storage facilities.
- L. Wholesale businesses.

Subd. 3. Accessory Uses.

- A. Any accessory uses permitted in the I-1 District.

Subd. 4. Conditional Uses.

- A. Animal kennels provided that:
 - 1. No animals shall be kept outside the building or be otherwise located so as to cause offensive odors discernible at the property line of lot on which the animals are kept.

11.51 Subd. 4.A.2
(Rev. 2011)

2. The building in which animals are kept shall be at least 100 feet from the nearest property line.

B. Auto body shops, auto glass, muffler and upholstery shops, tire recapping and supply stores, and vehicle (automobiles, boats) storage for new or used vehicles (this does not include dismantling or wrecking), provided:

1. Not less than 25% of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.

2. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.

3. The hours of operation shall be between 7:00 A.M. and 6:00 P.M. Evening hours of operation shall be subject to the approval of the City Council.

4. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the state of Minnesota pollution control standards, Minnesota regulation APC 1-15, as amended.

5. The emission of odor by a use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulation APC 7011, as amended.

6. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code.

7. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.

8. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.

C. Commercial recreation facilities, provided that:

1. The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design, lighting, signage and site landscaping shall be designed to complement the surrounding industrial properties and demonstrate potential industrial reuse. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment.

2. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit.

11.51, Subd. 4.D.
(Rev. 2011)

D. Daycare facilities as an accessory use, except as provided for by this Chapter.

E. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

F. Planned unit developments as regulated by Section 11.11 of this Chapter.

G. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses

A. Any interim uses permitted in the I-1 District.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the I-2 district shall exceed the following height:

1. Maximum Height - Four stories or 45 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 30 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - 20 feet except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - 30 feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 100 feet.

2. Minimum Lot Depth - 100 feet.

E. Lot Area Regulations.

1. Minimum Lot Area - 15,000 square feet.

11.51, Subd. 6.F.
(Rev. 2011)

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 75%.

G. Minimum Floor Area. Industrial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a conditional use permit.

H. Screening and Fencing. The City may require the screening or fencing of any industrial side and rear yard which abuts a residential district.

I. General Standards. Additional requirements and other regulations related to signs, parking, etc. are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

SEC. 11.52. BUSINESS PARK DISTRICT (BP).

Subd. 1. Purpose.

The purpose of the BP Business Park District is to provide areas for the development of office, business and light industrial uses meeting high standards of design and construction and having close proximity to major transportation corridors and/or other industrial districts

Subd. 2. Permitted Uses.

- A. Commercial printing establishments.
- B. Conference centers.
- C. Hotels.
- D. Indoor commercial recreation.
- E. Laboratories, research and development facilities.
- F. Office businesses.
- G. Trade and post-secondary schools.
- H. Wholesale showrooms.
- I. Government and public utility buildings and structures necessary for the health, safety and general welfare of the City.
- J. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

Subd. 3. Accessory Uses.

- A. Any accessory uses permitted in the I-I District.

Subd. 4. Conditional Uses.

- A. Commercial recreation facilities, provided that:
 - 1. The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design, lighting, signage and site landscaping shall be designed to complement the surrounding industrial properties and demonstrate potential industrial reuse. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment.

11.52, Subd. 4.A.2
(Rev. 2011)

2. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit.

B. Compounding, assembly, or packaging of products and materials, provided that:

1. The proposed use is not a waste facility.

C. Fitness centers and health clubs provided that:

1. Adequate off-street parking and off-street loading shall be provided in compliance with Section 11.70, Subdivision 24 of this Chapter.

2. The total number of stations shall not exceed one per 100 square feet of gross floor area.

3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

4. Hours of operation shall be limited to 5:00 A.M. to 11:00 P.M. unless otherwise allowed by the City Council.

D. Hospitals.

E. Indoor limited retail sales and service accessory to office/manufacturing uses, provided that:

1. Location:

(a) All sales are conducted in a clearly defined area of the principal building reserved exclusively for retail sales. Said sales area must be physically segregated from other principal activities in the building.

(b) The retail sales area must be located on the ground floor of the principal building.

2. Sales Area: The retail sales and service activity shall not occupy more than 15% of the gross floor area of the building.

3. Access: The building where such use is located has access without the necessity of using residential streets.

4. Hours: Hours of operation are limited to 6:00 A.M. to 10:00 P.M.

F. Warehousing and self-storage facilities, provided that:

1. The proposed use is not a waste facility.

11.52, Subd. 4.G.
(Rev. 2011)

G. Daycare facilities as a principal or an accessory use, except as provided for by this Chapter.

H. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

I. Planned unit developments as regulated by Section 11.11 of this Chapter.

J. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses.

A. Buildings temporarily located for the purpose of construction.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the BP district shall exceed the following height:

1. Maximum Height - Four stories or 45 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 35 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - 20 feet except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - 30 feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 150 feet.

2. Minimum Lot Depth - 150 feet.

E. Lot Area Regulations.

1. Minimum Lot Area - 40,000 square feet.

**11.52, Subd. 6.F.
(Rev. 2011)**

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 75%.

G. Minimum Floor Area. Industrial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a conditional use permit.

H. Screening and Fencing. The City may require the screening or fencing of any business park side and rear yard which abuts a residential district.

I. General Standards. Additional requirements and other regulations related to signs, parking, etc. are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

11.53 – 11.54
(Rev. 2011)

SEC. 11.53 - 11.54 RESERVED FOR FUTURE EXPANSION.

SEC. 11.55. REGIONAL RECREATION DISTRICT (RR).

Subd. 1. Purpose.

The purpose of the RR Regional Recreation District is to create a high quality environment for large amusement and recreation attractions with a regional draw, with a high degree of land use compatibility and street efficiency. It is further the intent of the zone to protect existing landscape features, to preserve open space, to sensitively integrate development with the natural landscape, and to require the planning of entire land ownerships as a unit rather than permit piecemeal or scattered small developments.

Subd. 2. Permitted Uses.

- A. Amphitheater as a permanent use.
- B. Athletic club.
- C. Conference/banquet facility.
- D. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.
- E. Health club and/or spa.
- F. Governmental utility buildings, public maintenance buildings and structures necessary for the health, safety and general welfare of the community.
- G. Mini-golf.
- H. Playground, indoor or outdoor.
- I. Public civic or cultural buildings, such as libraries, public administration buildings, fire stations and police department buildings.
- J. Swimming pools, indoor or outdoor.
- K. Tennis club.
- L. Water park, indoor.

Subd. 3. Accessory Uses.

- A. Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional and interim in this Section.
- B. Decorative landscape features.
- C. Fences.

D. Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.

E. Limited retail sales complementary to the permitted uses.

F. Off-street parking and off-street loading as regulated by Section 11.70, Subdivision 24 of this Chapter.

G. Signs, subject to the standards in Section 11.71 of this Chapter.

H. Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)

Subd. 4. Conditional Uses.

A. Athletic facilities.

B. Commercial amusement, entertainment and recreation.

C. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

D. Golf courses and country clubs.

E. Hotels, motels and conference centers.

F. Indoor motorized go-carts.

G. Paintball.

H. Planned unit developments as regulated by Section 11.11 of this Chapter.

I. Public civic auditoriums, indoor recreation centers, arenas, stadiums or other facilities with an event seating capacity of more than 300 persons.

J. Restaurants subject to the following requirements:

1. Shall comply with all applicable provisions in the City Code, including, but not limited to Section 11.70, Performance Standards.

2. Trash receptacles, including but not limited to dumpsters, shall be stored in fully enclosed areas. The enclosed areas shall be constructed of similar and/or complementary materials to the principal structure and meet the standards of the City Code.

3. If located within 100 feet of a residential district, its hours of operation shall be limited to between 5:00 AM and 11:00 PM.

K. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses.

A. Buildings temporarily located for the purpose of construction.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the PI district shall exceed the following height:

1. Maximum Height - three stories or 40 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 40 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - 15 feet except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - 30 feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 200 feet.

2. Minimum Lot Depth - 200 feet.

E. Lot Area Regulations.

1. Minimum Lot Area - five acres.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 50%.

G. Screening and Fencing. The City may require the screening or fencing of any recreational use side and rear yard which abuts a residential district.

H. General Standards. Additional requirements and other regulations related to signs, parking, etc. are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

SEC. 11.56. PUBLIC/INSTITUTIONAL DISTRICT (PI).

Subd. 1. Purpose.

The purpose of the POS Public/Institutional District is to provide for a specific zoning district to accommodate major public and institutional uses of a governmental, educational, cultural, recreational, public service and healthcare nature that serve the entire community. It is unique in that the primary objective of uses within this district is the provision of services, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development and where available, structures shall be serviced by municipal urban services.

Subd. 2. Permitted Uses.

A. Governmental utility buildings, public maintenance buildings and structures necessary for the health, safety and general welfare of the community.

B. Park and ride facilities; public facilities only.

C. Public civic or cultural buildings, such as libraries, public administration buildings, fire stations, police department buildings and historical developments.

D. Public garages, parking lots and bus stations.

E. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

Subd. 3. Accessory Uses.

A. Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional and interim in this Section.

B. Fences.

C. Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.

D. Off-street parking and off-street loading.

E. Signs, subject to the standards in Section 11.71 of this Chapter.

F. Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)

Subd. 4. Conditional Uses.

A. Cemeteries and memorial gardens

11.56, Subd. 4.B.
(Rev. 2011)

B. Essential services involving transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

C. Hospitals and residential care facilities including extended care facilities for mentally retarded, rest homes and care for the aged, ill and infirmed.

D. Preschool, elementary, middle, high schools or colleges and other institutions of higher learning having a regular course of study accredited by the state of Minnesota.

E. Public civic auditoriums, indoor recreation centers, arenas or other facilities with an event seating capacity of more than 300 persons.

F. Planned unit developments as regulated by Section 11.11 of this Chapter.

G. Wind energy conversion systems (WECS) as regulated by Section 11.73, Subdivision 2 of this Chapter.

Subd. 5. Interim Uses.

A. Temporary classroom type structure for use by public or private institutions.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the PI district shall exceed the following height:

1. Maximum Height - Three stories or 40 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback - 30 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback - Ten feet except that no building shall be located within 50 feet of any side lot line abutting a lot in any Residential District.

2. Minimum Rear Yard Setback - 30 feet except that no building shall be located within 50 feet of any rear lot line abutting a lot in any Residential District.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 100 feet.

2. Minimum Lot Depth - 100 feet.

E. Lot Area Regulations.

1. Minimum Lot Area - 20,000 square feet.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 75%.

G. Screening and Fencing. The City may require the screening or fencing of any public or institutional side and rear yard which abuts a residential district.

H. General Standards. Additional requirements and other regulations related to signs, parking, etc. are set forth in Section 11.70 of this Chapter.

Subd. 7. Building Design and Construction Standards.

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses and shall comply with the building design and construction standards of Section 11.70, Subdivision 33 of this Chapter.

SEC. 11.57. PARKS AND OPEN SPACE DISTRICT (POS).

Subd. 1. Purpose.

The purpose of the POS Parks and Open Space District is to provide recreational and leisure opportunities through publicly owned land, although privately owned land may qualify, and recognize significant natural resources such as rivers, steep slopes, extensive woodlands, wetlands and floodplains by preserving them in their natural state in order to assure continuation of the existing natural drainage system, prevent soil erosion, maintain ecological balance and assure their permanent use for their primary function as well as for enjoyment by the general public.

Subd. 2. Permitted Uses.

- A. Parks, trails, play fields, playgrounds and directly related buildings and structures.
- B. Agriculture except potentially offensive uses such as feedlots.
- C. Open space and forest, nature or other preserve.
- D. Stormwater retention ponds and drainageways.

Subd. 3. Accessory Uses.

- A. Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional and interim in this Section.
- B. Fences.
- C. Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.
- D. Off-street parking and off-street loading.
- E. Signs, subject to the standards in Section 11.70 of this Chapter.
- F. Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)

Subd. 4. Conditional Uses.

- A. Planned unit developments as regulated by Section 11.11 of this Chapter.
- B. Recreational facilities of a commercial nature such as swimming pools, golf courses, riding stables and sports arenas and stadiums.

Subd. 5. Interim Uses

- A. None.

Subd. 6. Performance Standards.

A. Height Regulations. Except as provided for by Section 11.70, Subdivision 29 of this Chapter, no structure within the POS district shall exceed the following height:

1. Maximum Height - Three stories or 35 feet.

B. Front Yard Regulations.

1. Minimum Front Yard Setback.
 - (a) Parks, playgrounds, play fields, trails and open space - None.
 - (b) Parks, playgrounds, play fields, trails and open space (buildings only) - 30 feet.
 - (c) All other uses - 30 feet.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard Setback.
 - (a) Parks, playgrounds, play fields, trails and open space - None.
 - (b) Parks, playgrounds, play fields, trails and open space (buildings only) - ten feet.
 - (c) All other uses - ten feet.
2. Minimum Rear Yard Setback.
 - (a) Parks, playgrounds, play fields, trails and open space - None.
 - (b) Parks, playgrounds, play fields, trails and open space (buildings only) - ten feet.
 - (c) All other uses - ten feet.

3. Where a lot is located at the intersection of two or more streets or highways, the side yard setback adjacent to the street or highway shall be the same as the front yard setback.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - None.
2. Minimum Lot Depth - None.

E. Lot Area Regulations.

1. Minimum Lot Area - None.

F. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed 25%.

G. Screening and Fencing. The City may require the screening or fencing of any park use side and rear yard which abuts a residential district.

H. General Standards. Additional requirements and other regulations related to wetland and tree preservation, etc. are set forth in Section 11.70 of this Chapter.

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SEC. 11.58 - 11.59 RESERVED FOR FUTURE EXPANSION.

SEC. 11.60. FLOOD PLAIN MANAGEMENT OVERLAY DISTRICT (FP).

Subd. 1. Statutory Authorization, Findings of Fact and Purpose.

A. Statutory Authorization. The Legislature of the State of Minnesota, has, in Minnesota Statutes Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

B. Findings of Fact.

1. The flood hazard areas of the City are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. **Methods Used to Analyze Flood Hazards.** This Section is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3. **National Flood Insurance Program Compliance.** The Section is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Part 59-78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

C. Statement of Purpose. It is the purpose of this Section to promote the public health, safety, and general welfare and to minimize those losses described in this Subdivision by provisions contained herein.

Subd. 2. General Provisions.

A. Land to Which Section Applies. This Section shall apply to all lands within the jurisdiction of the City shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

B. Establishment of Official Zoning Map. The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Section. The attached materials shall include the Flood Insurance Study for the City of Pine Island prepared by the Federal Insurance Administration dated February 16, 1994, and the Flood Insurance Map dated February 16, 1994 therein. The Official Zoning Map shall be on file in the office of the City Administrator and the office of the Zoning Administrator.

C. 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 flood plain that result from designation of a floodway.

D. Interpretation.

1. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment/Planning Commission shall make the necessary interpretation. All decisions will be based on elevations on the regional 100-year flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board/Commission and to submit technical evidence.

E. Abrogation and Greater Restrictions. It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only.

F. Warning and 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 flood 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.

G. Severability. The provisions of this Section shall be severable if any section, clause, provision, or portion is adjudged unconstitutional or invalid by a court of competent jurisdiction. The invalidity of any lettered paragraph, subparagraph or subdivision thereof shall not invalidate any other lettered paragraph or subparagraph, subdivision, or any other part.

Subd. 3. Establishment of Zoning Districts.

A. Districts:

1. **Floodway District.** The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map as adopted in Subdivision 2, Subparagraph B, of this Section.

2. **Flood Fringe District.** The Flood Fringe District shall include those areas designated as floodway fringe. The Floodway Fringe District shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Subdivision 2, Subparagraph B of this Section as being within Zone AE but being located outside of the floodway.

3. **General Flood Plain District.** The General Flood Plain District shall include those areas designated as general flood plain. The General Flood Plain District shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Subdivision 2, Subparagraph B, of this Section as being within Zone AE without a floodway.

11.60, Subd. 3.B.
(Rev. 2011)

B. Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations which apply to uses within the jurisdiction of this Section. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses herein, shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured and certain travel trailers and travel vehicles are subject to the general provisions of this Section and specifically Subdivision 10.

2. Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by the general provisions of this Section and specifically Subdivision 12.

3. As-built elevations for elevated or flood proofed structures must be certified by round surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Section and specifically as stated in Subdivision 11.

Subd. 4. Floodway District (FW).

A. Permitted Uses.

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

2. Industrial-Commercial loading areas, parking areas and airport landing strips.

3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Residential lawns, gardens, parking areas and play areas.

B. Standards for Floodway Permitted Uses.

1. The use shall have a low flood damage potential.

2. The use shall be permissible in the underlying zoning district if one exists.

3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

C. Conditional Uses.

1. Structures accessory to the permitted uses listed above, and the conditional uses listed in 2 through 8 below.

2. Extraction and storage of sand, gravel, and other materials.
3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
4. Railroads, streets, bridges, utility transmission lines, and pipelines.
5. Storage yards for equipment, machinery, or materials.
6. Placement of fill.
7. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of this Section.
8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

D. Standards for Floodway Conditional Uses.

1. **All Uses.** No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be allowed as a conditional use that will cause any increase in the stage of the 100-year of regional flood or cause an increase in flood damages in the reach or reaches affected.
2. All floodway conditional uses shall be subject to the procedures and standards contained herein.
3. The conditional use shall be permissible in the underlying zoning district if one exists.
4. **Fill.**
 - (a) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - (c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the office of the County Recorder.

5. Accessory Structures.

- (a) Accessory structures shall not be designed for human habitation.
- (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
 - (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and,
 - (2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

6. Storage of Materials and Equipment.

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Council.

7. Structural works for flood control that will change the course, current or cross-section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

8. A levee, dike or floodwall constructed in the floodway shall not cause an increase in the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Subd. 5. Flood Fringe District (FF).

A. Permitted Uses. Permitted uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use districts. If no pre-existing underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "Permitted Uses" and the standards for all Flood Fringe "Permitted and Conditional Uses".

B. Standards for Flood Fringe Permitted Uses.

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one foot 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. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with Subdivision 5, Subparagraph D, Item 5(c).

3. The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Item 1, above.

4. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

5. The provisions of Subparagraph E, below, shall apply.

C. Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Subparagraph B, Items 1 and 2, above, or any use of land that does not comply with the standards in Items 3 and 4, above, shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Subparagraphs D and E, below, and Subdivision 11, Subparagraph D.

D. Standards for Flood Fringe Conditional Uses.

1. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: (a) if the enclosed area is above-grade on at least one side of the structure; (b) is designed to internally flood and is constructed with flood resistant materials (c) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

11.60, Subd. 5.D.1(a)
(Rev. 2011)

(a) Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-Grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

- (1)** The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of floodwaters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (2)** That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

2. Basements, as defined herein, shall be subject to the following:

(a) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

(b) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Item 3, following.

3. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

4. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the City is enforcing a State approved shore and management ordinance. In the absence of a State approved shore land ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Council. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5. Storage of Materials and Equipment.

(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Council.

6. The provisions of Subparagraph E, below, shall also apply.

E. Standards for All Flood Fringe Uses.

1. All new principal structures must have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

2. **Commercial Uses.** Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

3. **Manufacturing and Industrial Uses.** Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Item 2, above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

6. Standards for travel trailers and travel vehicles are contained in Subdivision 10, Subparagraph C.

7. 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.

8. If fill is placed or there is encroachment of any kind in the flood fringe, compensatory storage of equal or greater volume than the encroachment upon the flood fringe must be provided within the flood plain. This encroachment shall not create any surcharge, nor shall it create hazardous velocities.

Subd. 6. General Flood Plain District.

A. Permissible Uses.

1. The uses listed in Subdivision 5, Subparagraph A, shall be permitted uses.

2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Subparagraph B, below. Subdivision 5 shall apply if the proposed use is in the Floodway District and Subdivision 6 shall apply if the proposed use is in the Flood Fringe District.

B. Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

1. Upon receipt of an application for a Conditional Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(a) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

(c) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- (a) Estimate the peak discharge of the regional flood.
- (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 feet. A lesser stage increase than 0.5 feet shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Council. The Council must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the Council shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Subdivisions 5 and 6.

Subd. 7. Subdivisions.

A. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Section and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

B. Floodway/Flood Fringe Determinations in the General Flood Plain District. In the General Flood Plain District, applicants shall provide the information required in Subdivision 7 to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

C. Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subd. 8. Public Utilities, Railroads, Roads, and Bridges.

A. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

B. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 5 and 6. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

C. On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: (1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current Statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

Subd. 9. Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles.

A. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 8.

B. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Subdivision 6. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subdivision 6, Subparagraph E, Item 1, then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the Council.

1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State or local anchoring requirements for resisting wind forces.

C. Travel trailers and travel vehicles that do not meet the exemption criteria specified in Item 1 below, shall be subject to the provisions of this Section and as specifically spelled out in Items 3 and 4, below.

1. Exemption. Travel trailers and travel vehicles are exempt from the provisions of this Section if they are placed in any of the areas listed in Item 2 below, and further they meet the following criteria:

(a) Have current licenses required for highway use.

(b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.

(c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

2. Areas Exempted for Placement of Travel/Recreational Vehicles.

(a) Individual lots or parcels of record.

(b) Existing commercial recreational vehicle parks or campgrounds.

(c) Existing condominium type associations.

3. Travel trailers and travel vehicles exempted herein lose this exemption when development occurs on the parcel exceeding \$500.00 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Subdivisions 5 and 6.

4. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

(a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Subdivision 6, Subparagraph E. No fill placed in the floodway to meet the requirements of this Subdivision shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of Subsection (a) above, may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Subdivision 11, Subparagraph D. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 9.

Subd. 10. Administration.

A. Zoning Administrator. A Zoning Administrator shall administer and enforce this Section. If the Zoning Administrator finds a violation of the provisions of this Section, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subdivision 13.

B. Permit Requirements.

1. Permit Required. A permit issued by the Board of Adjustment/Planning Commission in conformity with the provisions of this Section shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a non-conforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

2. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator 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.

3. State and Federal Permits. Prior to processing an application for a permit, conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.

4. Certificate of Zoning Compliance for a New, Altered, or Non-Conforming Use. It is unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Section.

5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized is unlawful.

6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Section. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood proofed.

C. Board of Adjustment.

1. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

2. Expenditures and Tax Forces. The Board/Commission shall have authority to convene and disband task forces as needed. Task forces may make suggestions to the Board/Commission. Said suggestions shall be considered by the Board/Commission and may be recommended to the City Council for formal action. Task forces do not have the authority to make expenditures under this Section without the express approval of the City Council, pursuant to a recommendation from the Board/Commission.

3. Review. The Board/Commission shall hear and review applications made under this Section and make a recommendation to the City Council.

4. Variances. The City Council may authorize in specific cases such relief or variance from the terms of this Section as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the City Council shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

5. Hearings. In reviewing an application for a permit or variance, the Board/Commission shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

6. Decisions. The City Council shall arrive at a decision on an application or variance within 30 days of receiving a recommendation from the Board/Commission. After receiving the recommendation, the City Council may, so long as such action is in conformity with the provisions of this Section, reverse or affirm, wholly or in part, or modify the recommendation of the Board/Commission. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the City Council may prescribe appropriate conditions and safeguards such as those specified in Subparagraph D, Item 6 of this Subdivision, which are in conformity with the purposes of this Section. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Section. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten days of such action.

7. Appeals. Appeals from any decision of the City Council may be made, and as specified in Minnesota Statutes.

8. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The City shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

D. Conditional Uses. The City Council shall hear and decide applications for conditional uses permissible under this Section. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission for consideration.

1. Hearings. Upon filing with the Zoning Administrator an application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

2. Decisions. The Council shall arrive at a decision on a conditional use within 30 days of receiving a recommendation from the Planning Commission. In granting a conditional use permit the Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Item 6 of this Subparagraph D, which are in conformity with the purposes of this Section. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Section punishable under Subdivision 13. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten days of such action.

3. Procedures to be Followed by the City Council in Passing on Conditional Use Permit Applications Within All Flood Plain Districts.

(a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the City Council for determining the suitability of the particular site for the proposed use:

- (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel.
- (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(b) Transmit one copy of the information described in Subsection (a) above, to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(c) Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4. Factors Upon Which the Decision of the City Council Shall be Based. In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other provisions of this Section, and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(l) Such other factors which are relevant to the purposes of this Section.

5. Time for Acting on Application. The City Council shall act on an application in the manner described above within 30 days from receiving the application, except that where additional information is required pursuant to Item 4, above, the Council shall render a written decision within 30 days from the receipt of such additional information.

6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Section, the City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Section. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Flood proofing measures, in accordance with the State Building Code and this Section. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

Subd. 11. Non-Conforming Uses.

A structure or the use of a structure or premises which was lawful before the effective date 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 such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.

B. Any alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Subparagraph C, below.

C. The cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this Subdivision are satisfied. The cost of all structural alterations and additions constructed since the adoption of the City's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of Subdivisions 5 and 6 for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

D. If any non-conforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Section. The Assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of 12 months.

11.60, Subd. 11.E.
(Rev. 2011)

E. If any non-conforming use or structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Section. The applicable provisions for establishing new uses or new structures in Subdivisions 5, 6 or 7 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

F. If a substantial improvement occurs, as defined in this Subdivision, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements under this Subdivision, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

Subd. 12. Penalties for Violation.

A. 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 or conditional uses) is unlawful.

B. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

1. In responding to a suspected City Code violation, the Zoning Administration and the City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct City Code violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When a City Code violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the City's plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of this Section and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the City. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

**11.60, Subd. 12.B.4
(Rev. 2011)**

4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Section and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Section.

Subd. 13. Amendments.

A. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

B. All amendments to this Section, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days written notice of all hearings to consider an amendment to this Section and said notice shall include a draft of the ordinance amendment or technical study under consideration.

Subd. 14. Grading and Erosion Control Plan.

A satisfactory erosion control and grading plan consistent with the Minnesota Pollution Control Agency's Best Practices Handbook must be approved by the City Engineer before a grading and building permit is issued for construction, if the construction will result in disturbing the soil.

SEC. 11.61. SHORELAND MANAGEMNT OVERLAY DISTRICT (SL).

Subd. 1. Purpose.

The purpose of the SL Shoreland Management Overlay District is to manage the effect of shoreland and water surface crowding, to prevent pollution of surface and ground waters of the City, to provide ample space on lots for sewage treatment systems, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas via shoreland controls which regulate lot sizes, placement of structures and alterations of shoreland areas.

11.62 – 11.69
(Rev. 2011)

SEC. 11.62 - 11.69 RESERVED FOR FUTURE EXPANSION.

(6-29-11)

SEC. 11.70. PERFORMANCE STANDARDS.

Subd. 1. Purpose.

The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to environment. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated. Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.

Subd. 2. Exterior Storage.

A. In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premise's, off-street parking of passenger automobiles and pick-up trucks and fire wood. Boats and unoccupied trailers, less than 25 feet in length, are permissible. Existing uses shall comply with this provision within 12 months of the effective date of this Chapter.

B. In all new districts, the City may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

Subd. 3. Refuse.

A. In all districts, all waste materials, debris, refuse, or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes, with the exception of crop residue. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months of the effective date of this Chapter.

B. Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven days; inoperative shall mean incapable of movement under their own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use, or conditional use, or otherwise permitted by provisions of this Chapter, shall be considered as refuse.

Subd. 4. Glare.

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, 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 right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from said property.

Subd. 5. Bulk Storage (Liquid).

A. All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the Council may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety and general welfare). All existing above ground liquid storage tanks having a capacity in excess of 10,000 gallons shall secure a conditional use permit within 12 months of the effective date of this Chapter.

B. The Council may require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity equal to 115% of the tank capacity. Any existing storage tank that, in the opinion of the Council, constitutes a hazard to the public safety shall discontinue operations within one year of the effective date of this Chapter.

Subd. 6. Nuisances.

A. Nuisance Characteristics. No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The following standards apply to non-industrial districts.

B. Noise.

1. Noise Prohibited. It is unlawful for any person to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth unless noise be reasonably necessary to the preservation of life, health, safety or property.

2. Measurement of Noise. Any activity not expressly exempted by this Subdivision which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property by more than six decibels above the ambient noise levels as designated in the following table at the time and place and for the duration then mentioned, shall be deemed to be a violation of this Chapter, but any enumeration herein shall not be deemed to be exclusive.

11.70, Subd 6.B.3
(Rev. 2011)

6:00 PM - 9:00 PM (residential districts)

Duration 7:00 AM-6:00 PM 6:00 PM-7:00 AM 9:00 PM-7:00 AM of Sound (all districts) (all other dist.) (res. districts)

Less than 10 minutes	70db	65db	55db
Between 10 minutes and 2 hours	60db	55db	45db
In excess of 2 hours	50db	45db	40db

3. In determining whether a particular sound exceeds the maximum permissible sound level in the above table: (1) sounds in excess of the residential district limitations as measured in a residential district are violative of this Section whether the sound originates in a residential district or any other district; (2) during all hours of Sundays and State and Federal holidays, the maximum allowable decibel levels for residential districts are as set forth in Column II of the table.

4. Sounds emanating from the operation of (1) motor vehicles on a public highway; (2) aircraft; (3) outdoor implements such as power lawn mowers, snowblowers, power hedge clippers, and power saws; and (4) pile drivers or jackhammers and other construction equipment; and (5) emergency equipment; and (6) trains are exempt from the provisions of this Subdivision except during the hours of 9:00 PM to 7:00 AM. Sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places wherein athletic contests take place are exempt from the provisions of this Subdivision.

C. Vibration. The following vibrations are prohibited:

1. Any vibration discernible (beyond property line) to the human sense of feeling for three minutes or more duration in any one hour.

2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of most current standards of the United States Bureau of Mines on any structure.

D. Toxic or Noxious Matter. Any use shall be so operated so as not to discharge across the boundaries of any lot or through percolation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.

E. Air Pollution. Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public. For the purpose of this Chapter, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

F. Miscellaneous Nuisances.

1. It is unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highways; but, without a current license attached hereto, whether such vehicle be dismantled or not, outside of an enclosed building in the residential or agricultural districts.

2. It is unlawful for any person to create or maintain a junkyard or vehicle dismantling yard except as provided herein.

3. The following are declared to be nuisances affecting public health or safety:

(a) The effluence from any cesspool, septic tank, drainfield or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.

(b) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

(c) The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges, or latches or providing locks to prevent access by the public.

Subd. 7. Landscaping, Screening and Fencing.

A. Landscaping.

1. In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard, including grass, decorative stones, or shrubs and trees, along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot; such yard shall have a depth of at least ten feet.

2. In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

3. All vacant lots, tracts or parcels shall be properly maintained in accordance with their natural or existing character.

B. Screening.

1. Screening shall be required in residential zones where (1) any off-street parking area contains more than four parking spaces and is within 30 feet of an adjoining residential zone, and/or (2) where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential use or zone.

**11.70, Subd 7.B.2
(Rev. 2011)**

2. Where any business or industry (structure, parking or storage) is located adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

3. All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale, (2) materials and equipment presently being used for construction on the premises.

4. The screening required in this Subdivision may consist of a fence, trees, shrubs and berms, but shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, 20 feet from the street right-of-way with landscaping between the screening and pavement. Planting of a type approved by the Council may also be required in addition to or in lieu of fencing.

C. Fencing. Fences shall be permitted in all yards subject to the following:

1. Approval Required: No person except on a farm and related to agricultural uses or if the fence is six feet or less shall hereafter construct or cause to be constructed or erected within the City any fence without first making an application for a building permit.

2. Locations; Boundary Line Fences:

(a) fences, including footings, shall be located entirely upon the private property.

(b) The owner of the property on which a fence exists or is proposed to be constructed is responsible for verifying their property lines by:

(1) Locating their property lines; or

(2) If the property lines cannot be located:

(i) The Zoning Administrator or the building official may require the owner of property upon which a fence now exists, or may require any property owner proposing to construct a fence to establish the boundary lines of the property by a survey thereof to be made by a registered land surveyor; or

(ii) The owner of property upon which a fence now exists, or the property owner on which the fence is to be constructed and the owner(s) of the adjoining properties enter into an agreement regarding the location of the fence to be recorded with the titles of the respective properties, subject to approval of an administrative permit.

(c) No fences shall be placed on or extend into public right-of-way or onto public property.

(d) Fences in easements shall not impede the flow of water. If the City needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.

3. Construction and Maintenance:

(a) Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.

(b) Electric fences shall only be permitted in the Agricultural District when related to agriculture, and on farms in other districts when related to agricultural purposes, but not as boundary fences.

(c) Barbed wire fences shall only be permitted on farms related to agriculture.

(d) That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right-of-way.

4. Traffic Sight Visibility Triangle: On corner lots, no fence or screen shall be permitted within the area defined as the traffic sight visibility triangle by Section 11.70, Subdivision 16, Letter A of this Chapter.

5. Residential Fencing and Screening:

(a) Open for Passage: Except as provided herein, fences shall be at least 5% open for passage of air, light, and drainage.

(b) Setbacks from Public Rights of Way:

(1) Fences extending across front yards and side yards abutting a public right of way shall not exceed 48 inches in height and shall be at least 75% open space for the passage of air and light, and shall be set back a minimum of ten feet from any lot line abutting a public right-of-way, except where additional setback is required by Section 11.70, Subdivision 7, Letter C6d(2) or C6d(3) of this Chapter.

(2) A fence with a height greater than 48 inches or less than 75% open space may be constructed within a required rear yard of a double frontage lot and a side yard of a corner lot abutting a major collector or arterial street provided that:

(i) The fence shall be set back 15 feet from the property line abutting a major collector or arterial street.

11.70, Subd 7.C.5(b)(2)(ii)
(Rev. 2011)

- (ii) The fence along a side lot line abutting a major collector or arterial street right-of-way shall not extend into a required front yard and be no closer to the front lot line than a point intersecting the front line of the principal building.
 - (iii) A gate constructed of the same material as the fence shall be provided in the fence to allow for maintenance of the street side boulevard for interior lots.
- (3) All fences located within any required yard abutting a public right-of-way shall maintain the traffic visibility requirements of Section 11.70, Subdivision 16, Letter A of this Chapter.

6. Commercial, Institutional and Industrial Fencing:

(a) Location:

- (1) Commercial and Special districts: Except in a required front yard, or rear or side yard abutting a public street, fences may be erected up to eight feet in height. Fences in excess of eight feet, may be allowed by approval of a conditional use permit, but shall not be located within a required front yard.
- (2) Industrial districts:
 - (i) Fences may be erected up to a maximum of eight feet in height, except as may be allowed by approval of a conditional use.
 - (ii) Fences extending across front yards and side yards abutting a public right-of-way shall be at least 75% open space for the passage of air and light.

D. Residential Buffer Yards. Except for lots of record or preliminary platted lots having legal standing as of June 29, 2011, the following additional lot requirements and screening provisions shall be required for parcels abutting principal arterial, regional arterial, local arterial or regional collector streets as designated in the Pine Island Comprehensive Plan.

1. Lot and Setback Requirements.

(a) For double frontage lots where the rear yard abuts regional arterial, local arterial or regional collector street, the following standards shall apply:

	AG	R-1	R-2	R-3	R-4
Lot Depth	660 feet	140 feet	110 feet	140 feet	120 feet

(b) For corner lots where the side yard abuts regional arterial, local arterial or regional collector street, the following standards shall apply:

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	AG	R-1	R-2	R-3	R-4
Lot Width	660 feet	115 feet	90 feet	Single family: 100 feet Two family: 110 feet	120 feet

(c) For lots where the side or rear yard abuts regional arterial, local arterial or regional collector street, the following standards shall apply:

	AG	R-1	R-2	R-3	R-4
Side Yard Setback	50 feet	50 feet	45 feet	45 feet	50 feet
Rear Yard Setback	50 feet	50 feet	45 feet	45 feet	50 feet

(d) For double frontage lots where the rear yard abuts a principal arterial street, the following standards shall apply:

	AG	R-1	R-2	R-3	R-4
Lot Depth	660 feet	160 feet	130 feet	160 feet	140 feet

(e) For corner lots where the side yard abuts a principal arterial street, the following standards shall apply:

	AG	R-1	R-2	R-3	R-4
Lot Width	660 feet	135 feet	110 feet	Single family: 120 feet Two family: 130 feet	140 feet

(f) For lots where the front, side or rear yard abuts a principal arterial street, the following standards shall apply:

	AG	R-1	R-2	R-3	R-4
Front Yard Setback	70 feet				
Side Yard Setback	70 feet				
Rear Yard Setback	70 feet				

2. Easement: A drainage and utility easement shall be established over the full depth and width of the required buffer yard encompassing all plantings and the slopes of earth berms required by this Section. No structure shall be installed within the easement other than a fence as may be allowed by this Chapter or a residential fence on a single lot located no closer to the right of way than the top of the interior slope of a berm or on the interior side of plantings required by this Section.

**11.70, Subd 7.D.3
(Rev. 2011)**

3. Screening Plan Required: For applicable subdivisions, a comprehensive screening plan shall be submitted. The plan shall identify all proposed buffer screening in both plan and sectional view. A certified grading plan shall be provided prior to installation of any plantings to verify consistency with the approved grading and screening plan.

4. Timing/Responsibility of Installation: Weather permitting, all buffers, berms, and/or plantings shall be constructed or planted prior to the issuance of a final certificate of occupancy.

5. Maintenance:

(a) Maintenance of the buffer yard berms, plantings, and/or fences shall be the responsibility of the individual property owners or, if applicable, the homeowners' association.

(b) All repairs to the screening wall or fence shall be consistent with the original screening wall or fence design in regard to location and appearance.

(c) Replacement of landscape materials or plantings in a buffer yard area shall be consistent with the approved buffer yard screening plan.

(d) All repair or plant replacement shall be done within 45 days of written notification from the City or if applicable, the homeowners' association.

6. Design Standards:

(a) Buffer Yards: Except where natural vegetation is acceptable, buffer yards shall contain a combination of earth berms, plantings, or privacy fencing of a sufficient density to provide a minimum visual screen and a reasonable buffer to the following heights:

(1) Regional arterial, local arterial and regional collector streets: Ten feet.

(2) Principal arterial streets: 12 feet.

(3) The height of the berm shall be measured along a line drawn at the back of the curb of the roadway, or the edge of bituminous, to the ground elevation at the rear line of the building pad to the peak of the berm.

(4) Where the grade elevation of the first floor of the building for which the buffer is providing protection is more than ten feet above the grade of an adjacent regional arterial, local arterial or regional collector street or 12 feet above the grade of an adjacent principal arterial street, the minimum screening height requirements of this Section shall not apply.

(5) Where the grade elevation of the first floor of the building for which the buffer is providing protection is more than six feet below the centerline grade of an adjacent regional arterial, local arterial, regional collector or principal arterial street, the minimum screening height requirements shall be reduced by four feet along regional arterial, local arterial and regional collector streets or by six feet along principal arterial streets.

11.70, Subd 7.D.6(b)
(Rev. 2011)

(b) Plantings: All designated buffer yards must be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the Zoning Administrator. All plantings within designated buffer yards shall adhere to the following:

- (1)** Plant material centers shall not be located closer than five feet from the fence line or property line, and shall not conflict with public plantings, sidewalks, trails, etc.
- (2)** Landscape screen plant material shall be in two or more rows. Plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
- (3)** Shrubs shall be arranged to lessen the visual gaps between trees. Along principal arterial streets, all plantings of deciduous trees shall be supplemented with shrubs such that the buffer yard contains a continuous band of plants.
- (4)** Deciduous shrubs shall not be planted more than four feet on center, and/or evergreen shrubs shall not be planted more than three feet on center.
- (5)** Deciduous trees intended for screening shall be planted not more than 40 feet apart. Evergreen trees intended for screening shall be planted not more than 15 feet apart.

(c) Walls and Fences: All walls and fences erected within designated buffer yards shall meet the following conditions:

- (1)** Walls and fences formally approved as part of the Subdivision and site plan process shall conform to all of the requirements of this Section.
- (2)** At least 50% of the street side of a screening fence shall be landscaped with plant materials. Plant materials shall be at least equal to the fence height.
- (3)** Fences may be exposed no more than a maximum length of 20 feet between landscaping areas or clusters.
- (4)** For interior lots, a gate constructed of the same material as the fence shall be provided in the wall or fence to allow for maintenance of the street side boulevard.
- (5)** Fences and landscaping shall not be located within the "traffic sight visibility triangle" as defined in Section 11.70, Subdivision 16 of this Chapter.

(d) Earth Berms: Earth berms within designated buffer yards shall adhere to the following:

- (1) Except in areas of steep slopes or where other topographic features will not permit, as determined by the City Engineer, an earth berm shall be installed in all designated buffer yards in accordance with the following minimum height requirements:
 - (i) Regional arterial, local arterial and regional collector streets: Four feet.
 - (ii) Principal arterial streets: Six feet.
- (2) The slope of the earth berm shall not exceed a three to one (3:1) slope unless approved by the City Engineer.
- (3) The earth berm shall contain no less than four inches of topsoil.

Subd. 8. Permitted Encroachments.

The following shall be considered as permitted encroachments on setback and height requirements except as provided in this Chapter.

A. In Any Yard: Posts, off-street open parking spaces, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended. Decks are also exempted from the rear yard setback requirements except that a deck may not be located closer than 20 feet from the rear property line.

B. Required Front Yard Setback Exceptions: The principal building setback requirements for front and side yards adjacent to a public right-of-way, as established by the respective zoning districts, may be reduced upon the approval of an administrative permit, to a distance equaling the average setback of principal buildings within the block frontage in which the lot is located. In no case shall this distance be less than 15 feet, nor shall a principal structure be placed more than seven feet beyond the setback of any principal structure on a directly abutting lot.

Subd. 9. Accessory Buildings and Structures.

A. In All Districts.

1. Accessory buildings shall not be constructed prior to or in lieu of the principal building.

2. Any accessory building shall be considered as an integral part of the principal building if it is located less than six feet from the principal building.

**11.70, Subd 9.A.3
(Rev. 2011)**

3. Conditional Use Permit Required. No building permit shall be issued for the construction of more than one detached accessory building on a single parcel in addition to one private garage (attached or detached), except by conditional use permit.

4. Site Plan Approval.

(a) Zoning Permit Required: Detached accessory buildings not exceeding 120 square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this Chapter. The Zoning Administrator or designee shall review the site plan and construction drawings to determine compliance with this Chapter and other applicable ordinances, laws, and regulations.

(b) Building Permit Required: Detached accessory buildings greater than 120 square feet in floor area shall require a building permit. The building official shall review the site plan and construction drawings to determine compliance with the building code and other applicable ordinances, laws, and regulations.

(c) Conditional Use Permit Required: Detached accessory buildings greater than 1,127 square feet in floor area shall require a conditional use permit in addition to a building permit. The building official shall review the site plan and construction drawings to determine compliance with the building code and other applicable ordinances, laws, and regulations.

(1) Maximum allowable sizes for accessory structures.

<u>Lot Size:</u>	<u>Maximum Structure Size:</u>
30,000 sq. ft. and under	1,127 sq. ft.
30,001 - 1½ acres	1,350 sq. ft.
Over 1½ acres	1,500 sq. ft.

The lot size limits only applies to lots of record (platted lots). Accessory structures of more than 1,127 square feet may be considered on lots over 30,000 square feet but shall be subject to design review as part of the conditional use permit. The City reserves the right to reject any accessory structure it deems may have an adverse effect on surrounding areas.

These limits will only be applied to lots that already contain an existing principal residential structure, or for building permits for both principal, and accessory structures that are issued at the same time.

All other zoning and building code requirements for accessory structures shall be in effect.

(d) Support documents: The following documents shall be submitted along with completed application.

(1) Two sets of proposed building plans.

(2) Site plan showing proposed building set-backs from property line and set-backs of existing structures if any.

(3) Elevation plans showing building colors and construction material.

(4) Other related documents and plans.

B. In Agricultural Districts.

1. Accessory buildings shall not be located nearer than ten feet from the side or rear yard lot line or from the residential structure. Accessory buildings and storage sheds that are oriented so that vehicle access is directly straight in off of a public street or alley adjacent to the side or rear lot line shall be set back not less than 25 feet from the side or rear lot line abutting the public street or alley.

C. In Residential Districts.

1. Accessory buildings and storage sheds less than 200 square feet in size and do not have direct access onto a public street or alley, shall be placed in the rear yard of residential lots no closer than five feet from rear and/or side yard lines. Accessory buildings and storage sheds less than 200 square feet in size that are oriented so that vehicle access is directly straight in off of a public street or alley adjacent to the side or rear lot line shall be set back not less than 20 feet from the side or rear lot line abutting the public street or alley. For the purposes of this amendment the rear yard begins at a point located at the center of the principal building's side walls and goes back to the rear lot line.

2. Accessory buildings and storage sheds 200 square feet in size and larger and do not have direct access onto a public street or alley, shall be placed in the rear yard of residential lots no closer than five feet from rear and/or side yard lines. Accessory buildings and storage sheds 200 square feet in size and larger, that are oriented so that vehicle access is directly straight in off of a public street or alley adjacent to the side or rear lot line shall be set back not less than 20 feet from the side or rear lot line abutting the public street or alley. For the purposes of this amendment the rear yard begins at a point located at the center of the principal building's side walls and goes back to the rear lot line.

3. No accessory building shall exceed the height of the principal building.

4. Detached utility sheds or sheds attached to a principal structure separated from the principal structure by a wall may be permitted by conditional use permit. If detached, they shall not be located closer than ten feet from the principal structure. A concrete slab or other suitable foundation shall be required. Such sheds shall not be larger than 200 square feet in area.

5. No private garage used or intended for the storage of automobiles shall exceed 1,120 square feet of gross area, or 28 feet by 40 feet in size, nor shall any side of such garage exceed 40 linear feet. Further, no door or other access opening on such garages shall exceed ten feet.

6. Accessory buildings shall not occupy more than 25% of the rear yard.

7. Pole type buildings shall not be allowed to be constructed in any residential area.

8. The City hereby opts-out of the requirements of Minnesota Statutes, Section 462.3593 authorizing and regulating "Temporary Family Health Care Dwellings." (Added, Ord. No. 134, 08-16-16)

D. In Commercial, Industrial and Special Districts.

1. No accessory building shall exceed the height of the principal building except by conditional use permit.

2. Accessory buildings may be located any place to the rear of the principal buildings, subject to the Building Code and fire zone regulations, except where prohibited by other Sections of this Chapter.

Subd. 10. Dwelling Units Prohibited.

No basement, garage, tent, trailer, recreational vehicles or accessory building shall be used as a permanent dwelling. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

Subd. 11. Relocating Structures.

A. Permit Required. Every licensed house mover shall, in each and every instance, before raising, holding up or moving any building either into, within, or from the City, obtain a permit from the City Administrator. An application for such permit shall designate the lot on which the house is to be located, or removed from, the dimensions of the lot, and the proposed location of the structure on the lot, along with setback distance. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the appropriate City authorities:

1. The building to be moved must comply in all respects with the zoning provisions of the City Code and other applicable State laws and Codes.
2. The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.
3. The building must be placed on the lot so as to meet all the front, side and rear yard requirements as set forth in this Chapter.

B. Application Procedure. The City Administrator shall submit the application to the Planning Commission for approval and recommendations to the Council at the next meeting of said Commission. The Planning Commission and the Council, in determining whether to grant such permit, shall consider the effect of the proposed use on the Comprehensive Plan and on the health, safety, and general welfare of the occupants of surrounding lands. Among other things, the Planning Commission and the Council shall make the following findings where applicable:

1. That the use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area;
2. That the use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land, so that existing homes will not be depreciated in value, and there will be no deterrence to development of vacant land;
3. That the structure and site shall have an appearance which will not have an adverse effect upon adjacent residential properties;

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4. That the use, in the opinion of the Council, is reasonably related to the overall needs of the City and to the existing land use;
5. That the use is consistent with the purposes in this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use;
6. That the use is not in conflict with the Comprehensive Plan of the City;
7. That the use will not cause traffic hazard or congestion;
8. That adequate utilities, access roads, drainage, and necessary facilities have been or will be provided.

Subd. 12. Soil Erosion and Sedimentation Control.

A. General Standards.

1. All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.
2. Slopes over 18% in grade shall not be developed.
3. Development on slopes with a grade between 12% and 18% shall be carefully reviewed to insure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.
4. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
5. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time and no exposure shall exceed 60 days unless extended by the Council.
6. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The topsoil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.
7. The natural drainage system shall be used as far as is feasible for storage and flow of runoff. Stormwater drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of stormwater to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for stormwater shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost.

8. Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the City within five days of receiving notification of such. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

B. Exposed Slopes. The following control measures shall be taken to control erosion during construction:

1. No exposed slopes should be steeper in grade than four feet horizontal to one foot vertical.

2. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.

3. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron a gravel energy dissipator should be installed to prevent erosion at the discharge end.

4. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree at the slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into the soil to provide additional slope stability.

5. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

Subd. 13. Preservation of Natural Drainageways.

A. Waterways.

1. Every effort shall be made to retain the natural drainage systems in the City including existing wetlands and ponds. The natural drainage system shall be maintained by the City. Above-ground runoff disposal waterways may be constructed to augment the natural drainage system.

2. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

3. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

4. The banks of the waterway shall be protected with a permanent vegetation.
5. The banks of the waterway should not exceed four feet horizontal to one foot vertical in gradient.
6. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
7. The bend of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials of concrete. The rip rap shall be no smaller than two inches square nor no larger than two feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
8. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

B. Sediment Control of Waterways.

1. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
2. Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a 25 year storm.
3. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

Subd. 14. Tree and Woodland Preservation.

A. General Provisions.

1. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.
2. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, they will restore the density of trees to that which existed before development.

11.70, Subd 14.A.3
(Rev. 2011)

3. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

4. Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

5. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or diseased trees shall not be prohibited.

Subd. 15. Wetland Preservation.

A. General Provisions. To the extent possible, all wetlands including marshlands and swamps shall be retained in their natural state to serve as a stormwater runoff basin and also as a wildlife habitat.

B. Discharges Into Wetlands.

1. No part of any sewage disposal system requiring on-land or in-ground disposal of waste shall be located closer than 150 feet from the normal high water mark unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.

2. Organic and other waste which would normally be disposed of at a solid waste disposal site or which would normally be discharged into a sewage disposal system or sewer shall not be directly or indirectly discharged to the wetland.

3. Stormwater runoff from construction sites may be directed to the wetland only when substantially free of silt, debris and chemical pollutants and only at rates which will not disturb vegetation or increase turbidity.

C. Building Constraints.

1. The lowest floor elevation of buildings if used for living quarters or work area shall be at least three feet above the seasonal high water level of the wetland.

2. Development which will result in unusual road maintenance costs or utility line breakages due to solid limitations, including high frost action, shall not be permitted.

3. The minimum setback for all buildings shall be 75 feet from the seasonal high water level of the wetland.

Subd. 16. Traffic Control.

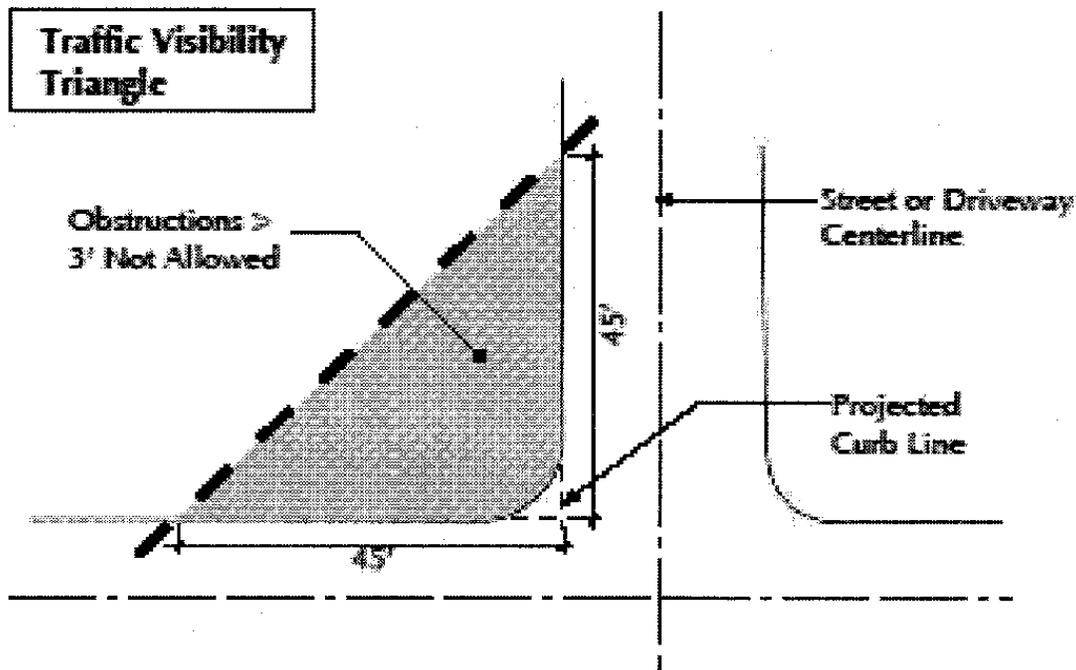
The traffic generated by any use shall be channeled and controlled in a manner that will avoid: (1) congestion on the public streets; (2) traffic hazards; and (3) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall, to the extent possible, be forward moving with no backing into streets.

A. Traffic Sight Visibility Triangle.

1. Screening; Obstruction of View: Except as may be approved by the Zoning Administrator, and except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into a yard or right of way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway.

2. Visibility From Street or Driveway: Visibility from any street or driveway shall be unobstructed above a height of three feet, measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two intersecting streets or drives, thence 45 feet along one curb line, thence diagonally to a point 45 feet from the point of beginning along the other curb line.

3. Exceptions:



11.70, Subd 16.A.3(a)
(Rev. 2011)

(a) Trees, plantings or landscape arrangements within the area described by this Section that will not create a total obstruction higher than three feet shall be allowed.

(b) Properties within the C-1 Central Business District shall be exempt from the provisions of Subsection 2 of this Section.

Subd. 17. Vacated Streets.

Whenever any street, alley, easement or public way is vacated by official action, the Zoning District abutting the centerline of the said vacated area shall not be affected by such proceeding.

Subd. 18. Access Drives and Access.

A. Access drives may be located adjacent to property lines except that they shall not be placed closer than five feet to any side or rear lot line. The number and types of access drives onto major streets may be controlled and limited by the City Council in the interest of public safety and efficient traffic flow.

B. Access drives onto County roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

C. Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Zoning Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards. All driveways shall have a minimum width of ten feet with a road strength capable of supporting emergency and fire vehicles.

D. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the Council.

Subd. 19. Private Sewer Systems.

The standards as found in Minnesota Pollution Control Agency's Standards for Sewage Treatment 6MCAR 4.8040 are hereby adopted by reference. If there are any inconsistencies between the standards found in this chapter and the State Standards, or if the State Standards are amended, the State Standards as amended shall govern.

Subd. 20. Manufactured/Mobile Homes.

A. Standards. Manufactured homes shall be permitted in the A, R-1, R-2 and R-3 Districts provided they meet the following minimum standards:

1. Is 24 feet in width.
2. Has a minimum floor area of 800 square feet.

3. The dwelling is placed on a permanent foundation.

4. All other requirements of State law and City Code provisions are met.

5. All manufactured homes moved into and/or relocated within the City of Pine Island shall meet all applicable local and state building codes. This subsection also applies to all manufactured homes built prior to July 1, 1972 and being moved into or within City limits. (Added, Ord. 9-19-06)

Subd. 21. Manufactured/Mobile Home Parks.

A. Purpose. It is the purpose of this Subdivision to permit the development of mobile/manufactured home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such development.

B. Location. A manufactured park or subdivision may be established in the R-3 Urban Residential and R-4 Multi-family Residential districts.

C. Permit Required. A conditional use permit is required to establish and operate a manufactured home park within the City.

D. Permit Transfer. Every person holding a conditional use permit shall give notice in writing to the Zoning Administrator within 72 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured home park. Such notice must include the name and address of the person succeeding to the ownership or control of such manufactured home park. A permit may only be transferred upon application to, and approval by, the Council.

E. Application Requirements and Procedures. All applications for a conditional use permit shall be submitted to the Zoning Administrator and approved by the Council following the procedures established in Section 11.17. The application for a conditional use permit shall be accompanied by plans including the following information:

1. Location and size of manufactured home park.

2. Location, size, and character of all manufactured home lots, manufactured home stands, storage areas, recreation areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites, and all setback dimensions.

3. Detailed landscaping plans and specifications.

4. Location and width of sidewalks.

5. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service, and gas service.

6. Plans for an overhead street lighting system shall be submitted for approval by the City Engineer.

7. The method of disposing of garbage and refuse.

8. Location and size of all streets abutting the manufactured home park and all driveways from such streets to the park.
9. Plans and specifications from all road construction within the park or directly related to park operation.
10. Floor plans of all service buildings to be constructed within the manufactured home park.
11. Such other information as may be required or requested by the Council.

F. Construction and Installation Standards. All manufactured homes within a park shall be subject to and meet the construction, plumbing, electrical and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute identified as ANSI A119.1 or the provisions of the National Fire Protection Association identified as NFPA 501B and any revisions thereto and shall be certified to these standards by a seal affixed to the manufactured home.

G. Performance Standards for Manufactured Home Parks.

1. All manufactured homes shall be properly connected to the City water system and sanitary sewer system in conformance to standards adopted by the Minnesota Pollution Control Agency. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the City Engineer.
2. Each manufactured home park shall maintain a hard-surfaced off-street overload parking lot for guests of occupants in the amount of one space for each five sites and located within 300 feet of the unit to be served.
3. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. Plans for the disposal of surface storm water shall be approved by the City Engineer.
4. A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
5. Every structure in the manufactured home park shall be developed and maintained in a safe, approved, and substantial manner. The exterior of every structure shall be kept in good repair. All of said structures must be constructed to meet existing City Code provisions. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.

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6. The area beneath all manufactured homes shall be enclosed with a material that shall be generally uniform through the entire manufactured home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related manufactured home equipment.

7. Each manufactured home park shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the manufactured home or within the utility enclosure that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a manufactured home lot which is occupied by a manufactured home nor upon the streets within the manufactured home park.

8. Signs shall be limited to one nameplate or identification sign not to exceed 25 square feet, with lighting, height and location as approved by the Zoning Administrator and have a 15 foot setback from the front line.

9. Each manufactured home park shall have at least 10% of the land area developed for recreational use. Development of such recreational land shall be approved by the Council and the cost and maintenance shall be at the owner/operator's expense.

10. Each manufactured home park shall have one or more central community buildings to serve primarily as an emergency weather shelter which shall be provided with central heating which must be maintained in a safe, clean, and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, public telephones, and public mail boxes, in addition to public toilets and lavatory. For each 100 manufactured home lots or fractional part thereof, there shall be one flush toilet and one lavatory for each sex.

11. All structures being placed in the park shall require a permit.

H. Manufactured Home Park Lots.

1. Each manufactured home site shall contain at least 5,000 square feet of land area for the exclusive use of the occupant and shall be at least 50 feet wide.

2. Manufactured homes shall be placed upon lots so that there shall be at least ten feet from the side lot line, 20 feet between the front of the manufactured home and front lot line, and 25 feet between the rear of the manufactured home and the rear lot lines.

3. The area occupied by a manufactured home shall not exceed 50% of the total area of a manufactured home site; land may be occupied by a manufactured home, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or storage shed.

4. The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half the width of the site.

5. Each manufactured home lot shall have hard-surfaced off-street parking space for at least two automobiles. Each space shall be ten feet by 20 feet minimum.

6. No more than two motor vehicles shall be stored or kept on any manufactured home lot. No vehicle shall be dismantled, nor shall mechanical work except of a very minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored, or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park, and then it shall not be parked in that condition for a period of more than seven days.

7. The corners of each manufactured home lot shall be clearly marked and each site shall be numbered.

8. Each site shall be properly landscaped with at least one tree, hedges, grass, fences, windbreaks, and the like.

I. Manufactured Home Stands. The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

1. The manufactured home stands shall not heave, shift, or settle unevenly under the weight of the manufactured home, due to the frost action, inadequate drainage, vibration, or other forces acting upon the structure.

2. The manufactured home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the manufactured home.

3. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of 2,800 pounds or as approved by the current Minnesota State Uniform Manufactured Home Standards Code, whichever is more restrictive.

J. Park Management.

1. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.

2. The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

3. An adult caretaker must be present at all times and is responsible for the maintenance of the park at all times.

4. Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.

11.70, Subd 21.J.5
(Rev. 2011)

5. The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by number and letter also.

6. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means, said lot limits shall be approximately the same as shown on the accepted basis.

7. A map of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.

8. No public address or loudspeaker system shall be permitted.

9. Dogs and animals shall not be permitted to run at large within the manufactured home park.

10. It is unlawful for any person to erect, place, construct, reconstruct, relocate, alter, maintain, use, or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.

11. The park management shall provide for the weekly collection and disposal of garbage, waste and trash as approved by the City.

K. Non-complying mobile/manufactured home parks.

1. Notwithstanding anything to the contrary contained in paragraphs A to J of this Subdivision 23, any mobile/manufactured home park or section or phase of a mobile/manufactured home parks constructed prior to January 1, 1995, is not required to comply with the provisions contained in this subdivision that regulate density, lot-size requirements, or manufactured home set back requirements, and will be considered a "Valid Non-Complying Mobile/Manufactured Home Park" provided that the following conditions are met:

(a) The mobile/manufactured home park must comply with all laws, statutes, regulations, requirements and rules promulgated by the State of Minnesota, the State Health Department, and all other administrative agencies of the State of Minnesota.

(b) The mobile/manufactured home park must comply with all laws, statutes, regulations, requirements and rules promulgated by the Federal Government of the United States of America, and all administrative agencies of the United States of America.

(c) The mobile/manufactured home park must have complied with all City Ordinances of the City of Pine Island at the time it was constructed.

(d) If the mobile/manufactured home park was constructed in phases or sections, each particular section or phase of the mobile/manufactured home park must have complied with the then existing City Ordinances of the City of Pine Island when each such section or phase was constructed.

**11.70, Subd 21.K.2
(Rev. 2011)**

2. If the mobile/manufactured home park was not in compliance with all City Ordinances at the time it was constructed (or in the event the park was constructed in sections or phases, if a section or phase was not in compliance with all City Ordinances at the time such section or phase was constructed) then the mobile/manufactured home park (or the section or phase of the mobile/manufactured home park) is to be considered not in compliance with City Ordinances and must be reconstructed in compliance with this Subdivision 23 in order to continue to operate as a mobile/manufactured home park. In such an event, the provisions contained in paragraph K.1 allowing a Valid Non-Complying Mobile/Manufactured Home Park do not apply.

3. All mobile/manufactured home parks constructed on or after January 1, 1995, must comply with this Subdivision 23. If the mobile/manufactured home park was constructed in sections or phases, each section or phase constructed on or after January 1, 1995, must comply with this Subdivision 23.

4. Any mobile/manufactured home park or any section or phase of any mobile/manufactured home park determined to be not in compliance with state or federal law (as required by paragraphs 1.a and 1.b above) shall be considered not in compliance with this Section 23. Said determination shall be made at the time this ordinance is being enforced and shall be made without regard to when the park was constructed. Any mobile/manufactured home park determined to be not in compliance with state or federal law must be reconstructed in compliance with this Subdivision 23 in order to continue to operate as a mobile/manufactured home park.

5. If any Valid Non-Complying Mobile/Manufactured Home Park is substantially destroyed for any reason, whether by natural events or by human acts and whether done voluntarily or involuntarily, it must be reconstructed in compliance with this Subdivision 23 in order to continue to operate as a mobile/manufactured home park. If only a portion of the park is substantially destroyed, then only that portion of the park will need to be reconstructed in compliance with Subdivision 23.

6. If any Valid Non-Complying Mobile/Manufactured Home Park is remodeled, reconstructed, or redesigned, the remodeling, reconstruction, or redesign project, must be accomplished in compliance with this Subdivision 23. Replacing an existing trailer with another trailer will not, in itself, be considered a remodeling, reconstruction or redesign project. However, replacing an existing trailer with a different trailer, in conjunction with other significant activities within the park may in the aggregate, if the totality of the circumstances warrant such a determination, be determined to be a remodeling, reconstruction or redesign project, which will require the mobile/manufactured home park to be brought in compliance with this Subdivision 23.

7. Any mobile/manufactured home installed in a Valid Non-Complying Mobile/Manufactured Home Park must comply with the City Ordinances that were in effect at the time that the Valid Non-Complying Mobile/Manufactured Home Park was constructed. If the mobile/manufactured home as installed does not comply with said Ordinances, the City may enforce said Ordinances against any person in violation thereof.

8. Nothing in this paragraph K shall be construed to compel a land-owner to reconstruct a mobile/ manufactured home park if landowner chooses to no longer use the land for the purpose of a mobile/manufactured home park.

11.70, Subd 21.K.9
(Rev. 2011)

9. For purposes of this paragraph K, the date a mobile/manufactured home park or section or phase of a mobile home park was "constructed" shall be deemed to be the date on which the construction was completed and the park, or section or phase of the park, was ready to be populated.

10. For purposes of this paragraph K, the term "section or phase" of a mobile/manufactured home park shall mean a portion of a mobile/manufactured home park that was constructed and initially populated during a time interval different from when other portions of the same mobile/manufactured home park as it currently exists was constructed and initially populated.

11. Enforcement of the above sub-paragraphs 2 to 10 shall be subject to any applicable statutes of limitations.

12. Enforcement of the above sub-paragraphs 2 to 10 shall be subject to any valid variances issued by the City of Pine Island.

13. Nothing in this paragraph K shall be construed as an implicit prohibition against the enforcement of any other valid City Ordinance.

14. Nothing in this paragraph K shall be construed to restrict the enforcement of any provision of this subdivision 23 that does not regulate density, lot-size requirements, or manufactured home set back requirements.

Subd. 22. Recreation Vehicles, Boats, Campers and Equipment.

A. Location. Recreation trailers shall not be occupied on the premises of any occupied dwelling or any residential lot; except, the parking of an occupied trailer on any private property or in any garage in any district may be allowed, provided that no permanent living quarters (occupancy exceeding ten days) shall be maintained or business practiced in the trailer.

B. Construction Use. A trailer or mobile home may be allowed as a conditional use in any district where the trailer is used as an office connected with construction where a permit has been granted for the construction work. Such conditional use permit shall be issued for a period not exceeding 180 days.

Subd. 23. Apartments, Townhouses and Other Multi-Family Structures.

A. All multi-family structures allowed in the R-4 District shall be subject to the following standards.

B. Standards for Multi-Family Buildings. All requests for building or conditional use permits shall be accompanied by a series of site plans and data showing:

1. Building locations, dimensions, and elevations, all signs, structures, entry areas, storage sites, and other structural improvements to the site.

2. Circulation plans for both pedestrian and vehicular and traffic.

3. Fences and screening devices.

4. Solid waste disposal provisions and facilities.
5. Storm drainage plans.
6. Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
7. Data pertaining to numbers of dwelling units, size, lot area, ratio, etc.
8. Exterior wall materials and design information.
9. A two foot contour topographical map at the existing site.
10. A grading plan illustrating the proposed grade changes from the original topographical map. All site area, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.
11. A recreation plan illustrating in detail all recreational facilities and structures.
12. A Landscape Plan. The site, when fully developed, shall be landscaped according to a plan approved by the Planning Commission. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas.
13. A soil erosion control plan for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery and/or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of eighteen percent (18%).

C. Performance Standards. Same as those listed in the R-3 District.

D. Parking Requirements.

1. One and one-half parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine feet wide and 20 feet in length, or as approved by the Zoning Administrator, and each space shall be served adequately with access drives.
2. Parking spaces shall not be located within ten feet of the side or rear lot line.
3. Bituminous concrete driveways and parking areas with concrete curbing shall be required.

E. Landscape Provisions.

1. The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.

2. A minimum of 20% of the site shall be landscaped.

F. Screening.

1. Screening to a height of at least five feet shall be required where: (1) any off-street parking area contains more than six parking spaces and is within 30 feet of an adjoining residential zone; and (2) where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential zone.

2. All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five feet high, but shall not extend within 15 feet of any street driveway or lot line.

3. Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrances of the building.

4. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.

G. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance of each exterior vertical surface.

H. General Buildings or Structural Requirements.

1. **Requirements for Exterior Wall Surfacing and Covering.** All multiple family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.

2. Each multiple family dwelling development containing more than four dwelling units shall include a play area, part of which shall be a paved surface.

3. Any blighting or deteriorating aspects of the multiple family dwelling development shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.

4. The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, either parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.

5. **Trash Incinerators and Garbage.** Except with townhouses and multiple family dwellings of four or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.

Subd. 24. Off-street Parking and Loading.

A. Surfacing and Drainage. Off-street parking areas, except for single-family residences, shall be so graded and drained as to dispose of all surface water accumulation within the area. Open sales lots for cars, trucks, and other equipment shall also be graded and drained, but the interior landscaping is not required.

B. Location. All accessory off-street parking facilities required herein shall be located as follows:

1. Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
2. Spaces accessory to the multiple family dwellings on the same lot as the principal use served or within 300 feet of the main entrance to the principal building served.
3. There shall be no off-street parking space within 20 feet of any street right-of-way.
4. No off-street open space parking area containing more than four parking spaces shall be located closer than 20 feet from an adjacent lot zoned or used for residential purposes.

C. General Provisions.

1. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock, or other non-finished surfacing shall be no closer than five feet to any side or rear lot line.
2. Each parking space shall not be less than nine feet wide and 20 feet in length.
3. Control of Off-Street Parking Facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the Council requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
4. Use of Parking Area. Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.
5. Parking shall not be allowed in areas not designated for off-street parking.

D. Design and Maintenance of Off-Street Parking Areas.

1. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed 30 feet in width and shall be so located as to cause the least interference with traffic movement.

11.70, Subd 24.D.2
(Rev. 2011)

2. **Curbing and Landscaping.** All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five feet from the side property line or a guard of normal bumper height not less than three feet from the side property line.

3. **Parking Space of Six or More Cars.** When a required off-street parking space for six cars or more is located adjacent to a Residential District, a fence approved by the Building Inspector shall be erected along the Residential District property line.

4. **Maintenance of Off-Street Parking Space.** It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space access ways, landscaping and required fences.

5. **Determination of Areas.** A parking space shall not be less than 300 square feet per vehicle of standing and maneuvering area.

E. Other Parking in Residential Areas. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes. Except for short term parking (eight hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile licenses.

F. Off-Street Space Required (One Space Equals 300 Square Feet).

1. **One and Two Family Residences.** Two spaces per dwelling unit.
2. **Multiple Dwellings.** One and one-half spaces per dwelling unit.
3. **Business and Professional Offices.** One space for each 200 square feet of gross floor space.
4. **Medical and Dental Clinics.** Five spaces per doctor or dentist, plus one space for each employee.
5. **Hotel or Motel.** One space per rental unit plus one space per full-time employee.
6. **Schools.**
 - (a) **Elementary Schools.** Two spaces for each classroom.
 - (b) **High School.** At least one parking space for each four students based on design capacity, plus one additional space for each classroom.
7. **Colleges.** At least one space for every two employees plus one space for every car permitted to students by the college.
8. **Hospital.** At least one parking space for each three hospital beds, plus one space for each four employees, other than doctors, plus one parking space for each resident and regular staff doctor.

11.70, Subd 24.F.9
(Rev. 2011)

9. Drive-in Food Establishment. One space for each 15 square feet of gross floor space in building allocated to drive-in operation.

10. Bowling Alley. Six spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant.

11. Automobile Service Station. At least two off-street parking spaces plus four off-street parking spaces for each service stall.

12. Retail Store. At least one off-street parking space for each 250 square feet of gross floor area.

13. Restaurants, Cafes, Bars. At least one space for each three seats based on capacity design.

14. Undertaking Establishments. Eight spaces for each chapel or parlor plus one space for each funeral vehicle maintained on the premises. Aisle space shall also be provided for the street of making up a funeral procession.

15. Theaters, Auditoriums, Mortuaries, Stadiums, Arenas, Dance Halls, and Other Places of Assembly. Spaces equal in number to one-third of the capacity in persons.

16. Churches. Spaces equal in number to one-third of the capacity in persons of the main sanctuary or auditorium plus provisions for supplementary parking space needs for other portions of the church facilities as determined by final site and building plans when reviewed by the Planning Commission.

17. Industrial, Warehouse, Storage, Handling of Bulk Goods. At least one space for each employee on maximum shift or one space for each 2,000 square feet of gross floor area, whichever is larger.

18. Uses Not Specifically Noted. As determined by the Council following review by the Planning Commission.

G. Off-Street Loading and Unloading Areas.

1. Location. All required berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least 25 feet from the intersection of two street rights-of-way and at least 50 feet from a Residential District unless within a building. Loading berths shall not occupy the required front yard space.

2. Size. Unless otherwise specified in this chapter, a required loading berth shall not be less than 12 feet in width, 50 feet in length and 14 feet in height, exclusive of aisle and maneuvering space.

3. Required Loading Spaces. Determined by the Council following review by the Planning Commission.

4. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

5. Surfacing. All loading berths and accessways shall be improved with a durable material to control the dust and drainage.

6. Accessory Use. Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this chapter shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

7. 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, there shall be provided off-street loading space.

8. Where noise from loading or unloading activity is audible in a Residential District, the activity shall terminate between the hours of 7:00 P.M. and 7:00 A.M. except for the loading and unloading of grain.

Subd. 25. Auto Service Station Standards.

A. Lot Size. A service station site shall be a minimum of 20,000 square feet in size.

B. Setbacks. The building or buildings shall be set back at least 35 feet from the street right-of-way. Near Residential Districts, the service station buildings, signs, and pumps shall be a minimum of 25 feet from adjoining property. In commercial areas, the structures shall be set back at least ten feet from adjoining property.

C. Curb and Gutters. Concrete curbs and gutters shall be installed on all streets giving access to the station. There shall be a six inch curb along all interior driveways.

D. Fencing and Screening. When adjacent to residential property, there shall be a screening fence. When adjacent to commercial property, there shall be a bumper-type fence about 18 inches high between the station and the adjacent commercial property.

E. Vehicles. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than 15 days.

F. Exterior Storage. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale and those items listed in Subparagraph I, below. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise.

G. Screening. All areas utilized for the storage or disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

H. Architecture. The station shall be of a design that is compatible with the surroundings.

**11.70, Subd 25.I.
(Rev. 2011)**

I. Outdoor Displays. The storage of used tires, batteries, and other such items for sale outside the building shall be controlled; such items shall be displayed in specially designated containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans, and other unsightly materials will not be permitted in an area subject to public view. **J. Lighting.** Lights shall be designed and placed in such a manner as to direct the light away from residential areas.

J. Lighting. Lights shall be designed and placed in such a manner as to direct the light away from residential areas.

K. Other Activities. Business activities not listed in the definition of service stations and not incidental to the business in this chapter are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: (1) automatic car and truck wash; (2) rental of vehicles, equipment, or trailers; and, (3) general retail sales. Gas pumps located at and a part of other types of business establishments shall require a conditional use permit.

Subd. 26. Drive-in Business Standards.

The following standards shall apply to drive-in businesses in all districts.

A. Design Standards.

1. The entire area of any drive-in business shall have a drainage system approved by the City Engineer.

2. The entire area other than that occupied by structures or planting shall be surfaced with a hard-surface material which will control dust and drainage.

3. A fence or screen of acceptable design not over six feet in height or less than four feet shall be constructed along the property line abutting a Residential District and such fence or screen shall be adequately maintained.

B. General.

1. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.

2. The hours of operation shall be set forth as a condition of any building permit for drive-in business.

3. Each drive-in business serving food may have outside seating.

4. Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one refuse receptacle per ten vehicle parking spaces within the parking area.

11.70, Subd 26.B.5
(Rev. 2011)

5. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within 300 feet of any residential dwelling unit.

6. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

C. Locations.

1. No drive-in business shall be located within 200 feet of a public or parochial school or church.

2. No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.

3. No drive-in shall be located on any street other than one designated as a thoroughfare or business service road in the policies plan.

D. Site Plan.

1. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.

2. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.

3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

4. The design of any structure shall be compatible with other structures in the surrounding area.

Subd. 27. Agricultural Operations.

All farms in existence upon the effective date of this chapter within the City limits shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained in these performance standards shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. Any structure exceeding \$500.00 in value to be erected on a farm shall require a building permit and conform to all requirements of the State Building Code. The Council may require any farm operator to secure a conditional use permit to expand or intensify said operations in the event of the following:

A. The farm is adjacent to, or within 400 feet of any dwelling unit and may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or similar nuisances.

B. The farming operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade.

Subd. 28. Home Occupations.

A. General. Home occupations shall be allowed as a conditional use in all Residential Districts subject to the following standards:

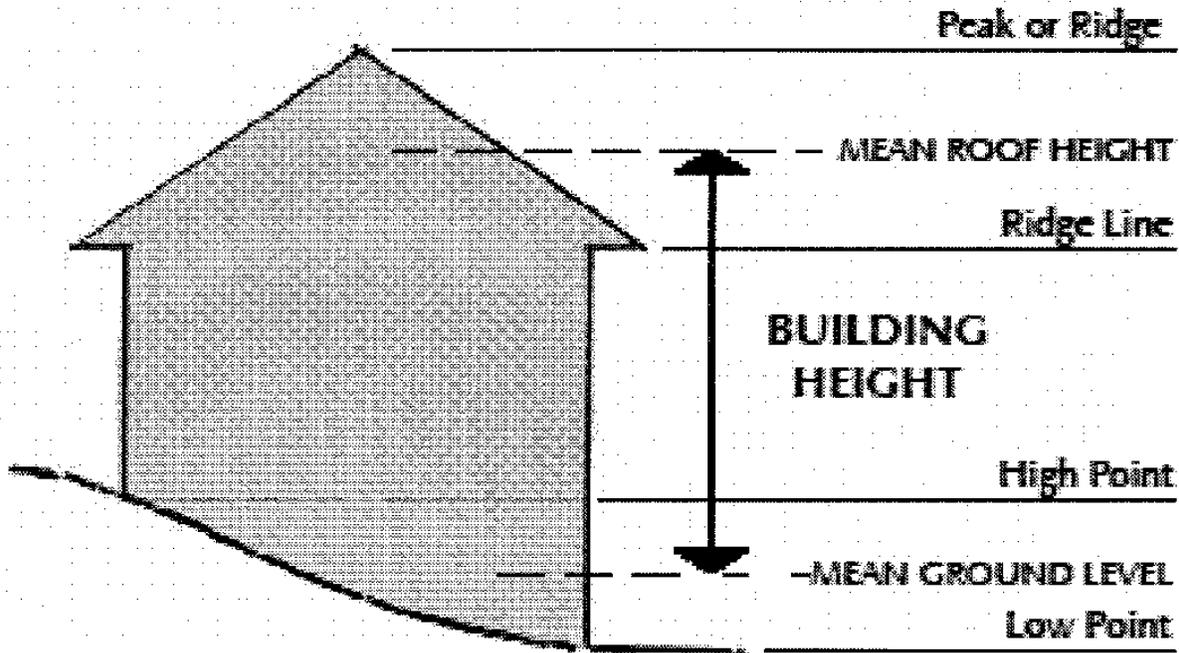
1. Not more than 25% of the gross floor area of the residence is used for this purpose.
2. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to permitted commercial service.
3. No articles for sale shall be displayed so as to be visible from any street.
4. No person is employed other than a member of the household residing on the premises.
5. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered.
6. No outside storage of material shall be allowed.
7. Conducting of the home occupation shall result in no change of outside appearance of the building.
8. Signs, not exceeding two square feet shall be allowed on the premises.
9. The home occupation shall conform to the standards in the State Building Code and the Uniform Fire Code.

B. Retail Sales. Home occupations allowing retail sales or employment of persons other than the members of the household residing on the premises may be permitted by conditional use permit if the following conditions are met:

1. Such occupation is carried on in the principal building.
2. Not more than 25% of the gross floor area of the residence is used for this purpose.
3. No articles for sale shall be displayed so as to be visible from any street.
4. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired residential environment of the neighborhood or if the health and safety of the residents is endangered.
5. Such occupation does not generate more than two vehicles at one time.
6. Such occupation must provide off-street parking.

Subd. 29. Building Height.

A. "Building height" shall be defined for the purposes of this Chapter as a distance measured from the mean ground level to the mean height of the roof as follows:



B. The specific regulation of building height within the various zoning districts shall be as set forth in those sections of this Chapter.

C. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25% of the area of such roof nor exceed ten feet unless otherwise noted.

D. The building height limits established herein for districts shall not apply to the following:

1. Belfries.
2. Church spires.
3. Cupolas and domes which do not contain usable space.
4. Clock towers.
5. Flagpoles.
6. Parapet walls extending not more than three feet above the limiting height of the

building.

7. Poles, towers and other structures for essential services.
8. Necessary mechanical and electrical appurtenances, including, but not limited to, chimneys or flues, cooling towers or elevator penthouses.
9. Agricultural buildings on farm properties.
10. Grain elevator.
11. Wind energy conversion system towers as regulated by Section 11.73, Subdivision 2 of this Chapter.
12. Monuments and scenery lofts.

Subd. 30. Single Family Dwellings.

All single-family detached homes except in approved manufactured home parks shall:

A. State Building Code: Be constructed upon a continuous perimeter foundation that meets the requirements of the State Building Code.

B. Measurements: Not be less than 30 feet in length and not less than 22 feet in width over that entire minimum length. Width measurements shall not take into account overhangs and other projections beyond the principal walls. Dwellings shall also meet the minimum floor area requirements as set out in this Chapter.

C. Roof: Have an earth covered, composition, metal, shingled or tiled roof.

D. Receive A Building Permit: The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used, and the delineation of future deck, porch and/or garage additions whether or not such construction is intended. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to adversely affect the public health, safety or general welfare.

E. Requirements: Meet the requirements of the State Building Code or the applicable manufactured housing code.

Subd. 31. Animals.

A. Purpose. The purpose of this Section is to provide standards for the keeping of animals in association with various allowed uses in a manner compatible with surrounding uses and consistent with the health, safety, and general welfare of the community.

B. Keeping Animals. The following animals may be kept in the City:

**11.70, Subd 31.B.1
(Rev. 2011)**

1. The keeping of house pets is a permitted accessory use in all agriculture/rural and residential zoning districts.

(a) Not more than three dogs over six months of age shall be allowed to be kept except as a licensed kennel allowed within the respective zoning district in which the animals are located.

2. The keeping of horses is a permitted accessory use in all Agricultural District provided:

(a) The minimum lot size is two and one-half acres.

(b) The number of horses does not exceed one per acre unless a higher number is granted by the issuance of a conditional use permit.

3. The keeping of farm animals in numbers or conditions not defined as an "animal feedlot" is an allowed activity on all farm property. Farm animals may not be confined in a pen, feedlot or building within 100 feet of any residential dwelling not owned or leased by the farmer. Uses defined as animal feedlots shall be regulated by Section 11.70, Subdivision 31, Letter C of this Chapter.

4. With the exception of the keeping of animals allowed by Subsections 1, 2, and 3 of this Subdivision, no other animals are allowed except by interim use permit as regulated under the provisions of Section 11.18 of this Chapter.

5. Animals may only be kept as a kennel defined by this Chapter or otherwise for commercial purposes if authorized in the zoning district in which the animals are located.

6. Animals may not be kept if they cause a nuisance or endanger the health or safety of the community.

C. Animal Feedlots.

1. Purpose: The purpose of this subsection is to provide for the operation of animal feedlots within the city of Pine Island as to:

(a) Prohibit establishment of new animal feedlots or expansion of existing animal feedlots to levels not compatible with the existing or planned character of the City.

(b) Allow for continuance of existing animal feedlots at present intensities in agricultural zoned areas while protecting land use compatibility in recognition of ongoing growth and development of the community.

(c) Provide regulations that can be applied in an equitable manner to promote best farm management practices, protect valuable ground and surface water resources, minimize environmental effects and protect human and animal health, safety and welfare.

2. Feedlots Prohibited:

11.70, Subd 31.C.2(a)
(Rev. 2011)

(a) No new animal feedlots shall be established within the City after June 21, 2011.

(b) No animal feedlot established prior to June 21, 2011, shall be allowed to expand its operations beyond its permitted level on June 21, 2011, subject to Section 11.70, Subdivision 31, Letter C3 of this Chapter.

(c) No farm property or other property allowed to keep farm animals with ten animal units or less established prior to June 21, 2011, shall expand to more than ten animal units.

3. Nonconforming Use: Animal feedlots established prior to June 21, 2011, may continue operations as legal nonconforming uses as allowed by Section 11.03 of this Chapter. For the purposes of interpreting expansion of a nonconforming use applicable only to this subdivision, only those activities or actions that result or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in the capacity of a manure storage area shall be considered to be an expansion of the use and are prohibited.

4. Performance Standards:

(a) Setbacks:

(1) The following setbacks shall be required for all manure storage facilities, stockpiles and application in addition to the requirements of the zoning district in which the use is located:

Category	Animal Building	Manure Storage/Stockpile	Manure Application
Public lake	1,000 feet	1,000 feet	1,000 feet
Public river or stream, public or private ditch	300 feet	300 feet	300 feet
Wells serving the public, schools or childcare centers	200 feet	200 feet	200 feet
Private wells	100 feet	100 feet	100 feet
Public street	300 feet	300 feet	300 feet
Residence other than owned by the feedlot owner/operator	100 feet	100 feet	100 feet
Wetland	75 feet	75 feet	75 feet

(2) Within the Agricultural District, no new residential dwelling shall be constructed within 1,000 feet of an existing animal feedlot except dwellings constructed as a principal residence on the same parcel and under the same ownership of the owner of the animal feedlot.

(3) The separation distances established between an animal feedlot and the categories of uses established by Section 11.70, Subdivision 31, Letter C4a(1) and Letter C4a(2) of this Chapter shall be measured from the perimeter of the animal feedlot, manure storage facility or stockpile or land application to the nearest structure or boundary of the referenced category.

5. Facility Closure:

(a) The landowner, owner and operator of an animal feedlot shall have joint and several liability for closure or remediation of discontinued feedlot operations.

(b) If an animal feedlot ceases operation, the responsible parties shall provide for the following:

(1) All manure from the animal feedlot and its storage facilities shall be removed and applied or disposed of in some other permissible manner within a period not to exceed one year.

(2) The City and the county feedlot officer shall be notified within 60 days that the animal feedlot has ceased operations and that the property is in compliance with this Section.

6. Other Requirements: Compliance with all federal, state and local statutes, rules, codes, ordinances, requirements and standards shall be required.

7. Emergency Notification: In the event of a manure leak or spill, the owner, operator or individual responsible for the transport and application of manure shall immediately notify the City of Pine Island, Minnesota Duty Officer and either the Olmsted County or Goodhue feedlot officer and shall take appropriate actions in accordance with those agencies to prevent harm to public safety, health, and welfare.

Subd. 32. Minimum Floor Area Per Dwelling Unit.

A. Single-Family Dwelling Units: Except as otherwise specified in the zoning district provisions, or except as allowed by conditional use permit based upon justifiable cause, single-family dwelling units as classified below shall have at least three livable rooms contained in each dwelling unit and shall have the following minimum floor areas per unit.

1 and 2 bedroom	816 square feet above grade
3 bedrooms or more	960 square feet above grade

B. Multiple-family Dwelling Units: Except as otherwise specified in zoning district provisions, or except as allowed by conditional use permit based upon justifiable cause, living units classified as multiple dwelling (excepting senior housing) shall have the following minimum floor areas per unit:

Efficiency units	500 square feet
1 bedroom units	700 square feet
2 bedroom units	800 square feet
More than 2 bedroom units	An additional 80 square feet for each additional bedroom

11.70, Subd 32.C
(Rev. 2011)

C. Senior Housing Dwelling Units: Except as otherwise specified in the Zoning District provisions, or except as allowed by Conditional Use Permit based upon justifiable cause, living units classified as senior housing units shall have the following minimum floor areas per unit:

Efficiency units	440 square feet
1 bedroom	520 square feet
More than 1 bedroom units	An additional 80 square feet for each additional bedroom

D. Two-Family and Townhouse Dwelling Units: Except as otherwise specified in the Zoning District provisions, or except as allowed by conditional use permit based upon justifiable cause, two-family and townhouses, as classified below, shall have the minimum floor area per unit:

Two-family	650 square feet first floor above grade, plus 100 additional square feet for each bedroom
Townhouses	600 square feet first floor above grade, plus 100 additional square feet for each bedroom

Subd. 33. Building Design and Construction Standards.

Buildings in all zoning districts shall maintain a high standard for exterior architecture to ensure a high quality of development and land use compatibility that contribute positively to community image in regard to material quality, visual aesthetics, permanence and stability and to prevent use of materials that are unsightly, deteriorate rapidly, contribute to depreciation of area property values, or cause urban blight.

A. General Provisions:

1. Review Procedures: For all new buildings and building exterior renovations, the applicant shall submit building elevations and associated drawings that illustrate the construction techniques to be used in the installation of the materials as part of the required site plan submittals identified in Section 11.22 of this Chapter.

2. General Design Concept: Building and/or project designs shall utilize materials, colors, or details to meet the intent of these architectural standards.

3. Design Elements: Projects may be required to utilize building ornamentation features, including, but not limited to: columns, arches, parapets, cornices, friezes, canopies, moldings, dentils, corbels, quoins, rustication, vaults, domes, and cupolas.

B. Exterior Building Finishes: For the purpose of this subsection, materials shall be divided into grade A, grade B, grade C, grade D and grade E categories as follows:

1. Grade A:

(a) Brick.

(b) Natural or artificial stone.

(c) Glass.

(d) Copper panels.

2. Grade B:

(a) Integral color specialty concrete block such as textured, burnished block or rock faced block.

(b) Integral color architecturally precast concrete panels having an exposed aggregate, light sandblast, acid etch, form liner, tooled, natural stone veneer, brick face and/or cast stone type finish.

(c) Masonry stucco.

(d) Ceramic.

3. Grade C:

(a) Exterior insulation and finish system (EIFS).

(b) Opaque panels.

(c) Ornamental metal.

(d) Fiber-cement exterior siding.

4. Grade D:

(a) Integral color smooth as cast concrete block.

(b) Integral color smooth scored concrete block.

(c) Integral color smooth as cast concrete panels.

(d) Integral color architecturally precast concrete panels having a smooth as cast finish.

(e) Glass block.

(f) Wood provided that the surfaces are finished for exterior use or the wood is of proven durability for exterior use, such as cedar, redwood or cypress.

5. Grade E:

(a) Steel, aluminum.

6. Grade F:

(a) Vinyl.

7. Steel or Aluminum Buildings: Except in association with farms, no galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as COR-TEN steel shall be permitted in any zoning district.

8. Integral Color: For the purpose of this section, exterior finish materials requiring integral color shall not include natural gray.

9. Foundations: Building foundations not exceeding one foot and other such portions of a building's facade below the elevation of the first floor need not comply with the requirements for the primary facade treatment or materials.

10. Exceptions: Garage doors, window trim, flashing accent items and the like, shall not constitute required materials that make up the exterior finish of a building for the purposes of this subdivision.

C. Residential Uses:

1. The primary exterior building finish for residential uses shall consist of grade A, B, C, D, E and/or F materials.

2. Required use of exterior building materials for buildings within the R-4 Multiple Family Residential District shall be as set forth by the respective Zoning District.

D. Commercial, Office and Institutional Uses: The exterior of commercial, office and institutional buildings shall include a variation in building materials and forms to be distributed throughout the facade and coordinated into the design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:

1. The exterior building finish shall use at least three grade A materials.

2. The exterior building finish shall be composed of at least 65% grade A materials; not more than 35% grade B or grade C material and not more than 10% grade D materials.

3. All sides of the principal and accessory structures are to have essentially the same or coordinated harmonious exterior finish treatment.

E. Industrial Uses:

1. The primary exterior building finish for buildings within industrial districts shall consist of grade A, B, C, D and/or E materials.

2. Steel or aluminum curtain wall panels (nonstructural, nonload bearing) shall be allowed within industrial districts provided that:

(a) The panels are factory fabricated and finished with a durable nonfade surface and their fasteners are of a corrosion resistant design.

(b) The building shall be required to be faced with grade A, B, C or D material on wall surfaces abutting public right-of-way, a nonindustrial zoning district, an adjacent industrial building with brick, wood, stone or decorative concrete wall surfaces, residential uses, or public areas. The required wall surface treatment may allow a maximum of 50% of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design and is similar to the building frontage.

F. Other Requirements:

1. One Grade A Material: Buildings may be constructed primarily of one specific grade A material provided the design is obviously superior to the general intent of this chapter, provides variation in detailing, footprint of the structure or deviations in long wall sections to provide visual interest.

2. Color Variations: Minor blended color variations shall not be considered as a separate material, except that a distinctively different color of brick may be considered as a second grade A material.

3. Primary Material: To be counted as a primary material, the product shall comprise at least 5% of the exterior wall.

4. Back of Parapets: The back of parapets that are visible shall be finished with materials and colors compatible with the front of the parapet.

5. Exposed Roof Materials: Exposed roof materials shall be similar to, or an architectural equivalent of a 300 pound or better asphalt or fiberglass shingle, wooden shingle, standing seam metal roof or better.

6. Contrasting Colors: Use of contrasting colors for building elements such as cloth or metal awnings, trim, banding, walls, entries or any portion of the overall building shall be minimized, but in no case shall such coloring exceed 10% of each wall area.

7. Accessory Structures:

(a) Except in the AG Agricultural zoning district, all accessory buildings in excess of 200 square feet that are accessory to residential dwelling units shall be constructed with a design and exterior building materials consistent with the general character of the principal structure on the lot.

(b) Accessory buildings for nonresidential uses, including those allowed in the residential districts, shall be of a similar character, design, and facade as the principal structure.

8. Expansions:

(a) Additions of less than 50% of the floor area of the existing building may use the same or higher grade materials as the existing structure.

(b) Not more than one exterior wall designed for removal to allow future building expansion may be allowed to use grade D materials notwithstanding other applicable provisions of this section provided that the wall does not face a public street.

G. Exceptions: Exceptions to the provisions of this Subdivision may be granted as a conditional use subject to the following criteria:

1. The use is an essential service as defined by this Chapter; or

2. The applicant shall have the burden of demonstrating that:

(a) The proposed building maintains the quality in design and materials intended by this Chapter.

(b) The proposed building design and materials are compatible and in harmony with other structures within the district.

(c) The justification for deviation from the requirements of this Section shall not be based on economic considerations.

SEC. 11.71 SIGNS. (Repealed, Ord. No. 118, Second Series), (Added, Ord. No. 118, Second Series)

Subd. 1 Purpose.

The sign regulations contained herein are intended to control the use of publicly visible displays or graphics in order to:

- A. Equitably distribute the privilege of using the public environs to communicate private information.
- B. Safeguard the public use and nature of the streets and sidewalks.
- C. Enhance the visual environment, of the City.

Subd. 2 Excluded Signs.

The following shall be deemed to be excluded from the definition of "sign" as it applies to this section:

- A. Any sign with an area of one square foot or less.
- B. Signs on store windows, but in no case shall exceed twenty five percent (25%) of the window area.
- C. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal devices, or washings at railroad crossings.
- D. Publicly owned memorial tablets or signs.
- E. Signs required to be maintained by law or governmental order, rule or regulation; provided, that they do not exceed forty-eight (48) square feet.
- F. Signs directing traffic on private property, but bearing no advertising matter.
- G. Signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephones, public entrances, freight entrances, or the like, with a total surface area not to exceed six square feet per sign on any lot or parcel.
- H. Signs not exceeding forty-eight (48) square feet in area relating to active construction projects.
- I. Yard sale signs; provided that no person shall attach in any way posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the City, and that no person shall put up any notice upon any building, wall or fence or other property of another person without having first obtained the consent of the owner of such property. The maximum time limit for all yard sale or garage sale signs is ten consecutive days.

11.71, Subd 2.J.
(Rev. 2012)

J. Gasoline price signs; provided the total area of such signs is less than twelve (12) square feet.

K. At gasoline stations, up to two advertising signs of less than twenty (20) square feet each, which are located at least ten feet from the property boundary.

L. Temporary signs, provided they conform to Subdivision 6 of this section.

Subd. 3 Measurement of Sign Area.

Sign area shall be calculated as follows:

A. Attached and Suspended Signs.

1. The area of an attached sign where the sign consists of letters, numerals, or symbols painted on or affixed to a wall shall be the entire area within a continuous perimeter enclosing the extreme limits of the message delineated by said letters, numerals or symbols.

2. The area of an attached or suspended sign where the letters, numerals, or symbols are on a sign surface which is hung or affixed to a structure shall be the total area of the hung or affixed surface.

B. Freestanding Signs. The area of a freestanding sign shall be the sum total of the areas of all surfaces (excluding poles) visible from the public right-of-way or other area from which the sign is intended to be viewed. Only one display face shall be measured in computing total sign area where the sign faces are arranged to be viewed one at a time.

Subd. 4 Sign Permits.

A. No sign that was not in existence or "in place" on September 27, 1996, shall hereafter be displayed, nor shall any existing sign be enlarged, relocated, changed or modified until a zoning permit for the same has been obtained in accordance with this section and all other applicable regulations. Maintenance, repair or restoration of non-conforming signs must be in accordance with Subdivision 8 of this section and require a permit.

B. Every application for such permit shall include the exact area, size, structure, design and location proposed for the sign.

Subd. 5 Prohibited Signs.

The following signs shall not be allowed:

A. A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP" or "DANGER"; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information.

B. A sign which displays flashing or intermittent lights or lights of changing degrees or intensity unless each interval in the cycle is five seconds or more and the sign does not constitute a traffic hazard.

C. A sign which obstructs any window or door opening used as a means of egress or prevents free passage from one part of a roof to any other part thereof. A sign which interferes with an opening required for legal ventilation.

D. A sign in a public right-of-way that in any way interferes with normal or emergency use of that right-of-way. Any sign allowed in a public right-of-way may be ordered removed by the City Administrator upon thirty (30) days notice if the normal or emergency use of that right-of-way is changed to require its removal.

E. A sign or illumination that causes any direct glare into or upon a public right-of-way or building other than the building to which the sign is intended.

F. A sign that violates any provision of any State law or Federal law relative to outdoor advertising.

G. Any advertising sign located within six hundred feet (600') of any interchange or intersection at grade, or any interstate, freeway or highway, to the nearest point of said intersection right-of-way.

H. Moving signs, except revolving signs, pennants, streamers, as provided in Subdivision 6, below, and A-frames, small balloons, string lights, strip lighting outlining structures and used to attract attention for commercial purposes.

I. Signs attached or mounted on abandoned, unlicensed, or inoperative vehicles.

Subd. 6 Temporary Signs.

A. Regardless of the status of conformity of all other on-premise signs, two temporary signs shall be allowed in all C-1, C-2, C-3, AG, I-1, I-2, BP, RR, PI and POS districts, provided the following:

1. Each sign is less than twenty (20) square feet in area;
2. Each sign is an attached on-premise sign;
3. That such signs are displayed no more than fourteen (14) consecutive days;
4. That no establishment may display a temporary sign more than four (4) times per calendar year.

B. The establishment wishing to display such sign shall contact the office of the Zoning Administrator prior to displaying, to give notice of the intent, and the period during which the sign will be displayed. No permit is required.

Subd. 7 Non-Conforming Signs.

A. Generally. In cases where signs existing as a non-conforming use on property exceed the total allowable sign area, no additional signs shall be permitted for an establishment. If the size or configuration of the parcel or building is changed, signs of the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels at the time such change becomes effective.

B. Maintenance. All non-conforming signs shall be maintained and repainted and shall not be maintained in such manner as to increase the degree of non-conformity. A non-conforming sign may be repaired provided it is not damaged in excess of fifty percent (50%) of its replacement value. Such damaged sign may not be expanded or relocated. It may not be reconstructed or moved without being made to comply in all respects with the provisions of this section. In cases where a "marquee" non-conforming sign exists with plexiglass faces, these faces may be changed if damaged or if the sign message is desired to be changed.

Subd. 8 Damaged or Unsafe Signs.

The Zoning Administrator shall require the immediate repair or removal of any sign(s) or sign structure(s) which has been damaged or has deteriorated so as to become a public hazard. Such sign(s) or sign structure(s) may be restored to their original condition within thirty (30) days of written notice, or owner(s)/tenant(s) will be ordered to remove the sign(s) or eliminate hazardous condition(s). If the subject sign(s) are nonconforming, such restoration shall be in accordance with Subdivision 7 of this section.

Subd. 9 Non-Conforming Sign Removal.

Upon vacating premises, a tenant, or in tenant's absence, the owner, shall remove all non-conforming signs, sign supports and attendant hardware, within thirty (30) days from the day the premises is vacated.

Subd. 10 Conforming Sign Removal.

All conforming signs, sign supports, and attendant hardware not used by a new tenant or new owner shall be removed by new owner(s)/tenant(s) within three months of the premises being vacated.

Subd. 11 Permitted Signs.

Signs shall be permitted which are in accordance with:

- A. The general provisions of this section.
- B. The district sign regulations of this section for the district in which such signs are located.
- C. All applicable provisions of the Building Code as adopted, and all amendments thereto.
- D. All applicable County and State regulations.

Subd. 12 (AG) - Agriculture District.

- A. The following shall apply:

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet</u>
Business	Yes	100
Home Occupation	Yes	4
Directional	Yes	2
Temporary	See Subdivision 6	100
Agricultural Product	Yes	100
Real Estate	Yes	20
Identification	Yes	30
Public Service	Yes	30

B. Location. No sign shall be placed on the property line or public right-of-way. On corner lots all signs must be located at least five feet from the property line.

C. Height Limitation. No sign shall exceed thirty-five feet (35') in height, nor shall any attached sign extend above the height of the building to which it is attached.

D. Special Sign Regulations. No signs shall be permitted except on the premises being advertised.

E. Temporary Signs. Temporary signs, subject to review by the Zoning Administrator according to Subdivision 6 of this section.

Subd. 13 (R-1, R-2, R-3 and R-4) - Residential Districts.

A. The following shall apply in the R-1, R-2, R-3 and R-4 Residential Districts:

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet</u>
Real Estate	No	6
Identification	Yes	50
Directional	Yes	2
Home Occupation	Yes	4
Temporary	See Subdivision 6	2
Public Service	Yes	20
Professional	Yes	15

B. Location. No sign shall be placed on the property line or public right-of-way. On corner lots all signs must be located at least five feet from the property line.

C. Height Limitation. No sign shall exceed eight feet in height.

D. Special Sign Regulations. Home occupation signs must be attached signs.

E. Lighting. Unshielded light sources shall not be directly visible from surrounding properties and all lighting shall be subdued.

F. Temporary Signs. Temporary signs, subject to review by the Zoning Administrator according to Subdivision 6 of this section.

Subd. 14 (C-1) - Central Business District.

A. The following shall apply:

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet of Total Sign Area</u>
Real Estate	No	All attached frontage signs shall not exceed 100 square feet; the sign
Business	Yes	height shall not exceed 50% of the total sign width; the width
Identification	Yes	of a sign shall not exceed the width of the building frontage;
Temporary	No	signs on building sides or rear shall not exceed 50% of all
Directional	Yes	frontage restrictions. Free standing signs shall not exceed a maximum height of 16 feet and a maximum of 75 square feet.
Public Service	Yes	20

11.71, Subd 14.B.
(Rev. 2012)

B. Location. No sign shall be placed on the property line or public right-of-way. On corner lots all signs must be located at least five feet from the property line.

C. Height Limitation. No freestanding sign shall exceed sixteen feet (16') in height, nor shall any attached sign extend above the height of the building to which it is attached.

D. Minimum Freestanding Sign Clearance. No freestanding sign shall be less than nine feet (9'), measured from ground level to the lowest edge of said sign.

E. Number of Signs Permitted. Excluding public service signs, a maximum of two (2) signs except a corner lot occupied by a single establishment shall be allowed up to three (3) signs, as defined herein.

F. Projected Signs. Shall not exceed twenty-four 24 square feet in size, and no less than eight feet (8') from the ground level to the lowest edge of said sign.

G. Freestanding Signs. On lots with public street right-of-way frontage of between one hundred feet (100') and one hundred and fifty feet (150'), and a building setback of at least fifteen feet (15'), one (1) freestanding sign will be allowed.

H. Temporary Signs. Temporary signs, subject to review by the Zoning Administrator, according to Subdivision 6 of this section.

I. Special Sign Regulations for Gasoline Service Stations. Gasoline service stations are allowed a total area of signs not to exceed one hundred and thirty (130) square feet and the following types of signs:

1. Freestanding Signs for Service Stations. In addition to Subparagraph G, above, a service station or a parcel with at least two hundred feet (200') of street frontage shall be permitted one freestanding sign not to exceed sixteen feet (16') in height nor exceed seventy-five (75) square feet in area. Such sign posts/support structure shall be located five feet (5') or more from any street right-of-way. However, no sign copy shall extend into the public right-of-way.

Subd. 15 (C-2 & C-3) - Highway & Neighborhood Commercial Districts.

A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet of Total Sign Area
Real Estate	No	15
Business	Yes	Total attached sign area shall not exceed 2.5 times the width of the building frontage or 100 square feet, whichever is less.
Identification	Yes	
Temporary	No	
Directional	No	
Public Service	Yes	30

**11.71, Subd 15.A.1
(Rev. 2012)**

1. Freestanding Sign. Only one freestanding business sign is permitted per establishment with maximum height of thirty-five feet (35'), maximum size of two hundred (200) square feet, and minimum setback of five feet (5') from public right-of-way.

B. Number of Signs Permitted. Excluding public service signs, a maximum of three (3) signs per establishment shall be allowed as defined herein.

C. Special Sign Regulations. All signs must be attached signs with the following exceptions:

1. Identification Signs. Freestanding group identification signs announcing the name of churches, social organizations, and the time and place of meetings of civic clubs shall be permitted at the major entrances to the City. Such free-standing signs shall not exceed thirty feet (30') in height nor fifty (50) square feet in total area. Groupings of signs along the entrance routes to the City shall be designed as an integrated unit, shall be landscaped and shall follow location requirements set forth above.

D. Required Frontage. More than one (1) business may advertise on the same sign in shopping centers, subject to the limitations set forth in this subdivision.

Subd. 16 (I-1, I-2 & BP) - Industrial and Business Park Districts.

A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet of Total Sign Area
Real Estate	No	A maximum of one square foot of sign area for each linear front
Business	Yes	feet of lot, not to exceed a
Advertising	Yes	Maximum of 150 square feet of sign area.

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two (2) square feet of sign area for each one and one-half (1 1/2) linear front feet of lot not to exceed a maximum of four hundred and fifty (450) square feet of sign area shall be allowed.

Temporary	No	
Identification	Yes	
Public Service	Yes	50

B. Location. All freestanding signs shall be five feet (5') or more from any street right-of-way.

C. Height Limitations. No sign shall exceed thirty-five feet (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

11.71, Subd. 16.D.
(Rev. 2012)

D. Number of Signs Permitted. Excluding public service signs, a maximum of three (3) signs per building shall be allowed as defined herein.

E. Special Sign Regulations. All signs must be attached signs with the following exceptions:

1. Freestanding Signs. Uses permitted in this district may also erect one freestanding sign. Such freestanding sign shall not exceed thirty-five feet (35') in height nor one hundred and fifty (150) square feet in area.

2. Industrial Parks. An industrial park in this district shall be permitted one freestanding identification sign. Such freestanding identification sign may list the names of the tenants as well as the name of the industrial area, its owners and developer. Such sign shall not exceed thirty-five feet (35') in height nor one hundred and fifty (150) square feet in area. Such signs shall follow location requirements set forth above.

3. Identification Signs. Freestanding group identification signs announcing the name of churches, social organizations, and the time and place of meetings of civic clubs shall be permitted at the major entrances of the City. Such freestanding signs shall not exceed thirty feet (30') in height nor fifty (50) square feet in total area. Groupings of signs along the entrance routes to the City shall be designed as an integrated unit and shall be landscape

4. Freestanding Advertising Signs. Freestanding advertising signs shall be allowed in this district provided not more than one sign is allowed per establishment. These signs preclude the use of freestanding business signs of any future business/industry locating on such parcel. Such freestanding advertising sign shall not be allowed if present use of property already has a freestanding sign on such parcel.

Subd. 17 (RR) - Regional Recreational District.

A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet of Total Sign Area
Real Estate	No	A maximum of one square foot of sign area for each linear front
Business	Yes	feet of lot, not to exceed a
Advertising	Yes	Maximum of 150 square feet of sign area.

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two (2) square feet of sign area for each one and one-half (1 1/2) linear front feet of lot not to exceed a maximum of four hundred and fifty 450 square feet of sign area shall be allowed.

Temporary Identification	No	
Public Service	Yes	50

B. Number of Signs Permitted. Excluding public service signs, One sign is allowed per lot, except that one additional sign shall be allowed when there is more than one (1) entrance from a major collector or arterial street.

C. Height Limitations. No sign shall exceed thirty-five feet (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

D. Freestanding Signs. Uses permitted in this district may erect one (1) freestanding sign. Such freestanding sign shall not exceed one hundred (100) square feet in area and the sign shall be a monument type with a maximum height not to exceed ten feet (10').

1. Location. All freestanding signs shall be five feet (5') or more from any street right-of-way.

E. Changeable Copy Signs.

1. Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.

2. Wall, Canopy, Or Marquee Signs:

a. For single occupancy buildings, not more than one sign shall be allowed on one facade fronting a public street, except in the case of a corner lot or through lot where one additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street.

b. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

Subd. 18 (PI) - Public/Institutional District.

A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet of Total Sign Area
Real Estate	No	A maximum of one square foot of sign area for each linear front
Business	Yes	feet of lot, not to exceed a Maximum of 100 square feet of
Advertising	Yes	sign area.

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two square feet of sign area for each one and one-half linear front feet of lot not to exceed a maximum of four hundred and fifty (450) square feet of sign area shall be allowed.

Temporary	No	
Identification	Yes	
Public Service	Yes	50

B. Number of Signs Permitted. Excluding public service signs, One sign is allowed per lot, except that one additional sign shall be allowed when there is more than one entrance from a major collector or arterial street.

C. Height Limitations. No sign shall exceed thirty-five feet (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

D. Freestanding Signs. Uses permitted in this district may erect one (1) freestanding sign. Such freestanding sign shall not exceed one hundred (100) square feet in area and the sign shall be a monument type with a maximum height not to exceed ten feet (10').

1. Location. All freestanding signs shall be five feet (5') or more from any street right-of-way.

E. Changeable Copy Signs.

1. Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.

2. Wall, Canopy, Or Marquee Signs:

a. For single occupancy buildings, not more than one sign shall be allowed on one facade fronting a public street, except in the case of a corner lot or through lot where one additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street.

b. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

Subd. 19 (POS) - Parks and Open Space District.

A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet of Total Sign Area
Real Estate	No	A maximum of one square foot of sign area for each linear front
Business	Yes	feet of lot, not to exceed a
Advertising	Yes	Maximum of 100 square feet of sign area.

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two square feet of sign area for each one and one-half linear front feet of lot not to exceed a maximum of four hundred and fifty (450) square feet of sign area shall be allowed.

Temporary	No	
Identification	Yes	
Public Service	Yes	50

B. Number of Signs Permitted. Excluding public service signs, One sign is allowed per lot, except that one additional sign shall be allowed when there is more than one entrance from a major collector or arterial street.

C. Height Limitations. No sign shall exceed thirty-five (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

11.71, Subd. 19.D.
(Rev. 2012)

D. Freestanding Signs. Uses permitted in this district may erect one (1) freestanding sign. Such freestanding sign shall not exceed one hundred (100) square feet in area and the sign shall be a monument type with a maximum height not to exceed ten feet (10').

1. Location. All freestanding signs shall be five feet (5') or more from any street right-of-way.

E. Changeable Copy Signs.

1. Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.

2. Wall, Canopy, Or Marquee Signs:

a. For single occupancy buildings, not more than one sign shall be allowed on one facade fronting a public street, except in the case of a corner lot or through lot where one additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street.

b. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

Subd. 20 Violation.

A violation of any provision of this section by an owner, occupant or any other person constitutes a misdemeanor punishable by a fine not more than seven hundred dollars (\$700.00) or imprisonment for not more than ninety (90) days, or both. Each day a violation exists constitutes a separate offense.

Subd. 21 Repealer.

All ordinances or City Code provisions in conflict with these provisions are hereby repealed.

Subd. 22 Validity.

In case any provision of this section is held invalid by a court of competent jurisdiction, invalidity shall extend only to the provision affected and other provisions of this section shall continue in full force and effect.

Subd. 23 Applications.

All applications for permits shall be made to the Zoning Administrator on a form prescribed by the City. The Zoning Administrator shall enforce the provisions of this section and grant all permits issued hereunder. Any person aggrieved by the decision of the Zoning Administrator shall have the right to file an appeal with the Planning Commission, which shall review the application, hear all evidence pertaining thereto as it deems fit and proper under the circumstances and either grant or deny the permit accordingly. All appeals to the Planning Commission shall be made within ten days after the decision in writing is made by the Zoning Administrator.

Subd. 24 Permits.

All sign and billboard permits issued under the provisions of this section and of section 11.72 shall expire within one year from the date of issue, unless applicant submits for a six (6) months extension in writing prior to the expiration date.

SEC. 11.72 BILLBOARDS. (Repealed, Ord. No. 118, Second Series), (Added, Ord. No. 118, Second Series)

Subd. 11 Purpose.

The purpose of this section is to establish regulations governing all billboards in the City. The billboard regulations are intended to permit an efficient, effective and aesthetic means to communicate using off-premise signage while recognizing the need to maintain an attractive and appealing appearance in the community, including appearance along streets and property used for commercial, industrial, institutional and public development and the air space above and between such development. These regulations are intended to permit adequate signage for effective communication while minimizing or preventing visual clutter and visual pollution which can be caused by this signage.

Subd. 2 Definitions.

The terms "advertising sign" or "billboards" or posters and bulletins sometimes referred to as off-premises signs, painted or printed posters and painted or printed bulletins shall mean a sign which is erected and in use for the purpose of selling advertising space or which advertises products, events, goods or services, any part of which is not exclusively related to the premises on which the sign(s) is located.

Subd. 3 General Provisions.

A. A billboard is a structure or part of a structure for the purpose of applying yard regulations, except that billboards and their superstructures may extend into the required yard areas a distance not to exceed eighteen inches (18"), and billboards cannot be placed on the front or side walls of buildings.

B. Flashing signs on billboards are not permitted in any district.

C. Illuminated signs or devices giving off an intermittent steady or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district. This includes, but is not limited to, search lights, beacons, strobe lights and the like.

D. No billboard shall be placed on a rooftop.

E. Changing billboards are permitted, including those signs which display any one of or a combination of the following: time, temperature and stock market indices.

F. Maintenance. All billboards and their components shall be kept in good repair in a safe, neat, clean and attractive condition. Signs in good repair are not corroded, do not have deteriorated paint or finished surfaces nor do they have loose members, broken parts, or similar deterioration.

Subd. 4 Regulations.

The following regulations shall apply to billboards, painted bulletins, painted posters and similar off-premises signs:

A. Billboards are permitted in the following zoning districts: C-2, I-1, I-2 and BP districts. Billboards are prohibited in all other zoning districts.

B. Billboards may be located only on Principal Arterials (US Highway 52) as designated in the Pine Island Comprehensive Plan, and County Road 5/12 within the Highway Commercial District (C-2) along US Highway 52.

C. No billboards may be located within three hundred feet (300') of an existing residential use or the R-1, R-2, R-3 and R-4 residential zoning districts, and C-1 Central Business District.

D. No billboards may be located within one thousand seven hundred and fifty feet (1,750') of another billboard on either side of public right-of-way.

E. Distance requirements under this section shall be measured from the point of the billboard closest to the reference point along a straight line parallel to the ground level to the reference point. Reference point means the lot line of the residential use in the residential zone or other billboard for which distance requirements apply under this section.

F. All billboards constructed shall comply with setback requirements specified for structures under provisions of Chapter 11 Land Use Regulation (Zoning) of the City Code.

G. Billboards must be freestanding and are prohibited on rooftops, walls or structures.

H. The maximum sizes for billboards, including all extensions, is four hundred and fifty (450) square feet along County Road 5/12 within the Highway Commercial District (C-2) along US Highway 52, and seven hundred and fifty (750) square feet along Principal Arterials (US Highway 52) as designated in the Pine Island Comprehensive Plan.

I. The maximum height for billboards shall be no more than thirty-five (35'), including extensions, as measured from ground level to the highest point of billboard.

Subd. 5 Non-Conforming Billboards.

A. All existing billboards, painted bulletins, painted posters and similar off-premises signs which are not in conformance with the provisions of this section are subject to the following requirements:

1. A sign permit for a billboard shall not be issued for new construction on a lot where there is already a non-conforming billboard unless that existing billboard is removed and a new billboard is made to conform with the requirements of this section.

2. Billboards which have been destroyed or damaged, or in need of maintenance or repair, and the cost of such repair exceeds fifty percent (50%) of the market replacement value of such billboard, must be removed or made to conform with the requirements of this section.

3. The owner of a non-conforming billboard who wishes to replace it, modify it, or undertake any work requiring a sign permit for it must first obtain a special permit which may be granted only if the following conditions are met:

a. The non-conforming billboard cannot physically be made to conform with the requirements of this section or the billboard is non-conforming due to location in certain zoning districts; and

b. Items 1 and 2, above, do not apply; and

c. The new or modified billboard is at the same or another allowed location; and

d. The new or modified billboard is brought into greater conformance with the requirements of this section.

B. In determining greater conformance as a condition for granting a special permit, the new billboard must meet or exceed the following percentages of conformance otherwise required for at least four of the five following standards:

Category	Existing (2) <u>Location</u>	New (2) <u>Location</u>
Spacing between signs	75%	75%
Setback	67%	80%
Size	100%	100%
Height *	100%	100%
Distance from residence	67%	75%

* Location means the legal lot of description of record.

11.72, Subd.5.C.
(Rev. 2012)

C. In no event may the new billboard meet a percentage of compliance for any of the categories listed above that is less the percentage of compliance of the existing billboard. If a permit is granted under this provision, the existing non-conforming billboard must be totally removed prior to construction of the new billboard.

Subd. 6 Permits.

A. All sign and billboard permits issued under the provisions of this section and of section 11.71 shall expire within one (1) year from the date of issue, unless applicant submits for a six (6) months extension in writing prior to the expiration date.

B. Owner/tenant/contractor and/or other authorized personnel are required to obtain a building permit prior to the construction/installation of any billboard.

SEC. 11.73. ALTERNATIVE ENERGY SYSTEMS.

Subd. 1. Purpose.

The purpose of this chapter is to establish standards for alternative energy systems within the City.

Subd. 2. Wind Energy Conversion Systems (WECS).

A. Conditional Use Permit. Each Wind Energy Conversion System shall require a conditional use permit.

B. Plans. Each application for a conditional use permit shall be accompanied by a dimensional representation of the tower including the conversion system, base, and footings and an accurate plan containing the following information:

1. Property lines.
2. Proposed location of tower on site.
3. Location of all existing structures on site,
4. All above ground utility lines.
5. All underground utility lines within a radius equal to the proposed WECS height.
6. Boundaries of all adjacent utility easements or reversed areas.

C. WECS Height. The total height of the tower (including any portion of the rotor or axis extending above the tower) shall not exceed the horizontal distance between the base of the tower and the nearest lot line or building line. Except, the horizontal distance may extend beyond the nearest lot line or building line provided there are no overhead utility lines or easements therefor or if the abutting area is a public alleyway. Furthermore, the Council may allow the height requirements to be exceeded provided it is satisfied that the proposed structure will withstand the windloads in the area. As evidence of this, the Council shall require the following information:

1. Dimensional representation of the various structural components of the tower construction including the base and footings.

2. Design data which shall indicate basis of design, including manufacturer's dimensional drawings, installation and operation instructions.

3. Certification by an independent registered professional engineer or sufficient to withstand wind load requirements for structures as established by the State Building Code.

D. Tower Access. Climbing access to the WECS tower shall be limited either by means of a fence six feet high around the tower base with a locking portal, or by limiting tower climbing apparatus to no lower than 12 feet from the ground.

E. Wind Access. Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted for approval.

F. Noise. A WECS operation shall not produce noise in excess of the limits established herein.

G. Limited Use. Wind energy conversion systems installed in accordance with the requirements of this Subdivision shall not generate power as a commercial enterprise as defined by the Public Utilities Commission.

H. Electromagnetic Interference. A WECS shall not be installed in any location along the major axis of an existing microwave communications link where the operation of the WECS is likely to produce an unacceptable level of electromagnetic interference and the possible effect on the microwave communications link of which is at a level satisfactory to the Zoning Administrator.

I. Airspace. A WECS shall be located or installed in compliance with the regulations of the airport approach zones and Federal Aviation Regulations for clearance around VOR and DVOR stations.

J. Interconnect. A WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the Electric Utility Company. In any case, the interconnect shall include a manual disconnect which complies with the National Electric Code.

K. Codes. Construction, design and installation of a WECS shall comply with all local, State and National Electrical Codes in effect at the time of installation.

L. Liability. No building permit shall be issued for the construction of a WECS until and unless the applicant for the building permit deposits with the Zoning Administrator a policy of liability insurance indemnifying applicant from liability for personal injury or property damage in the sum of at least \$500,000.00. The policy of insurance so deposited shall contain a clause obligating the company issuing the same to give at least 30 days' written notice to the City before cancellation thereof, the building permit to be automatically revoked upon the lapse or termination of said policy.

Subd. 3. Solar Energy Systems.

A. Purpose and Intent. Pine Island finds that it is in the public interest to encourage the use and development of renewable energy systems (including SES) that have a positive impact on energy conservation with limited adverse impact on nearby properties. As such, the City supports the use of Solar Collection systems and the development of Solar Farms. Pine Island also finds that the development of Solar Farms should be balanced with the protection of the public health, safety and welfare. The City intends the following standards to ensure that Solar Farms can be constructed within the City while also protecting public safety and the natural resources of the City. Consistent with the Comprehensive Plan, it is the intent of the City with this section to create standards for the reasonable capture and use, by households, businesses and property owners, of their Solar Energy resource and encourage the development and use of Solar Energy.

B. Severability. The provisions of this section shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision of this section.

C. Applicability. These regulations are for all SES and Solar Farms on properties and structures under the jurisdiction of the zoning ordinance except that the City requires the owner or operator of solar farms that would generate more than fifty (50) megawatts of power to get approval for such a system from the Minnesota Public Utilities Commission (PUC).

D. Types of SES.

1. Roof or Building Mounted SES: accessory to the primary land use, designed to supply energy for the primary use.

(a) Roof or Building Mounted SES are permitted accessory uses in all districts in which buildings are permitted.

(b) No City land use or site permit is required.

(c) The owner or contractor shall receive a building or mechanical permit before installing a Roof or Building Mounted SES.

2. Ground Mounted SES: accessory to the primary land use, designed to supply energy for the primary use.

(a) Ground Mounted SES are permitted accessory uses in all districts in which buildings are permitted.

(b) Ground Mounted SES require a City land use or site permit and are subject to accessory use standards for the district in which it is located, including setback, height and impervious surface coverage limits.

(c) The City does not consider the collector surface of a Ground Mounted SES that is not a DNR designated Shoreland District as impervious surface. Any collector surface of a Ground Mounted SES foundation that is in a DNR designated Shoreland District and compacted soil or other component of the solar installation that rests on the ground is considered impervious surface.

(d) The height of Ground Mounted SES shall not exceed fifteen (15) feet.

(e) No Ground Mounted SES shall cover or encompass more than ten percent (10%) of the total property area or lot size.

3. Community SES: Roof or Building Mounted and Ground Mounted Community SES shall be accessory to the primary land use and designed to supply energy for off-site uses on the distribution grid, but not for export to the wholesale market or connection to the electric transmission grid. These systems shall be subject to the following conditions:

11.73, Subd. 3.D.3(a)
(Rev. 2015)

(a) Roof or Building Mounted and Ground Mounted Community SES are permitted accessory uses in all districts in which buildings are permitted.

(b) Prohibitions: the City prohibits Community SES within:

(1) Shoreland Districts as designated by the Department of Natural resources (DNR) and the Pine Island Zoning Map;

(2) Wetlands to the extent required by the Minnesota Wetland Conservation Act;

(3) The Floodplain Overlay District.

(c) An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

(d) All structures must meet the setback, height and coverage limitations for the district in which the system is located.

(e) Ground Mounted SES must meet all required standards for structures in the district in which the system is located.

(f) Site Plan Required. The owner or operator shall submit to the City a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the City.

(g) Power and Communication Lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The City may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.

(h) Decommissioning Plan. The City requires the owner or operator to submit a decommissioning plan for Community SES to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all City requirements. The City also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

11.73, Subd. 3.D.4
(Rev. 2015)

4. Solar Farms. Solar Farms shall be Ground Mounted SES arrays that are the primary use on parcel on which it is located and are designed for providing energy to off-site uses or export to the wholesale market. Solar Farms, including those that are not permitted or regulated by the State of Minnesota Public Utilities Commission (PUC), shall be subject to the following conditions:

(a) Solar Farms shall be permitted as an interim use in the Agricultural (AG), Heavy Industrial District (I-1) and Light Industrial District (I-2) zoning districts, and shall be processed according to the standards of section 11.18 of this chapter.

(b) Shall be on properties of at least five (5) acres in size.

(c) Stormwater management and erosion and sediment control shall meet the requirements of the City and best management practices.

(d) Prohibitions: The City prohibits Solar Farms within:

(1) Shoreland districts as designated by the Department of Natural Resources (DNR) and the Pine Island Zoning Map;

(2) Wetlands to the extent required by the Minnesota Wetland Conservation Act;

(3) The Floodplain Overlay District.

(e) Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.

(f) Other Standards and Codes. All Solar Farms shall meet all applicable local, state and federal regulatory standards, including the State of Minnesota Building Code, as amended; and the National Electric Code, as amended.

(g) Power and Communication Lines. All power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The City may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.

(h) Interconnection. The owner or operator of the Solar Farm must complete an interconnection agreement with the electric utility in whose service territory the system is located.

(i) Site Plan Required. The owner or operator of the Solar Farm must submit to the City a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points to the site, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the City.

11.73, Subd. 3.D.4(j)
(Rev. 2015)

(j) The owner or operator of the Solar Farm must submit to the City a detailed emergency shutdown plan as part of the review process.

(k) The City allows the installation of small operations, security and equipment buildings on the site of solar farms as permitted accessory uses to the Solar Farm.

(l) The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access or they must be protected from entry by a six (6) foot tall fence. Razor wire is prohibited on all fences. All electrical connections to the utility system must meet or exceed the National Electrical Safety Code.

(m) Signage shall be posted at all entrance points to the property the Solar Farm is located on that includes at a minimum, the owner and operator's name, contact information and emergency phone numbers.

(n) The Solar Farm owner or operator shall provide access to the Pine Island Fire Department either in the form of a lock or key to all access points to the property the Solar Farm is located on.

(o) Solar Farms that have panels that would cover more than twenty (20) acres of land must meet the review and design standards of the Public Utilities Commission (PUC) for Solar Farms.

(p) **Decommissioning Plan:** The City requires the owner or operator to submit a decommissioning plan for Solar Farms to ensure that the owner or operator removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all City requirements. The City also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

E. Additional Standards. In addition to the standards allowed above, all SES shall meet the following standards:

1. The owners or operators of SES that are connected to the electric distribution or transmission system, either directly or through the existing service of the primary use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.

2. Electric SES components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.

3. All SES shall meet the standards of the Minnesota and National Electric Code.

**11.73, Subd. 3.E.4
(Rev. 2015)**

4. All Roof or Building Mounted SES shall meet the standards of the Minnesota Building Codes.

5. All SES using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system or other remedies that limit glare.

6. Roof or Building Mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, SES other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices for the zoning district in which the system is being installed.

7. Roof Mounted SES shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture Solar Energy.

8. Setbacks. All equipment and structures shall meet the setback and coverage limitations for the zoning district in which the system is located, except that Solar Farms shall be set back from all property lines at least one hundred (100) feet.

(Section 11.73, Amended Ord. No. 127, Second Series, 2-17-15)

Subd. 4. Ground Source Heat Pump Systems.

A. Accessory Use: Ground source heat pump systems shall be allowed as an accessory use in all zoning districts in accordance with the standards in this subdivision.

B. System Requirements:

1. All ground source heat pump systems shall be closed loop systems that circulate heat transfer fluids as allowed by this subdivision through pipes or coils buried beneath the land surface.

2. Heat transfer fluids shall be limited to nontoxic, food grade fluids such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.

C. Location:

1. Ground source heat pump systems shall only be located in the rear yard as defined by this chapter.

2. All components of ground source heat pump systems shall be set back a minimum of five (5) feet from interior side lot lines and ten (10) feet from rear lot lines.

3. Ground source heat pump systems shall not encroach upon drainage and utility easements.

(2-17-15)

11.73, Subd. 4.D.
(Rev. 2011)

D. Screening: Ground source heat pump systems shall be screened in accordance with the requirements of Section 11.70, Subdivision 7 of this Chapter.

E. Certification: The ground source heat pump system shall be certified by Underwriters Laboratories, Inc., and comply to the requirements of the international building code.

F. Abandonment: Any ground source heat pump system which is inoperable for 12 successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit as follows:

1. The heat pump and any external or aboveground mechanical equipment shall be removed.
2. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid, which is to be captured and disposed of in accordance with state and federal regulations.
3. The top of the pipe, coil or boring shall be uncovered and sealed.

G. Building Permit:

1. A building permit shall be obtained for any ground source heat pump system prior to installation.

2. Borings for ground source heat pump systems where the pipes or coils are installed vertically below the land shall also be subject to approval by the Minnesota Department of Health.

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(Rev. 2011)

SEC. 11.74 - 11.99 RESERVED FOR FUTURE EXPANSION.

(6-29-11)

ZONING MAP