

CHAPTER 153 ZONING REGULATIONS

- 153.001 Short title
- 153.002 Purpose
- 153.003 Legal authority
- 153.004 Geographic jurisdiction
- 153.005 Interpretation
- 153.006 Application of regulations
- 153.007 Rules
- 153.008 Definitions

Zoning Districts and Map

- 153.020 Districts
- 153.021 Map
- 153.022 Boundaries
- 153.023 Annexed territory

District Regulations

- 153.035 RR Rural Residential
- 153.036 R1 One-Family Residence
- 153.037 R2 One- and Two-Family Residence
- 153.038 R3 Multiple Family Residence
- 153.039 R4 Manufactured Home Park
- 153.040 C1 Central Commerce
- 153.041 C2 Highway Commerce
- 153.042 I1 Limited Industry
- 153.043 I2 General Industry
- 153.044 Zoning District Use Chart
- 153.045 PUD Planned Unit Development

Special Regulations

- 153.057 Commercial and industrial screening
- 153.059 Landscaping
- 153.060 Residential yard storage
- 153.061 Refuse
- 153.062 Traffic visibility
- 153.064 Building design
- 153.065 Glare
- 153.066 Residual features
- 153.067 Drainage
- 153.068 Building relocation
- 153.069 Dwelling below ground level
- 153.070 Completion of dwellings and accessory buildings
- 153.071 Principal and Accessory buildings
- 153.072 Fences and retaining walls

- 153.073 Telecommunication towers
- 153.074 Sexually-oriented businesses
- 153.075 Retail Establishments
- 153.076 Home occupations
- 153.076 Solar electric systems

Nonconforming Uses and Structures

- 153.085 Nonconforming buildings
- 153.086 Nonconforming use of buildings or land
- 153.087 Nonconforming lots

Administration and Enforcement

- 153.100 Zoning Administrator
- 153.101 Planning Commission duties
- 153.102 Conditional use permits
- 153.103 Variances
- 153.104 Amendments
- 153.105 Enforcing officer
- 153.998 Violations

GENERAL PROVISIONS

§ 153.001 SHORT TITLE.

This chapter shall be known as the “Dassel Zoning Ordinance,” may be cited as such and will be referred to herein as “this chapter.”
(Ord. 25, passed 12-3-74)

§ 153.002 PURPOSE.

The basic purpose of this chapter is to insure and to promote the public health, safety, comfort, and general welfare of the city in accordance with the community’s adopted long range development goals, plans and policies. Toward this end, this chapter shall establish regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within the city.
(Ord. 25, passed 12-3-74)

§ 153.003 LEGAL AUTHORITY.

This chapter is enacted in pursuance of the authority granted by M.S. §§ 462.351 through 462.364, as they may be amended from time to time.
(Ord. 25, passed 12-3-74)

§ 153.004 GEOGRAPHIC JURISDICTION.

The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of the City of Dassel, Minnesota.
(Ord. 25, passed 12-3-74)

§ 153.005 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.
(Ord. 25, passed 12-3-74)

§ 153.006 APPLICATION OF REGULATIONS.

Except as hereinafter provided:

(A) No building or land in the city shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located;

(B) No building shall hereafter be erected or altered to exceed the height, to house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller front yards, side yards or rear yards than specified herein for the district in which such building is located;

(C) No part of a yard or other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

(Ord. 25, passed 12-3-74)

§ 153.007 RULES.

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules and the definitions set forth in § 153.008, (except when the context clearly indicates otherwise).

(A) Words used in the present tense shall include the future.

(B) Words used in the singular shall include the plural and the plural the singular.

(C) The word “shall” is mandatory and not discretionary.

(D) The word “may” is permissive.

(E) The word “lot” shall include the words “plot” or “site.”

(F) The words “if pertinent” and “if deemed necessary” pertain to discretionary decisions of the Planning Commission or City Council.

(Ord. 25, passed 12-3-74)

§ 153.008 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A subordinate building (or portion of the main building, includes garage) which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

ACCESSORY DWELLING UNIT. A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is less in area and height to the principal dwelling. There are three types: attached, internal and detached.

ACCESSORY USE. A subordinate use which is located on the same lot on which the principal use is

situated and is customarily incidental to the conduct of the primary or principal use of such main use.

AGRICULTURE. The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals and fowl.

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

ALTERATION. Any change in size, shape, character or use of a building or structure.

ANTENNA. Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes, satellite dishes and omni directional antennas such as whip antennas.

APARTMENT. A dwelling unit within a multiple-family dwelling or within a nonresidential structure.

AUTOMOBILE REPAIR SHOP. A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment. Salvage and junk shall not be kept, stored or worked on in an auto repair shop.

AUTOMOBILE SERVICE STATION. A building designed primarily for the supplying of motor fuel, oil lubrication and accessories to motor vehicles.

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

BILLBOARD. A sign which has an area exceeding 150 square feet on which notices or advertisements are posted.

BOARDING HOUSE. Any dwelling other than a hotel where meals or lodging and meals for compensation are provided for five or more persons, pursuant to previous arrangement and not to anyone who may apply.

BUFFER. The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a tract or property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects, which a land use may have upon other adjacent or nearby land uses.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING, NONCONFORMING. A building so constructed or so located on a lot that it does not comply with the building requirements or with the minimum lot requirements of the district within which it is located.

BUILDING HEIGHT. The vertical distance from the “grade” to the highest point on the roof surface.

BUILDING, PRINCIPAL. A non-accessory building in which a primary use of the lot on which it is located is conducted.

BUILDING SITE. Any lot, field, or tract of land under one ownership which is or is intended to be a location for the construction of a building.

CELLAR. That portion of a building having more than half of the clear floor to ceiling height below the average grade of the adjacent ground. A cellar shall not be included in arriving a total gross floor area.

COMMERCE. An enterprise that involves the offering of a product, service or entertainment for compensation.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. All commercial wireless telecommunications services, including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

CONGREGATE HOUSING. Senior citizen housing where at least one meal per day is prepared and served in a common dining facility on the premises and where a variety of common medical and social services may be provided over and above those typically provided in a senior citizen apartment building. Such common amenities and services may be provided in conjunction with convalescent and/or nursing home facilities on the same site.

DECK. Elevated platform extending from and becoming a part of a structure. It shall conform to the existing setback requirements of the zoning district.

DOG KENNEL. Any premises where more than two dogs over six months of age are kept.

DRIVE-IN ESTABLISHMENT. A business that customarily offers goods, services or entertainment for compensation to clientele within automobiles (for example, automobile service stations, drive-in restaurants and outdoor theaters, but not “drive-in” cleaners where the customer must leave his or her automobile to pick up or deliver goods).

DRIVEWAY. Private road leading from house to street.

DWELLING. A building, or portion thereof, designed or used predominantly for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings but not including hotels, motels, boarding and rooming houses or tourist homes.

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.

DWELLING, MULTIPLE-FAMILY. A residential building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY. A residential structure containing one dwelling unit only.

DWELLING, TWO-FAMILY. A residential structure containing two dwelling units only.

DWELLING UNIT. One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers or boarders.

EFFICIENCY UNIT. A dwelling unit with one primary room which serves as a living room, dining room and bedroom.

ESSENTIAL SERVICES. Underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith by public utilities, municipal or other governmental agencies.

FAMILY. A "family" is an individual or two (2) or more persons, intending upon residing and living together as a single household and housekeeping unit in a dwelling unit for thirty (30) days or more and not for short-term, tourist or transient use.

FEED LOT. An enclosure for the feeding of poultry or livestock which is not normally used for pasture or crops and in which animal waste may accumulate.

FENCE. A structure constructed of wood, metal, wire mesh, masonry or stone erected to provide enclosure but not protection from the elements (as distinguished from building).

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building or buildings—measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, **FLOOR AREA** shall include:

- (1) Basement space if at least one-half of the basement story is above established curb level or, where the curb level has not been established, above the average level of the finished grade;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed, located on the roof, including bulk needs, water tanks and cooling towers
- (4) That part of the attic floor space where the structural headroom exceeds seven and one-half feet;
- (5) Interior balconies and mezzanines;
- (6) Enclosed porches but not terraces and breezeways;
- (7) Accessory uses other than floor space devoted exclusively for accessory off-street parking or loading.

FRONTAGE. The width of a lot or building site measured on the line separating it from the public street

or way. (For the purpose of this chapter, the front line of corner lots shall be considered to be the shortest street line).

HOME OCCUPATION. Any occupation or profession carried on within a dwelling unit by the occupant as a secondary use, including but not limited to such occupations as beauty parlor, dressmaking and alteration, preparation of foodstuffs and confectionery, handicraft, professional offices, artists studio and the renting of rooms for lodging or serving of meals for compensation.

HOTEL or MOTEL. Any building occupied as an abiding place for persons who are lodged with or without meals and in which no provision is made for cooking by such individuals.

INDUSTRY. An enterprise which involves the production, assembly, processing or storage of materials, goods or products.

JUNK YARD. An open area where waste or scrap 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 **JUNK YARD** includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.

LOADING SPACE. A space, accessible from a street, alley, railroad or way, in a building or on a lot, for the use of vehicles while unloading and loading merchandise or materials.

LOT. A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.

LOT, CORNER. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot and the rear lot lines, measured within the lot boundaries.

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

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

LOT-LINE RELATED.

- (1) **FRONT LOT LINE.** That boundary of a lot that abuts an existing or dedicated public street or a private road. In the case of a corner lot, it shall be the shortest dimension of the lot abutting the street or road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.
- (2) **REAR LOT LINE.** That boundary of a lot that is opposite to the front lot line. If the rear lot line

is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

- (3) **SIDE LOT LINE.** Any boundary of a lot that is not a front lot line or a rear lot line.
- (4) **THROUGH LOT.** Any lot other than a corner lot that abuts more than 1 street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

LOT WIDTH. The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

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 with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it and which complies with the manufactured home building code as provided by M.S. §§ 327.31 to 327.36, as they may be amended from time to time.

NON-COMPLIANT MANUFACTURED HOME. Any other transportable single-family dwelling unit suitable for year around occupancy and containing the same water supply, waste disposal and electrical conveniences as a manufactured home, but which does not comply with the manufactured home building code.

NON-FARM DWELLING. A type of dwelling that is not intended for agricultural activities or related purposes. Non-farm dwellings are primarily used for residential living.

OFFICE BUILDING. A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling purposes other than by a watchman or janitor.

OFFICE, PROFESSIONAL. A room or rooms used for the carrying on of a profession.

PARKING SPACE, AUTOMOBILE. A suitable surface and permanently maintained area off the public street right-of-way, either within or outside of a building, of sufficient size to store one standard automobile but in no event less than 180 square feet, exclusive of passageways, driveways or other means of circulation or access.

PATIO. A surfaced inner court or yard open to the sky used for outdoor living.

PHOTOVOLTAIC (PV) DEVICE SYSTEM. A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

PHOTOVOLTAIC (PV) (PV PANEL). The essentially planar assembly of solar cells and ancillary module parts, such as interconnections, terminals, (and protective devices such as diodes) intended to generate direct current or alternating current in direct and diffuse sunlight.

PHOTOVOLTAIC (PV) SYSTEM. A complete set of components for converting sunlight into

electricity by the photovoltaic process, including the array and balance of system components.

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, for persons regularly assembled for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

PLOT PLAN. A drawing or sketch depicting boundary lines, drainage, location of buildings, present and proposed, and any other data requested by the Planning Commission to determine the acceptability of the proposed structure or structures. A **PLOT PLAN** may be required to be certified by a registered engineer, surveyor or architect, pending the request of the governing body or the Planning Commission for exact information relative to the proposed structure.

PORCH. A covered entrance to a building.

PRINCIPAL BUILDING OR STRUCTURE. A building in which the primary use of the lot on which the building is located and conducted.

PUBLIC UTILITY. Persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone services to the general public. For the purpose of this section, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately.

PUD-R. Planned Unit Development, Residential, is a zoning district as defined in § 153.045.

REST HOME, NURSING HOME and BOARDING CARE HOME. A building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of all applicable Federal, State, and local permits or approvals.

RETAIL ESTABLISHMENT. Any place of business or portion of a place of business where THC Products are available for sale to the general public. Retail Establishments shall include, but are not limited to, grocery stores, convenience stores, tobacco products shops, gasoline service stations, bars, restaurants, CBD (Cannabidiol) stores, chiropractic/medical clinics, health/nutrition/supplement stores, and veterinary clinics. Retail Establishment shall not include any home-based business or sales out of any dwelling. A Retail Establishment can only be located in a C1-Central Commerce zoning district.

RETAIL STORE. A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot and include but not limited to those offering food, meat, drugs, clothing, art, jewelry, dry goods, notions, home supplies, paint, and wallpaper, as well as drive-in establishments such as automobile service stations, garages for vehicle storage and repair, motels, and restaurants which do not usually require on-site vehicular pick-up.

RETAINING WALL. A structure constructed of wood, metal, wire mesh, masonry or stone erected to provide protection from soil erosion, crumbling or dangerous hazards.

ROOMING HOUSE. A building designed for or used as a single-family or two-family dwelling, all or a portion of which contains rooming units which accommodate three or more persons who are not members of the keeper's family. Rooms or meals, or both, are provided for compensation on a weekly or

monthly basis.

SENIOR CITIZEN HOUSING. Multiple dwellings which are designed, built and operated for exclusive occupancy by persons who are at least 60 years old. **SENIOR CITIZEN HOUSING** shall include certain ancillary facilities and special features associated with living needs for the comfort, health, safety and welfare of elderly persons and which are not typically found in the construction of multiple-family dwellings.

SERVICE ESTABLISHMENT. A business primarily engaged in providing various services, including but not limited to barber and beauty services, laundry, dry-cleaning or dyeing, tailoring, dressmaking, shoe making, and repair. These establishments focus on delivering services to customers and may also involve sales activities, distinguishing them from manufacturing plants.

SETBACK. The minimum horizontal distance between a building and the street or lot line, disregarding steps and overhangs.

SIGN. A name, identification, description, display, illustration or device which is fixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN, FLASHING. Any illuminated sign on which such illumination is not kept stationery or constant intensity or in color at all times when such sign is in use.

SIGN, ILLUMINATED. Any sign which has characters, letters, figures, risings or outlines illuminated by electric lights or luminous tubes as a part of the sign.

SIGN, SURFACE AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display.

SOLAR ENERGY. Electromagnetic energy transmitted from the sun (solar radiation).

SOLAR ELECTRIC SYSTEM. A set of devices including, but not limited to, photovoltaic devices whose primary purpose is to collect, store, and/or distribute solar energy.

SOLAR ELECTRIC SYSTEM, RETAIL. A solar electric system established for the primary purpose of meeting all or part of the electric energy needs of the host building, whether residential, commercial, industrial, or institutional.

SOLAR ELECTRIC SYSTEM, WHOLESALE. A solar electric system established for the primary purpose of generating and/or storing electricity and selling it directly to a third party (e.g., electric utility company).

SOLAR PANEL. See *Photovoltaic (PV) panel*.

STAND, ROADSIDE. A structure used only for the display and sale of products with no space for customers within the structure.

STATE LICENSED FACILITY. a state-licensed and mandatory residential facility occupied by six or fewer persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time.

STORY. That part of a building between the surfaces of a floor and the ceiling immediately above; however, a basement is not considered to be a story.

STREET, ARTERIAL. Provides for through traffic movement between major highways and collector streets and for those major movements within or through an urban area not served by major highways. To accomplish this it should not force traffic through the areas it serves on an area-wide basis. For instance, an arterial should circulate traffic around rather than through an internal area such as a residential, commercial or industrial district. Access points should be well controlled and limited to cases of definite need.

STREETS, COLLECTOR. Distributes and collects the traffic within an internal district between the major arterials and local streets. Continuity should be de-emphasized so that through traffic is discouraged.

STRUCTURAL ALTERATION. Any change in a building or structure affecting its supporting members such as bearing walls or partitions, beams, girders and the like. Roofs or exterior walls are included. Incidental repairs shall not be considered as alterations.

STRUCTURE. Anything erected, the use of which usually requires permanent location on the ground or attached to something having permanent location on the ground.

TOWER. A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

- (1) **COMMUNICATION TOWER, FREESTANDING, SELF-SUPPORTING.** A ground mounted tower consisting of a pole, spire, structure or combination thereof constructed without guy wires and anchors.
- (2) **COMMUNICATION TOWER, GUYED.** A tower that is supported in whole or part by wires and ground anchors.
- (3) **COMMUNICATION TOWER, MONOPOLE.** A ground mounted tower consisting of a single pole constructed without guy wires and anchors.

TOWER HEIGHT. Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower, including all antennae or other attachments.

USE. The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

USE, INCOMPATIBLE. A use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.

USE, NONCONFORMING. Any lawfully established use or a building or premises which on the effective date of this chapter does not comply with the use regulations of the zoning district in which such building or premises shall be located.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards if any, of such district.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.

USE, CONDITIONAL. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such **CONDITIONAL USE** may or may not be granted.

VARIANCE. A modification of the literal provisions of this chapter granted when strict enforcement would cause practical difficulties, as defined by Minn. Stat. § 462.357, subd. 6.

YARD. An open space on a lot which is unobstructed from its lowest level to the sky, except as hereinafter permitted. A **YARD** extends along a lot line and at right angles to such lot line to a depth or width specified in the yard requirements for the district in which such lot is located.

YARD, FRONT. A yard extending along the full width of the front lot between side lot lines.

YARD, REAR. The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot. In those locations where an alley is platted in the rear of the lots, one half of the width of the platted alley may be included in the rear yard requirements. On corner lots the Planning Commission shall determine which yards are to be side and rear yards for the purpose of this chapter.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use, lot and building are uniform.

ZONING MAP. The map setting forth the boundaries of the Zoning Districts of the city. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86)

ZONING DISTRICTS AND MAP

§ 153.020 DISTRICTS.

In order to carry out the purpose of this chapter, the City of Dassel is divided into the following use districts:

(A) Residence Districts:

- (1) RR – Rural Residential
- (2) R1 - One-Family Residence;
- (3) R2 – One- and Two-Family Residence;
- (4) R3 – Multiple Family Residence
- (5) R4 – Manufactured Home Park

(B) Commerce Districts:

- (1) C1 - Central Commerce;
- (2) C2 - Fringe and Highway Commerce;

(C) Industry Districts:

- (1) I1 - Limited Industry;
- (2) I2 - General Industry;

(D) Planned Unit Development R: PUD-R Residential.

(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86)

§ 153.021 MAP.

The location and the boundaries of the zoning districts established by this chapter are set forth on the Zoning Use Districts Map, which map is on file and on record in the office of the City Administrator-Clerk-Treasurer, City of Dassel entitled “Dassel Zoning Map,” as amended, is incorporated into and made a part of this chapter by reference.

(Ord. 25, passed 12-3-74)

§ 153.022 BOUNDARIES.

District boundary lines as indicated on the Zoning Use Districts Map follow lot lines, right-of-way lines of streets and alleys projected, railroad right-of-way lines and the corporate limit lines, all as they exist upon the effective date of this chapter. If the boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the Zoning Use Districts Map. (Ord. 25, passed 12-3-74)

§ 153.023 ANNEXED TERRITORY.

Any land which may be annexed to the city in the future shall be placed in the R1 - One-family Residence District until special resolution of the City Council shall definitely assign such land to another district.

(Ord. 25, passed 12-3-74)

DISTRICT REGULATIONS

§ 153.035 RR – Rural Residential.

(A) *Purpose.* All farming operations together with non-farm dwellings. The municipal airport, utility and cemeteries are also permitted uses.

(B) *Permitted uses.*

- (1) Agriculture uses
- (2) One-family non-farm dwellings, including manufactured homes with a minimum width of 20 feet.
- (3) Airports, including attendant’s dwelling.
- (4) Cemeteries.
- (5) Golf courses, except miniature courses or practice driving tees operated for commercial purposes.
- (6) Small animal crematory, for animals up to 300 pounds. (Must be fenced-no less than 8’ high, gated and secured. Remains must always be concealed from plain sight, stored in a secured refrigerated space, and cremated within 7 days.)

(Ord. Am. - - passed 10-21-13)

(C) Building requirements.

(1)	Minimum floor area	Residential - 900 square feet;
(2)	Height limits	2 ½ stories or 35 feet, whichever is less.
(3)	Manufactured homes must:	i. Have a permanent foundation constructed according to the Uniform Building Code; ii. Be at least 20 feet at its narrowest point; iii. Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(D) Minimum lot requirements, residential.

(1)	Area	one acre
(2)	Width	100 feet
(3)	Depth	150 feet
(4)	Front Setback	30 feet
(5)	Rear Setback	35 feet
(6)	Side Setback	15 feet
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74)

§ 153.036 R1 - ONE-FAMILY RESIDENCE.

(A) *Purpose.* One-family dwellings together with certain public or semipublic uses that serve the residents of Dassel and customary home occupations. Density 1-5 dwelling units per acre. Special provisions are made for manufactured home courts.

(B) Permitted uses.

- (1) One-family detached dwellings,
- (2) Manufactured homes with a minimum width of 20 feet.
- (3) Public parks, playgrounds and recreational uses of a non-commercial nature.
- (4) The renting of rooms by a resident family for lodging purposes only and for not more than two additional occupants in a one-family dwelling for not more than 14 consecutive days
- (5) Customary home occupations in accordance with Section 153.076
- (6) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business or industrial use.
- (7) A state licensed group home or foster home serving six or fewer persons.

(8) Cemetery expansion.

(9) Places of Worship

(C) *Uses by Conditional Permit*

(1) Accessory Dwelling Unit

- a. The renting of the conditionally approved accessory dwelling unit for lodging purposes only for not more than 14 consecutive days.

(D) *Building requirements.*

(1)	Minimum floor area	Principal Residential - 1,000 square feet;
(2)	Height limits	Residential – 2 ½ stories or 35 feet, whichever is less.
(3)	Manufactured homes must:	<ul style="list-style-type: none">i. Have a permanent foundation constructed according to the Uniform Building Code;ii. Be at least 20 feet at its narrowest point;iii. Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(E) *Minimum lot requirements.*

(1)	Area	12,000 square feet
(2)	Width	80 feet measured at front setback line
(3)	Depth	80 feet
(4)	Front Setback	25 feet or average depth of front yard
(5)	Rear Setback	25 feet
(6)	Side Setback	<ul style="list-style-type: none">i. Residential - ten feet each side, except that corner side yards shall be 20 feet adjacent to street.ii. Public and semipublic buildings: 25 feet
(7)	Side Street Setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.037 R2 - ONE- AND TWO-FAMILY RESIDENCE.

(A) *Purpose.* One-family dwellings and two-family dwellings together with medical and related facilities in addition to the other uses permitted in the R1 District. Density 5-8 dwelling units per acre.

(B) *Permitted uses.*

(1) Single -family detached dwellings,

(2) Two - family dwellings

- (3) Manufactured homes with a minimum width of 20 feet.
- (4) Municipal buildings, public parks, playgrounds, and recreational uses of a noncommercial nature.
- (5) Places of worship and public and parochial schools.
- (6) Hospitals, clinics, mortuaries, sanitariums, rest homes, old-age homes and rooming and boarding houses.
- (7) The renting of rooms by a resident family for lodging purposes only and for not more than two additional occupants in a one-family dwelling for not more than 14 consecutive days.
- (8) Customary home occupations in accordance with Section 153.076.
- (9) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business of industrial use.
- (10) Cemetery expansion.
- (11) A state licensed group home or foster home serving six or fewer persons.

(C) *Uses by conditional permit.*

- (1) A state licensed residential facility serving from seven through 16 persons
- (2) Congregate housing.
- (3) Senior citizen housing.
- (4) Accessory Dwelling Units
 - (a) The renting of the conditionally approved accessory dwelling unit for lodging purposes only for not more than 14 consecutive days.
- (5) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(D) *Building requirements.*

(1)	Minimum floor area	<ul style="list-style-type: none"> i. Principal Residential One- family dwelling 800 square feet ii. Two-family dwelling unit 750 square feet per unit
(2)	Height limits	Residential – 2 ½ stories or 35 feet, whichever is less.
(3)	Manufactured homes must:	<ul style="list-style-type: none"> i. Have a permanent foundation constructed according to the Uniform Building Code; ii. Be at least 20 feet at its narrowest point iii. Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(E) *Minimum lot requirements.*

(1)	Area	i. One-family dwelling – 8,000 square feet ii. Two-family dwelling – 12,500 square feet
(2)	Width	i. One family dwelling – 80 feet ii. Two Family Dwelling – 100 feet
(3)	Front Setback	25 feet or average depth of front yard
(4)	Rear Setback	25 feet
(5)	Side Setback	i. One and two-family dwelling – 10 feet each side, except that corner side yards shall be 20 feet adjacent to street. ii. Public and semi-public buildings 25 feet.
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.088, passed 5-18-92)

§ 153.038 R3 MULTIPLE FAMILY RESIDENTIAL

(A) *Purpose.* Established to allow and preserve multiple-family dwellings in relatively medium and high density residential areas in the City.

(B) *Permitted Uses*

- (1) Townhouse.
- (2) Multiple-family dwellings.
- (3) Group family day care serving 14 or less children.
- (4) State licensed residential facility.
- (5) Municipal buildings, public parks, playgrounds and recreational uses of a noncommercial nature.
- (6) Places of worship and public and parochial schools.
- (7) Hospitals, clinics, mortuaries, sanitariums, rest homes, nursing home and boarding care home.

(C) *Uses by conditional permit*

- (1) Community Center
- (2) Assisted Living/Memory Care
- (3) Senior Citizen Housing
- (4) Accessory Dwelling Units

- a. The renting of the conditionally approved accessory dwelling unit for lodging purposes only for not more than 14 consecutive days.

(E) *Building requirements.*

(1) Minimum floor area:

(1)	Minimum floor area	1) Efficiency: 350 square feet per dwelling unit; 2) 1 bedroom: 600 square feet per dwelling unit; 3) 2 bedroom: 700 square feet per dwelling unit; 4) 3 bedroom: 900 square feet per dwelling unit.
(2)	Height Limit	One Family Dwelling – 2 ½ stories but less than 35 feet. Two Family Dwelling – 2 ½ stories but less than 35 feet Multi- Family Dwelling – No principal structure of building shall exceed 3 stories or 35 feet in height whichever is less.
(3)	Manufactured homes	Must: Have a permanent foundation constructed according to the Uniform Building Code; be at least 20 feet at its narrowest point; have a pitched roof with shingles or tile and eaves of not less than 12 inches

(D) *Minimum lot requirements.*

(1)	Area	a) One-family dwelling – 8,000 square feet; b) Two-family dwelling – 10,000 square feet; c) Multiple-family dwelling units – 10,000 square feet plus 800 square feet for each dwelling unit over one.
(2)	Width	a) One-family dwelling – 80 feet; b) Two-family dwelling – 100 feet; c) Three or more family dwelling – 120 feet.
(3)	Front Setback	25 feet or average depth of front yard.
(4)	Rear Setback	25 feet.
(5)	Side Setback	One and two-family dwelling – 10 feet each side, except that corner side yards shall be 20 feet adjacent to street. Multiple-family dwellings – 15 feet each side, plus 5 feet for each additional story over ground floor level. Corner side yards shall be 25 feet adjacent to streets.
(6)	Side street setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.039 R4 – MANUFACTURED HOME PARK

(A) *Purpose.* Allow manufactured home parks in a specified area of the city. Manufactured home parks shall provide ingress and egress roadways, open space for playgrounds, recreation and park purposes and necessary sewer, water, electricity, and refuse services. All manufactured home parks shall conform to the provisions set forth in the City Code relating to manufactured home parks.

(B) *Permitted Uses*

- (1) None

(C) *Uses by conditional permit*

- (1) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(D) *Permitted Accessory Uses*

- (1) Private garage or parking space
- (2) Off-street parking lot
- (3) Storm Shelter
- (4) Public park or playground and open space

(E) *Building requirements.*

- (1) Have a permanent foundation constructed according to the Uniform Building Code;
- (2) Be at least 20 feet at its narrowest point;
- (3) Have a pitched roof with shingles or tile and eaves of not less than 12 inches.
- (4) Lot Requirements

i.	Front Setback	25 feet or average depth of front yard.
ii.	Rear Setback	10 feet.
iii.	Side Setback	5 feet
iv.	Side street setback	25 feet

- v. All provisions required in Chapter 151 of the City Code.

§ 153.040 C1 - CENTRAL COMMERCE.

(A) *Purpose.* Retail stores of a retail, service, office or entertainment nature at a relatively high density of development (little or no yard space), together with other related uses that are typically found in a downtown area.

(B) *Permitted uses.*

- (1) Retail stores
- (2) Professional and business offices and office buildings, offices for personal services.
- (3) Restaurants, lunch counters, taverns and cafes.

- (4) Hotels.
- (5) Newspaper and printing establishments.
- (6) Public buildings.
- (7) Private clubs.
- (8) Theaters, assembly halls and commercial recreation establishments.
- (9) Public and private parking lots.
- (10) Telephone exchange and public utility structures.
- (11) Wholesale business and storage incident to a permitted use.
- (12) Service establishments.
- (13) Banks, financial and lending institutions.
- (14) Retail establishments.
- (15) Repair Shops.

(C) *Uses by conditional permit.*

- (1) Automobile service stations.
- (2) Those other uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the C1 District.
- (3) Multiple-family dwelling.
- (4) Apartments located above the first floor provided off-street parking requirements are met
- (5) Residential units on the ground floor of a commercial building. Subject to the following
 - (a) Only 1 single family residential unit shall be permitted per structure
 - (b) The square footage of the residential unit is no more than 50% of the gross floor area of the building, with remaining 50% retained for commercial use
 - (c) A separate entrance is provided for the residential structure that is not used for commercial purposes
 - (d) Off-street parking is provided in conformance with section 153.5 Parking Requirements

(e) The residential unit must meet Building Code, ADA and other applicable access requirements

(f) The requirements of 153.102 Conditional Use Permits are met

(6) Outdoor dining areas

(7) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(8) One- and two-family dwellings constructed on site prior to December 31, 2022, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use. One- and two-family dwellings permitted by conditional use that are damaged or destroyed by weather, fire, or vandalism shall be allowed to be repaired or reconstructed if a building permit is submitted and approved no longer than a year after the incident.

(D) *Building requirements.*

(1) Minimum floor area: none, other than multiple-family dwellings as follows:

(a) 1 bedroom unit 600 square feet per dwelling unit

(b) 2 bedroom unit 700 square feet per dwelling unit

(c) 3 bedroom unit 900 square feet per dwelling unit

(2) Building height limit: three stories but less than 35 feet.

(2) Exterior Building Requirements

(a) All exterior wall surfaces may be a combination of materials including brick, dimensional stone, rock faced block, decorative concrete panel, architectural concrete block, cast-in-place concrete, stone, stucco, wood or glass. An average of said materials shall constitute no less than 90 percent of the exterior wall façade less windows, doorways, roof, and garage doors.

(E) *Minimum lot requirements.*

(1)	Area	(a) Multiple-family dwellings: i. Each efficiency unit – 1,200 square feet ii. Each 1 bedroom unit – 1,800 square feet iii. Each 2, 3 and 4 bedroom unit – 2,500 square feet (b) Other uses – 1,500 square feet
(2)	Width	(a) Multiple-family dwellings – 50 feet

		(b) Other uses – 15 feet
(3)	Depth	(a) Multiple-family dwellings – 100 feet (b) Other uses – 50 feet
(4)	Rear Setback	(a) Multiple-family dwellings – 25 feet (b) Other uses –15 feet in compliance with §§153.01 et seq. (Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.041 C2 - HIGHWAY COMMERCE.

(A) *Purpose.* Retail stores of a retail, wholesale and service nature at a relatively low density of development which are oriented to the motorist as opposed to the pedestrian. Special provision is made for uses which require outdoor display of merchandise. Emphasis is placed on planned sites with off-street parking, loading and circulation facilities.

(B) *Permitted uses.*

- (1) Retail stores.
- (2) Accessory buildings.
- (3) Accessory uses incidental to the foregoing principal uses.
- (4) Farm implement sales and shops.

(C) *Uses by conditional permit.*

(1) Commercial uses which require outdoor display of goods, materials or merchandise such as building materials, automobile and truck sales and manufactured home sales, provided that such uses are incidental to a principal building, and provided further that the visual appearance and activity of such outdoor display areas as seen from the streets and highways does not detract from the pleasant residential character of Dassel.

(2) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(3) Those other uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the district.

(4) One and two family dwellings constructed on site prior to December 31, 1973, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use. One- and two-family dwellings permitted by conditional use that are damaged or destroyed by weather, fire, or vandalism shall be allowed to be repaired or reconstructed if a building permit is submitted and approved no longer than a year after the incident.

(D) *Building requirements.*

(1) Minimum floor area: None

(2) Height limit: 2 stories but less than 30 feet

(3) Exterior Building Requirements: All exterior wall surfaces may be a combination of brick, dimensioned stone, rock face block, decorative concrete panels, stone, stucco, wood, glass or metal panels. Metal panels shall not encompass more than fifty percent of the building elevation abutting a public right of way or residential zoned property. Metal Panels shall not exceed seventy-five percent of all other exterior wall surfaces.

(E) *Minimum lot requirements*

(1)	Area	No requirement
(2)	Width	No requirement
(3)	Depth	No requirement
(4)	Front Setback	25 feet
(5)	Rear Setback	15 feet
(6)	Side Setback	10 feet
(7)	Side street setback	15 feet

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.042 I1 - LIMITED INDUSTRY.

(A) *Purpose.* The I-1 Limited Industry District is intended to provide exemplary standards of development for certain industrial uses to be located in strategic sites. The limited industrial district is intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping; limit external effects such as noise, odors, smoke and vibration; and not require a high level of public services, including sewer and water services. With proper control, these areas should become compatible with commercial or residential areas.

(B) *Permitted uses.*

- (1) Industrial fabricating, processing or storage to be undertaken within completely enclosed buildings and which complies with the provisions of §§ 153.055 *et seq.*
- (2) Wholesaling, all commodities except live animals.
- (3) Accessory uses incidental to and on the same zoning lot as the principal use.
- (4) Farm implement sales and storage yards, auto sales and manufactured home sales.

(C) *Uses by conditional permit.*

- (1) Those uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the I1 District.
- (2) One and two-family dwellings constructed on site prior to December 31, 1973, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as

a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use. One- and two-family dwellings permitted by conditional use that are damaged or destroyed by weather, fire, or vandalism shall be allowed to be repaired or reconstructed if a building permit is submitted and approved no longer than a year after the incident.

(D) *Building requirements.*

(1) Minimum floor area: None

(2) Height limit: 35 feet

(3) Exterior Building Requirements: all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast-in-place concrete, stone, wood, glass, or metal panels. Metal panels shall not encompass more than an average of twenty-five (50) percent of all building elevations combined

(E) *Minimum lot requirements.*

(1)	Area	No requirement
(2)	Width	No requirement
(3)	Depth	No requirement
(4)	Front Setback	25 feet
(5)	Rear Setback	25 feet, except adjacent to RR property, no requirements
(6)	Side Setback	15 feet each side
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.043 I2 - GENERAL INDUSTRY.

(A) *Purpose.* The I-2 General Industry is established to provide exemplary standards of development for certain industrial uses to be located in strategic sites. These general industrial uses are less compatible with commercial and residential uses and, therefore, are not appropriate in the I-1 district. More specifically, heavy industrial land uses are industrial land uses which may have the potential to create nuisances which are detectable at the property line; may involve materials which pose a significant safety hazard.

(B) *Permitted uses.*

(1) All industrial fabricating, processing or storage of materials, goods or products, provided such activity or operation complies with the provisions of §§ 153.055 *et seq.*

(2) Wholesaling.

(3) Accessory uses incidental to and on the same zoning lot as the principal use.

(C) *Uses by conditional permit.*

- (1) Junk yards.
- (2) Wholesale electric system.

(D) *Building requirements.*

- (1) Minimum floor area: None
- (2) Height limit: 35 feet

(E) *Exterior Building Requirements:* All exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass or metal panels. Metal panels shall not encompass more than an average of seventy-five (75) percent of all building elevations combined

(F) *Minimum requirements.*

(1)	Area	No requirement
(2)	Width	No requirement
(3)	Depth	No requirement
(4)	Front Setback	25 feet
(5)	Rear Setback	25 feet
(6)	Side Setback	15 feet each side
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74)

§ 153.044 Zoning District Use Chart

	A	R1	R2	R3	R4	C1	C2	I1	I2
A. Agriculture									
Farm Implement Sales and Shop							P	P	
Farming Operations	P								
Farmsteads	P								
B. Automotive									
Auto Sales							C	P	
Automobile Service Stations						C			
Repair Shops						P			
C. Civic									
Cemeteries	P	P	P						
Public parks		P	P	P					
Places of worship		P	P	P					
Schools			P	P					
Hospital			P	P					
Day Care Serving Less than 14				P					

	A	R1	R2	R3	R4	C1	C2	I1	I2
Airports	P								
Golf Courses	P								
Theaters						P			
Assembly Halls						P			
Public and Private Parking Lots						P			
Public Utility Structures						P			
Public Buildings			P	P		P			
Commercial Recreation Center						P			
Community Center				C					
D. Commercial/Retail/Service									
Retail Stores						P	P		
Retail Establishment						P			
Service Establishments						P			
Private Clubs						P			
Newspaper and printing						P			
Professional and Business Offices						P			
Restaurants, Cafes, Taverns						P			
Outdoor dining areas						C			
Medical Clinic			P	P					
Banking, Financial Institutions						P			
E. Industrial									
Business Which Require Outdoor Display							C		
Industrial Fabricating Processing or Storage								P	P
Manufactured Home Sales							C	P	
Wholesale Businesses						P		P	P
Wholesale Electric									C
Junkyard									C
F. Lodging									
Hotels						P			
G. Residential									
Single Family Dwelling	P	P	P			C	C	C	
Two Family Dwelling			P			C	C	C	
Townhouse				P					
Licensed residential facility 1-6		P	P	P					
Licensed residential facility 7-16			C	P					
Rest/Nursing/Boarding Care Home		P	P	P					
Senior Citizen Housing			C	C					
Multiple Family Dwelling				P		C			
Manufactured Home Park			C		C	C	C		
Manufactured Housing	P	P	P			C			
Apartments above 1st Floor						C			
Residential Units on Ground Floor						C			

	A	R1	R2	R3	R4	C1	C2	I1	I2
Accessory Dwelling Unit		C	C	C					
Renting of Accessory Dwelling Unit			C	C					
h. Accessory									
Accessory Structures/Uses		P	P		C		P	P	P
Home Occupations		P	P						
Retail Solar	P	P	P	P	P	P	P	P	P
Wholesale Solar	C					C	C	C	C

§ 153.045 PUD - PLANNED UNIT DEVELOPMENT.

(A) *Purpose.* It is the purpose of this district to encourage and permit creative design and sound planning, possible mixing of compatible uses, to accommodate unique, functioning and land conserving development and to prevent deleterious effect on surroundings.

(B) *Location and districts.* The owner of a tract of land of one acre or more may submit to the Council for forwarding to the Planning Commission a plan for use and development of all of such tract and/or for alterations of existing developments with a request for rezoning if required to the following district: PUD-R (Residential).

(C) *Commission findings.* It shall be the duty of the Planning Commission, Council and appropriate governmental units to investigate and ascertain the proposed planned development complies with the following conditions.

- (1) *General intent.* That development is consistent with intent and purpose of this chapter.
- (2) *Effect.* That surroundings are not adversely affected by the development or indirectly by traffic, noise, pollution and the like caused by the development.
- (3) *Off-street parking and loading.* Adequacy for use in accord with this chapter, adapted in consideration of staggered usage and aggregate number of stalls.
- (4) *Recreation.* That indoor and outdoor recreation areas and facilities are provided and are commensurate with the needs generated by the project.
- (5) *Coverage and plantings.* That portion of land occupied by structures is compatible with use and adjacent land use and that landscaping, screening and yards are adequate, planned and will be included in the development.
- (6) *Feasibility.* The PUD is well located for adequate but not excessive in size, not in conflict with other development, existing or planned.
- (7) *Traffic circulation.* That PUD is located for adequate traffic capacity to and from the site for ease of maintenance, fire and police protection and for proper on-site traffic and parking.
- (8) *Site data.* To be presented in a preliminary form for initial review and then in final

development plan upon which final recommendation will be issued and rezoning process begun.

(D) *Plats.* Any planned unit development of one acre or more shall be platted or replatted.

(E) *Signs.* Signs are subject to the appropriate district regulations as defined in the sign regulations of this chapter.

(F) *Provisions.* Any planned unit development shall comply with all of the provisions of this chapter and the subdivision regulations set forth in Chapter 152, as amended from time to time, except as specifically modified, altered or deviated in writing from the ordinance.

(Am. Ord. 25.200, passed 4-21-86)

(G) *Procedure.* A PUD will generally adhere to the following process

(1) *Step one:* Pre-application meeting.

(a) Meet with city staff to review contemplated project in relation with community development objectives, the comprehensive plan, and this zoning ordinance. The pre-application meeting will determine the requirements of the applicant. Comments received at the pre-application meeting shall not be binding.

(b) Review information on review and processing charges for consultants and city staff.

(2) *Step two:* Conceptual development (sketch plat) plan review. A site plan application shall include the following for consideration by city staff, the planning commission, and the city council:

(a) Submittal of application, signed by the owner of the property with review fees as determined by the fee schedule.

(b) Erect sign on property identifying name of development, developer, and city meeting dates and times. Said sign shall be placed on the site at least ten days prior to neighborhood meeting.

(c) Submit five full sized hard copies, five reduced sized (11×17) along with an electronic copy of all material to city staff of the concept plan with the following information:

i. Property description, acreage, identification of owner and developer.

ii. Existing conditions within 600 feet, relationship to the comprehensive plan, existing land uses, transportation, zoning, utilities, etc.

iii. Existing natural features, topography (contours at two-foot intervals), soils, vegetation cover, waters, streams, marshes, wetlands, protected wetlands and classifications, and their implications on development.

iv. Preliminary tree preservation and replacement plan.

v. Type and square footage of specific land use.

vi. Approximate building areas, pedestrian ways and road locations.

vii. Height, bulk and square footage of specific land uses.

viii. Number of dwelling units.

ix. Staging and timing of the development.

x. Renderings/photos of proposed building types.

xi. Net densities.

xii. Tiered density calculation if within Shoreland Overlay district.

xiii. Location of parkland (if applicable) to be dedicated to city.

xiv. Location of storm water management features.

- xv. General location of trunk utilities.
 - xvi. Useable open space.
 - xvii. Proposed transportation, recreation and development staging.
 - xviii. Proposed land use objectives, assumptions, rationale, type and character of building(s).
 - xix. Preliminary landscaping plan identifying street-scaping and general site beautification.
- (d) Staff review of application for completeness. Staff may provide comments and questions to the applicant that must be addressed and mitigated prior to presentation to the planning commission or city council.
 - (e) Planning commission review to provide feedback and comment on PUD site plan application.
 - (f) City council review to provide feedback and comment on the PUD conceptual development review plan application based on information discussed at the planning commission meeting as well as additional discussion and comment.
- (3) *Step three:* Preliminary development plan. A preliminary development plan shall include the following for consideration by city staff, the planning commission, and the city council:
- (a) The development plan shall include the following:
 - i. Site plan showing lot lines, building location, height, bulk and square footage, parking lots, parks and private/common open space, and recreational improvements.
 - ii. Type and square footage of specific land uses.
 - iii. Number of dwelling units, net density and usable open space.
 - iv. Detailed street and utility locations and sizes.
 - v. Grading and drainage plan, including location and size of pipes and water storage areas and, where appropriate, building pad elevations.
 - vi. Preliminary landscape plan.
 - vii. Traffic study or other information on the impacts of the development on surrounding sites.
 - viii. Colorized plan for uniform signs and lighting, showing size and location.
 - ix. General floor plans for each type of building.
 - x. Provide a matrix or graphic of zoning provisions that are not addressed by the underlying zoning.
 - xi. Updated tiered density calculation if within Shoreland district if different from information submitted at time of concept plan.
 - (b) Staff review of application for completeness. Staff may provide comments and questions to the applicant that must be addressed and mitigated prior to presentation to the planning commission or city council. Information discussed at the time of concept plan should be addressed and/or corrected at time of preliminary development plan submittal to the city.
 - (c) Planning commission review to hold a public hearing and provide recommendation of approval or disapproval to the city council.
 - (d) City council review to act on approval or disapproval of preliminary development plan.
 - (e) No application for a final PUD shall be processed until the application for a preliminary PUD has been approved by the city council unless staff determines the preliminary PUD and final PUD may be processed simultaneously.
 - (f) Denial of a preliminary PUD restricts the applicant or owner from reapplying for the same or similar development on the same property for six-months from the day of denial.

- (4) *Step four*: Final development plan. A final development plan shall include the following for consideration by city staff, the planning commission, and the city council:
- (a) The development plan shall include the following:
 - i. Detailed utility, street, grading and drainage plans.
 - ii. Detailed building elevations and floor plans, except single family detached homes.
 - iii. Detailed landscaping, sign, lighting and parking plans.
 - iv. Construction drawings (can be draft version).
 - v. Detailed tree replacement, if applicable.
 - vi. The final site and building plan must be in substantial compliance with the approved PUD development plan.
 - vii. Pay balance due, if any.
 - (b) Staff review of application for completeness. Staff may provide comments and questions to the applicant that must be addressed and mitigated prior to presentation to the planning commission or city council. Information discussed at the time of preliminary plan should be addressed and/or corrected at time of final development plan submittal to the city. The development must comply with the prescribed zoning at the time of final development plan.
 - (c) Planning commission review to provide recommendation of approval or disapproval to the city council.
 - (d) City council review to act on approval or disapproval of final development plan.
 - (e) The city council shall consider the final PUD development plan. If the city council deems it necessary, it may set a public hearing for consideration of the final development plan. The city council may deny or approve the final development plan in whole or in part.
 - (f) Denial of a preliminary PUD restricts the applicant or owner from reapplying for the same or similar development on the same property for six-months from the day of denial.
 - (g) Approval granted to the applicant shall not be transferable.
 - (h) Approval of the PUD development plan shall indicate approval of the previously listed items and, after the approval of the PUD, nothing shall be constructed nor shall there be any new use of the property on the PUD site, in conformance with the approved plans.
 - (i) Proposed development of land for which a PUD has been approved or modifications to an existing project which does not conform to the approved final plan shall be processed and approved in the same manner as a preliminary and final development plan except that submission requirements shall be modified as appropriate by city staff to reflect the nature of the proposed amendment.

SPECIAL REGULATIONS

§ 153.055 OFF-STREET PARKING REQUIREMENTS.

(A) *Minimum number of parking spaces required.*

- (1) None required in C1 except as in subsection (2 and 3) below;
- (2) One-, two- and multiple-family dwellings: one per dwelling unit;

- (3) Places of worship, auditoriums, mortuaries and other similar places of assembly: one per every four seats;
- (4) Schools, elementary and junior high: one per classroom, plus one additional for every 50 students or fraction thereof;
- (5) Schools, senior high: one per classroom plus one additional for every ten students;
- (6) Hospitals: one per every three beds;
- (7) Sanitariums, convalescent homes, rest homes, nursing homes: one per every six beds;
- (8) Retail commerce, other than C1:
 - (a) Restaurants: one per every three seats;
 - (b) Other retail: one per every 100 square feet of retail floor space;
- (9) Service commerce, other than C1:
 - (a) Motels: 1 per unit
 - (b) Bowling alley: 5 per lane;
 - (c) Theaters and other place of entertainment: one per every six seats;
 - (d) Personal and professional offices: one per every 150 square feet of gross floor area;
 - (e) Other service business: one per every 150 square feet of gross floor area;
 - (f) Industrial, including wholesale: one per every two persons of maximum employment during any work period;

(10) Congregate and senior citizen housing. Where senior citizen or congregate housing is proposed, with reduced parking facilities, as provided by this chapter, the owner shall submit a detailed parking plan which demonstrates that the full complement of parking that would otherwise be required on the site cannot be provided within ordinance design standards and a document providing that the owner covenants on behalf of himself or herself, his or her heirs, executors and assigns, not to use the property for any other use unless such other use complies with the off-street parking requirements as specified by this section.

(B) *Minimum size of parking spaces.* 400 square feet of standing and maneuvering space. Fractional spaces over one half count as one space.

(C) *Location of parking spaces.*

- (1) Spaces for one- and two-family dwellings: on the same lot as the dwelling served.

- (2) Spaces for multiple-family dwellings: on the same lot as the dwelling served or within 200 feet of the main entrance to such dwelling.
- (3) Spaces for commercial uses not in the C1 Districts or for public and semi-public uses: within 300 feet of the main entrance of the building served.
- (4) Spaces for industrial uses: within 400 feet of the main entrance of the building served.
- (5) No off-street parking space to be located within ten feet of any street right-of-way.

(D) *Surfacing and drainage.* Off-street parking areas and accessways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(E) *Screening.* All open off-street parking areas having more than six parking spaces shall be effectively screened as approved by the Planning Commission.

(F) All business uses parking uses must be in designated spots for overnight parking

(G) All off-street parking spots must be located in maintained painted spots with area for drive lanes.

(H) Parking minimum requirements may be reduced up to 25% through the granting of a Conditional Use Permit

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90)

§ 153.056 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

(A) *Minimum number of off-street loading spaces required.* An adequate number of off-street loading spaces shall be provided for all structures which require the receipt or distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of pedestrians and motor vehicles throughout the active areas of Dassel.

(B) *Minimum size of off-street loading berths.*

(1) Width: 10 feet

(2) Length: 50 feet

(3) Vertical clearance: 14 feet

(C) *Location of off-street loading berths.* No closer than 40 feet from the intersection of two street rights-of-way.

(D) *Access to off-street berths.* Each berth shall be designed with appropriate means of access to a street or alley in a manner which will least interfere with traffic movement.

(E) *Surfacing and drainage.* All loading berths and accessways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(Ord. 25, passed 12-3-74)

§ 153.057 COMMERCIAL AND INDUSTRIAL SCREENING.

Where any commercial or industrial use is adjacent to property zoned for residential use, that commerce or industry shall provide screening, suitable as determined by the Planning Commission, along the boundary of the residential property where outdoor storage or off-street parking or loading areas are located across the street from such residential property. Screening may consist of buildings, walls, fencing, berms, coniferous plantings, or a combination thereof. Screening shall have an opacity of at least 75 percent but not to exceed 95 percent. The screening is required to have a 15 foot setback from any street or driveway opening onto a street

(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90)

§ 153.059 LANDSCAPING.

(A) In all zoning use districts (except as required in special provisions for specific uses as decided by the Planning Commission), prior to approval of a building permit, shall be subject to a mandatory landscape plan.

(B) The lot remaining after providing for off-street parking, loading, sidewalks, driveway, building site shall be landscaped using ornamental grass, shrubs, trees, or other acceptable vegetation or treatment used in landscaping prior to certificate of occupancy, the front yard extending from the back of the street curb to the front of the home shall be sodded except for areas landscaped with shrubs, trees and other vegetation. At least one tree or two inches in diameter shall be provided in the front yard.

(C) Occupancy may be taken in the Winter with a temporary certificate of occupancy provided a deposit of a fee determined by City Council, and all remaining landscaping be completed by the first of June the following Spring.

(D) The landscape plan shall address the following

- (1) The boundary or perimeter of the proposed site and points adjoining other properties
- (2) The immediate perimeter of the structure
- (3) The perimeter and landscaped islands within parking and loading areas

(E) Design of site amenities i.e. composition of plant materials, and location of plants. Design shall address the following

- (1) All exterior areas not paved or designated as roads, parking or exterior storage shall be planted into ornamental vegetation, lawns, ground cover or shrubs

- (2) All ground areas under building overhangs must be treated with decorative mulch or foundation plantings
- (3) Trees and plantings shall not be planted in the right of way except for designated locations and boulevards as determined by the City.
- (4) Plant material centers shall not be located closer than three feet from the fence line or property line
- (5) Large deciduous shrubs shall be planted so that mature widths overlap so as to provide effective screening.

(F) Landscaping Maintenance

- (1) The property owner shall be responsible for maintenance of landscape elements as so to present a neat, aesthetically pleasing appearance. If the City finds that a property is not in compliance with the approved landscaping plan, it shall inform the owner regarding the non-compliance and describe the necessary steps to bring the property into compliance within a reasonable timeframe.

(G) All developed uses shall provide a landscaped yard along all streets. The yard shall be kept clear of all structures, storage and off-street parking within one year of the effective date of this chapter. The yard shall be at least ten feet in depth along all streets, measured from the street right-of- way; except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

(Ord. 25, passed 12-3-74)

§ 153.060 RESIDENTIAL YARD STORAGE.

In all residence districts, all materials and equipment shall be stored within a building or fully screened (so as not to be visible) from adjoining properties, except for the following: laundry drying and recreational equipment, equipment temporarily being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises and off-street parking of passenger automobiles and pick-up trucks.

(Ord. 25, passed 12-3-74)

§ 153.061 REFUSE.

In all zoning use districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(Ord. 25, passed 12-3-74)

§ 153.062 TRAFFIC VISIBILITY.

No obstruction exceeding 30 inches in height above the center line grade of the street shall be permitted within any setback area so as to allow for visibility at a street intersection.
(Ord. 25, passed 12-3-74)

§ 153.064 BUILDING DESIGN AND MATERIALS.

(A) A public occupancy building shall be designed by a registered architect as provided by state law. (Ord. 25, passed 12-3-74)

(B) Except in association with farming activities, no galvanized or unfinished steel or aluminum buildings, or exposed metal fastener buildings are allowed in any district.

§ 153.065 GLARE.

In all districts, any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential district or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property.
(Ord. 25, passed 12-3-74)

§ 153.066 RESIDUAL FEATURES.

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter and vibration in such concentration as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.
(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.067 DRAINAGE.

No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. The run-off shall be properly channeled into a storm drain, water course, ponding area or other public facility. All new development shall include provision for storm sewers, curbs and gutters along public streets.
(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.068 BUILDING RELOCATION.

No building shall be moved from one location to another without a building permit from such relocation so as to comply with all of the provisions of this chapter as to construction.
(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.069 DWELLING BELOW GROUND LEVEL.

No interior space below ground level shall be occupied for dwelling purposes unless the completed building was designed to be partially or wholly underground. A completed structure which was not intended to serve as a substructure or foundation for a building.

(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.070 COMPLETION OF DWELLINGS AND ACCESSORY BUILDINGS.

All exterior and landscaping of residential dwellings and accessory buildings shall be completed 18 months from the date of permit approval. If the dwelling or accessory building is not completed, application must be resubmitted with regular fees for extension.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.071 PRINCIPAL AND ACCESSORY BUILDINGS.

(A) Not more than one principal use shall be located on a lot, with the exception of retail strip centers and similar developments that typically consist of multiple uses and businesses. Multiple principal structures on one lot are only permitted for multi-family, industrial, and commercial developments.

(B) In case an accessory building is attached to the main building it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.

(C) A detached accessory building shall not be located in any required front or side yard.

(D) A detached accessory building in a residential zone shall not be over one story and not to exceed nine feet side walls in height and shall not exceed 1,000 square feet and shall not occupy more than 30% of the area of any rear yard, providing further that no detached accessory building shall be located within six feet of any rear lot line, except where rear lot line abuts a street, an additional ten feet setback from the street shall be required.

(E) Retail solar systems are a permitted accessory structure in any district.

(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90; Am. Ord. 25.091, passed 12-5-94)

§ 153.072 FENCES AND RETAINING WALLS.

(A) *Permit required.* No person or corporation except on a farm and related to farming shall hereafter construct or cause to be constructed or erected within the city any fence or retaining wall exceeding 3¹/₂ feet in height without making an application for and securing a building permit.

(B) *Locations.* All boundary line fences and retaining walls shall be located entirely upon the private property of the persons, firm or corporation constructing or causing the construction of such fence or

retaining wall, unless the owner of the property adjoining agrees, in writing, that such fence or retaining wall may be erected on the division line of the respective properties.

- (1) Fences may only be located in side and rear yards, and are not allowed in front yards.
(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.073 TELECOMMUNICATION TOWERS.

(A) *Purpose.* The purpose of this section shall be to establish predictable and balanced regulations that protect the public peace, health, safety and general welfare of the City of Dassel (“city”). These regulations are intended to:

- (1) Facilitate the provision of telecommunications services and facilities, including commercial wireless telecommunication services, in the city;
- (2) Minimize adverse visual effects of towers through careful design and siting standards;
- (3) Avoid potential damage to adjacent properties from tower or antenna failure and weather-related occurrence through structural standards, careful siting and setback requirements;
- (4) Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the city.

(B) *Permits required.* It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any tower unless it shall replace a like tower without first making application to the city and securing a conditional use permit. A change in construction, dimension, lighting design or design type shall also require a conditional use permit. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit. The placement of antennae on previously approved towers may be administratively approved by the city.

(C) *Tower and antenna design requirements.* Proposed or modified towers and antennas shall meet the following design requirements:

- (1) Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities;
- (2) No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow’s nest or like structure, except during periods of construction or repair;
- (3) Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards;
- (4) Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;
- (5) Metal towers shall be constructed of, or treated with, corrosive resistant materials.

(D) *Tower setbacks.* Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

- (1) Towers shall be setback from all property lines and existing structures an amount equal to the height of the structure;
- (2) Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet the setback of the underlying land use district with respect to the public road right-of-way;
- (3) Suitable protective anti-climbing fencing, with a minimum height of six feet, shall be provided around any tower and guy wires.

(E) *Tower location.*

- (1) Towers are allowed by conditional use permit on property zoned for commercial, industrial and agricultural use.
- (2) Towers less than 200 feet in height shall be located a minimum of one half mile from the end of an airport clear zone as measured from the center point of the base of a freestanding tower. Towers that are 200 feet or more in height shall be located a distance of at least three miles from any public or private airport.

(F) *Co-location requirement.* All commercial wireless telecommunication towers erected, constructed or located within the city shall comply with the following requirements:

- (1) Documentation of the area to be served, including maps demonstrating the size of communications cells and a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
- (2) Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
 - (a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost;
 - (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;
 - (c) Existing or approved towers and buildings within the search radius that are 60 feet or

over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

(d) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(3) Any proposed tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 99 feet in height or for at least one additional riser if the tower is between 35 and 99 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varied heights.

(4) An agreement shall be written stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location and that any prohibition of additional users on a tower will be considered a violation of the permit and city policy. The agreement shall also include a statement that any unused or abandoned tower shall be removed by the property owner and/or applicant. The agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

(G) *Antennas mounted (in existing buildings or towers).*

(1) The placement of telecommunication antennas, including wireless telecommunication antennas on existing buildings, towers or structures shall meet the requirements of the underlying land use district and this section. A site plan and building plan must be submitted to the city as part of the land use permitting process.

(2) Where a tower is nonconforming due to the requirements of this section, additional telecommunication antennas may be permitted to be placed on the tower after being reviewed by the Zoning Administrator.

(H) *Accessory utility buildings.* All buildings and structures accessory to a tower shall conform as follows:

(1) Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for each land use district;

(2) Have ground mounted equipment screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and compliments the architectural character of the surrounding neighborhood.

(I) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers or other illuminating devices, except as required by the Federal Aviation Administration or the Federal Communications Commission or state agency. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

(J) *Abandoned or unused towers.* Abandoned or used towers and associated facilities shall be

removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.

(K) *Public safety telecommunications interference.* Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the City Planning Commission before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the city at least ten calendar days in advance of any changes and allow the city to monitor interference levels during the testing process.

(L) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(M) *Nonconforming towers.* In order to avoid requiring new towers and to minimize the number of towers needed to serve the city, the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The City Planning Commission shall consider the following criteria as part of the conditional use permit process:

- (1) Tower safety concerns, including tower collapse, falling ice and airplane traffic;
- (2) Land use character and history of tower(s);
- (3) Comparative visual impact to the surrounding lands of the proposed tower height increase;
- (4) Disturbance or conflict with agricultural uses on the property;
- (5) Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.

(N) *Screening and landscaping requirements.* A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures and security fencing shall be submitted. The plan shall show the location, size, quantity and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

(O) *Additional submittal requirements.* In addition to the information required elsewhere, applications shall include the following information:

- (1) A report from a licensed professional engineer that describes the commercial
- (2) wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;

- (3) A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;
- (4) The location of all public and private airports within a three mile radius of the tower site;
- (5) Permittee must obtain FAA approval and/or provide documentation that FAA approval is not needed;
- (6) Permittee must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed;
- (7) An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems only if that is the basis for not co-locating;
- (8) The applicant must submit proof of liability and worker's compensation; and
- (9) The owner of the tower shall provide the city with an acceptable financial guarantee in an amount equal to one and one-half times the cost to remove the tower and related infrastructure, including footings and other underground improvements to a depth of 36 inches below existing grade and to restore the site. Failure to remove the structure shall be cause for the city to remove the tower and associated equipment at the expense of the property owners.
- (10)(Am. Ord. 25.110, passed 5-1-00)

(P) *Small wireless facility conditions.* The erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

- (1) A small wireless facility shall only be collocated on the wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
- (2) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the issuance of a Conditional Use Permit and general standards for use for towers consistent with all applicable provisions of this ordinance.
- (3) No wireless facility may extend more than 10 feet above its wireless support structure.
- (4) No signage may be located on small wireless facilities unless required to protect public safety.
- (5) Where an applicant proposes collocation on a decorative wireless support structure, sign, or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance, or intended purpose of such structure.

(6) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

(Q) *Small wireless facility collocation agreement.* A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter, or affect any then-existing agreement between the city and applicant.

§ 153.074 SEXUALLY-ORIENTED BUSINESSES.

(A) *Purpose.* The purpose of this section is to control, through zoning regulations, certain land uses that have a direct and detrimental effect on the character of the city's residential and commercial neighborhoods.

(B) *Findings of the City Council.* The City Council makes the following findings regarding the effect sexually-oriented businesses have on the character of the city. The findings are based on the City Council's study of experiences of other urban areas in the nation where sexually-oriented businesses were located.

(1) Sexually-oriented business can exert a dehumanizing influence on persons attending places of worship; children attending state-licensed family day care homes, state-licensed group family day care homes, and state-licensed child care centers; and people using parks.

(2) Sexually-oriented business can contribute to an increase in criminal activity in the area in which such businesses are located, taxing local law-enforcement services.

(3) Sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the value of the residential housing in the area in which such businesses are located.

(4) The concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually-oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating as other businesses and residents move out of the vicinity. Declining real estate values, which can result from the concentration of such businesses, erode the city's tax base.

(C) *Conclusions of the City Council.* In order to minimize the detrimental effect sexually-oriented businesses have on adjacent land uses, the City Council adopts the following land-use regulations, recognizing that it has a great interest in the present and future character of the city's residential and commercial neighborhoods.

(D) *Zoning regulations.*

- (1) Sexually-oriented businesses shall be prohibited in all of the city's use districts, except Commercial Districts where such businesses shall be a permitted use subject to the conditions in subsection (2) below and the requirements of this chapter.
- (2) A sexually-oriented business shall be a permitted use in a Commercial District subject to the following conditions:
 - (a) No sexually-oriented business shall be located closer than 750 feet from any other sexually oriented business or liquor-serving establishments. Only one sexually-oriented business shall be permitted per building or structure. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual business premises of any other sexually- oriented business.
 - (b) No sexually-oriented business shall be located closer than 750 feet from any single-family or multi-family dwelling, place of worship, school, public park, state-licensed family day care home, state-licensed group family day care home, or state-licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual premises used as a single-family dwelling, place of worship, school or park, state-licensed family day care home, or state-licensed child care center. In the case of a single-family or multi-family dwelling located in an area used for agricultural purposes, the premises of the residence thereon shall be defined as the minimum lot size required by this chapter.
 - (c) No sexually-oriented business shall locate in any place which is also used to dispense or consume alcohol.
 - (d) No sexually-oriented business shall be located in the same building or upon the same property as another such use.
 - (e) Notwithstanding any other provision of this chapter, a sexually-oriented business shall not be permitted more than one on-premise sign advertising its business. Such on-premise sign shall comply with the applicable requirements of this chapter. Further, no sign shall contain any flashing lights, moving elements, or mechanically changing messages.

(E) *Nonconforming sexually-oriented business.* Sexually-oriented businesses which are classified as legal nonconforming uses may continue in accordance with the provision of this section, except that any such nonconforming use shall be terminated and become illegal on and after January 31, 2004. To the extent possible, the city shall attempt to identify all such uses which become classified as nonconforming under the provision so this section and shall notify the property owners and operators of such uses in writing of the change in status and the terms and conditions which apply. The owner of any property on which an adult use is located may apply to the Council for an extension of the termination date. Any such application shall be in writing and be received by the city no later than January 1, 2003. Failure to submit a timely extension application shall constitute a waiver of the right to request an exception. The applicant shall have the burden of proof to demonstrate the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment and

also the time required for an extension. In making its decision, the Council may consider any factor relevant to the issue, including but not limited to:

- (1) The degree or magnitude of threat to the public health, safety and general welfare posed by the secondary impacts of the operation.
- (2) The length of time that the adult use has been operating.
- (3) The ease by which the property could be converted to a conforming use.
- (4) The nature and character of the surrounding neighborhood.
- (5) The value and condition of the improvements on the property.
- (6) The amount of the applicant's investment in the business.
- (7) The amount of investment already realized.

(F) *Penalty.* A violation of this section shall be a misdemeanor under Minnesota law, punishable by fine of up to \$1,000 or imprisonment of up to 90 days or both.

(Ord. 25.099, passed 6-3-02)

§ 153.075 RETAIL ESTABLISHMENTS.

(A) *Proximity to Schools and Certain Facilities.* No license shall be issued for a premises within 250 feet of a School, a day care or residential treatment facility, or a public park that is regularly used by minors, including a playground or athletic field. These distances are to be measured from the property line of the school or other structure, park, playground or field to the closest side of the premises within which the Licensed Product is to be sold.

§ 153.076 HOME OCCUPATIONS

- (A) Such occupation is carried on in the principal building;
- (B) Not more than 25% of the gross floor area of the residence is used for this purpose;
- (C) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service;
- (D) No articles for sale shall be displayed so as to be visible from any street;
- (E) No person is employed other than a member of the household residing on the premises;
- (F) No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood.

§ 153.077 SOLAR ELECTRIC SYSTEMS.

(A) *Retail Solar Electric Systems.*

- (1) Retail solar electric systems are allowed in all zoning districts through the building permit application process.
- (2) Roof top solar electric systems shall:
 - (a) Be mounted parallel to and no more than four feet above the plane of the roof;
 - (b) Shall not be located closer than 6 feet to any roof edge or peak;
 - (c) Shall not occupy more than 75% of the area of the roof plane to which it is affixed.
- (3) Ground mounted retail electric systems:
 - (a) Shall be no closer to the street than the principal structure;
 - (b) Shall not exceed 15 feet in height;
 - (c) Shall not be in any required setback;
 - (d) Shall not exceed 10% lot coverage or 10,000 square feet, whichever is less. Square footage is calculated by the area encumbered by the outermost measurements of the solar equipment layout.

(B) *Wholesale Solar Electric Systems.*

- (1) Wholesale solar electric systems are only allowed by conditional use in Agricultural, Commercial or Industrial zoning districts . A conditional use permit for a solar electric system may be limited by the lifespan of proposed equipment and PV panels.
- (2) Wholesale solar electric systems shall be set back a minimum of:
 - (a) 130 feet from the centerlines of public roadways;
 - (b) 50 feet from property lines adjacent to properties without a residential dwelling;
 - (c) 100 feet from property lines adjacent to properties with a residential dwelling;
 - (d) 300 feet from any residential dwelling on an adjacent property.
- (3) The maximum height of wholesale solar electric system equipment, structures and accessory appurtenances shall not exceed 15 feet.
- (4) Wholesale solar electric systems shall not be lighted, except for shrouded, downcast security lights on major equipment or storage buildings. Signage shall be limited to equipment labeling, security warnings and messages, entrance identification and directional signs, and a single site identification sign. No individual sign shall exceed thirty-six square feet in area or extend more than 15 feet in height.
- (5) In addition to typical site and development plan requirements, wholesale solar electric systems shall include the following details for any development process:
 - (a) Full sets of plans including:
 1. Site Plan(s) showing:
 - a. Access and maintenance roads
 - b. Location of overhead and underground electrical lines

- c. Dimensions, location, and spacing of PV panels
- d. Lighting and signage
- e. Location of equipment and structures associated with the system
- f. Landscaping, including species
- g. Locations of a security fence of at least six feet high
- 2. Grading Plans and any applicable land disturbance or grading permits
- 3. Stormwater management plan meeting the applicable watershed district requirements
- 4. Site inventory and analysis prior to construction, including:
 - a. Topography
 - b. Tree inventory, including Diameter at Breast Height (BDH), species, height, and canopy diameter
 - c. Any notable natural features, including but not limited to water, wetlands, locations of endangered species habitats, and other similar elements
- (b) Description of the racking method, including fixed or tracking technology;
- (c) Description and location of buildings, inverters, transformers, disconnects & combiners, and other structures and equipment;
- (d) Typical elevations or example photos of proposed solar arrays;
- (e) Decommissioning plan and site restoration plan, including:
 - 1. Financial assurances accounting for inflation or the minimum amounts in the table below, whichever is greater, for the proposed life of the system to be issued as a performance bond or escrow to the benefit of the Township to facilitate complete decommissioning and restoration of the site in the event that the owner or operator does not decommission the system after abandonment or expiration of the CUP. The performance bond or escrow may be released back to the appropriate entity upon decommissioning the system according to the decommissioning plan;

Minimum Amounts for Initial Solar Farm Escrow Deposit or Surety	
Megawatts (MW) of Solar Energy Farm	Amount of Required Bond or Escrow
1 Megawatt or less	\$200,000
1.01-1.49 MW	\$250,000
1.5-1.99 MW	\$300,000
2.0-2.49 MW	\$350,000
2.5-2.99 MW	\$400,000
3.0-3.99 MW	\$450,000
4.0-4.99 MW	\$500,000
5.0-5.99 MW	\$550,000

Note: After 5.99 MW, the amount will increase \$50,000 per every additional half MW.

- 2. Restoration of the property to the state prior to the solar system installation
 - 3. Proper recycling of the solar electric system materials and equipment, whenever possible
- (f) Landscape installed around and within the perimeter of the project area, and a Maintenance Plan for maintaining the landscape of the property, including:
- 1. Two rows of native trees, with staggered placement, spaced to completely obscure the solar electric system and all associated structures and equipment from outside view, and native grasses:
 - a. First row of trees to be evergreen or conifer, to grow to at least 8 feet high and

- spaced to achieve complete horizontal screening, within 3 years of planting
 - b. Second row of trees to be deciduous, to grow at least 20 feet tall and spaced to achieve adequate screening, within 10 years of planting
 - c. Native grasses, or well-maintained grass, underneath trees and in spaces uncovered by trees to increase the level of screening
 - 2. Underneath solar panels, the developer must use an erosion control method of vegetation, mulch, erosion control blankets or other effective geotextiles, or a similar method allowed by the city
 - 3. The Maintenance Plan for landscaping and maintenance of the site must include provisions for maintaining foliage, access roads, structure, solar panels, and any other associated equipment. The plan must include provisions and clarity on replacing dead or diseased foliage for the life of the project
- (g) 50 feet from property lines adjacent to properties without a residential dwelling;
- (h) 100 feet from property lines adjacent to properties with a residential dwelling;
- (i) 300 feet from any residential dwelling on an adjacent property.

(C) No solar energy equipment or solar electric systems shall create or cause unreasonable glare on other property or public roadways.

(D) No solar electric system shall create or constitute a public nuisance.

(E) Electric power lines within all ground mounted solar electric systems shall be buried underground, except as required by the utility.

(F) All solar energy systems shall be consistent with applicable State Building Codes, State Electrical Codes, and State Plumbing Codes.

(G) All applicable solar energy equipment shall be certified by either the Underwriters Laboratories (UL) or Canadian Electrical Code (CSA 22.1), or the Solar Rating and Certification Corporation (SRCC) for thermal systems.

(H) All solar electric systems unused, abandoned or inoperable for more than twelve months shall be removed in accordance with the decommissioning plan.

(I) All ground mounted solar electric systems shall include the following details:

- (1) Grading and stormwater management plans.
- (2) Location of overhead and underground electric lines
- (3) Dimensions, location, and spacing of PV panels.
- (4) Description of PV racking method, including fixed or tracking technology.
- (5) Description and location of buildings, inverters, transformers, disconnects and combiners, and other structures and equipment
- (6) Typical elevations of photos of sample solar arrays
- (7) Description of vegetation or material under solar system components and method of ground care and maintenance.

(J) Fencing, landscaping, and other screening may be required for any ground mounted solar electric system. Any deviations in setbacks may be considered through a variance process.

(K) All ground mounted solar electric systems shall include the following details:

NONCONFORMING USES AND STRUCTURES

§ 153.085 NONCONFORMING BUILDINGS.

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this code, may be continued, including through repair or maintenance, but if the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

§ 153.086 NONCONFORMING USE OF BUILDINGS OR LAND.

(A) Extension.

(1) A nonconforming use of a building may be extended throughout the building, provided no structural alterations are made therein, except as required by other city codes or ordinances.

(2) A nonconforming use of land shall not be extended or enlarged.

(B) Relocation. A nonconforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter.

(C) Abandonment. A nonconforming use of a building or land which has been discontinued for a period of more than one year shall not be re-established, and any future use shall be in conformity with the regulations of this chapter.

(Ord. 25, passed 12-3-74)

§ 153.087 NONCONFORMING LOTS.

A nonconforming lot or existing parcel of record as of the effective date of this chapter shall be in conformance with the ordinance pertaining to lot size; subject, however, to all other provisions of this chapter.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

ADMINISTRATION AND ENFORCEMENT

§ 153.100 ZONING ADMINISTRATOR.

It shall be the duty of the City Administrator-Clerk-Treasurer to administer the provisions of this chapter.

(Ord. 25, passed 12-3-74)

§ 153.101 PLANNING COMMISSION DUTIES.

(A) The Planning Commission, acting as the Board of Adjustments and Appeals, is authorized to hear requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause practical difficulties, as defined by Minn. Stat. § 462.357, subd. 6. The Planning Commission may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

(B) The Planning Commission shall hear and review all applications for variances from and special use permits provided for within this chapter. The decision of the Planning Commission shall not be final, and any person having an interest affected by such ordinance shall have the right to appeal (within 60 days of the decision) to City Council.

(C) The Planning Commission shall hear and review all applications for amendments to this chapter and shall transmit its recommendations to the City Council for final actions within 60 days of receiving the application. (Ord. 25, passed 12-3-74)

§ 153.102 CONDITIONAL USE PERMITS.

(A) Before a building or premises is devoted to any use classified as a “Use by Conditional Permit” in this chapter, a conditional use permit must be granted by the Planning Commission.

(B) Required exhibits:

- (1) Abstractor’s certificate, unless varied by Zoning Administrator, showing property owners’ names and addresses within 350 feet of the outer boundaries of the property in question;
- (2) Any of the following exhibits if required by the Planning Commission: a boundary survey, or if pertinent, a certified survey by a registered land surveyor of any area, including the property in question and 100 feet beyond showing existing utilities, lot and topography and waterways, if pertinent. Soil test to be included, if pertinent, unless waived by the Planning Commission;
- (3) Preliminary building and site plans: complete preliminary drawings, if pertinent, site development plan showing building(s) location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs and other site improvements. Building floor plan(s) of all floors. Elevations of all sides of building(s). Sections, details and outline materials specifications as appropriate.

(C) The procedure for obtaining a conditional use permit is as follows:

- (1) The property owner or his or her agent shall meet with the Planning Commission to explain his or her situation and obtain an application form;

(2) The applicant shall file the completed application form together with the required exhibits with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3) The City Administrator-Clerk-Treasurer shall transmit the application to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the date and time of the hearing; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4) The Planning Commission shall study the application at its next regular meeting to determine possible adverse affects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects;

(5) The Planning Commission shall approve, deny or conditionally approve within 60 days after the City Administrator-Clerk-Treasurer receives a complete application for a conditional use permit unless the Planning Commission determines within that 60-day period that an additional 60 days is necessary and informs the applicant in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. The failure of a vote to approve an application shall not be deemed to be a denial of the application: A motion to deny the application must be adopted.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.085, passed 5-7-90)

(D) In the recommendations by the Planning Commission and action by the City Council the following minimum findings shall be made regarding the conditional use:

- (1) The proposed use will not negatively impact the public health, safety and welfare.
- (2) The proposed use is consistent with the Comprehensive Plan and this Ordinance.
- (3) The proposed use can be adequately served by utilities and essential services, including fire and police protection.
- (4) The proposed use will be harmonious with surrounding uses.
- (5) The proposed use can be adequately served by the existing transportation system or mitigated effectively by the applicant.
- (6) The proposed use will meet all relevant performance standards of this Ordinance.
- (7) The potential for any impacts on adjacent properties or the environment can be mitigated by conditions of the permit.
- (8) Activities within the proposed use will not create a public nuisance.
- (9) The applicant agrees to the conditions the City deems appropriate for issuance of the conditional use permit.

§ 153.103 VARIANCES.

(A) Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

(B) Variances shall only be permitted:

- (1) When they are in harmony with the general purposes and intent of the ordinance; and
- (2) When the variances are consistent with the comprehensive plan.

(C) "Practical difficulties," as used in connection with the granting of a variance, means that:

- (1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (3) The variance, if granted, will not alter the essential character of the locality.

(D) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(E) Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. The board 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.

(F) Required exhibits:

- (1) Abstractor's certificate, unless varied by Zoning Administrator, showing property owner's names and addresses within 350 feet of the outer boundaries of the property in question;
- (2) Any of the following exhibits if required by the Planning Commission: boundary survey, or if pertinent, a certified survey by a registered land surveyor of an area, including the property in question and 100 feet beyond showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage and topography and waterways, if pertinent. Soil test to be included, if pertinent, unless varied by the Planning Commission;
- (3) For one and two-family residential structures and accessory buildings: site plan to scale of area, including property in question and 100 feet beyond showing present and proposed uses, relation to buildings on property and/or adjoining property, dimensional property lines and labeled streets;
- (4) For all multi-family residential (over two dwelling units), commercial, industrial and public and semi-public structures: preliminary building and site plans, complete preliminary drawings, if

pertinent, site development plan showing building/s location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs and other site improvements. Building floor plan/s of all floors.

Elevations of all sides of building/s. Sections, details and outline material specifications as appropriate.

- (G) The procedure for obtaining a variance from the regulations of this chapter are as follows:
- (1) The property owner or his or her agent shall meet with the Planning Commission or City Administrator-Clerk-Treasurer to explain his or her situation and obtain an application form;
 - (2) The applicant shall file the completed application form, together with the required exhibits with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;
 - (3) The City Administrator-Clerk-Treasurer shall transmit the application to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the date and time of the hearing; however, failure of any property owner to receive such notification shall not invalidate the proceedings;
 - (4) The Planning Commission shall study the application at its next regular meeting to determine possible effects of the proposed variance and determine what additional requirements may be necessary to reduce such adverse effects;
 - (5) The Planning Commission shall approve, deny or conditionally approve within 60 days after the City Clerk-Treasurer receives a complete application for a variance unless the Planning Commission determines within that 60-day period that an additional 60 days is necessary and informs the applicant in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.085, passed 5-7-90)

§ 153.104 AMENDMENTS.

(A) *Adoption.* Amendments to this chapter may be adopted by an affirmative vote of the majority of all the members of the City Council. The adoption or amendment of any portion of this chapter which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all of the members of the City Council.

(B) *Kinds of amendments and required public hearings.*

- (1) An amendment to this chapter may be one of the following:
 - (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;

(2) A public hearing shall be held by the Planning Commission for amendments of this chapter. Notice of such hearing shall be published at least once not less than ten days and not more than 30 days prior to the hearing.

(C) *Initiation of proceedings.* Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

(1) By petition of the owner or owners of the property which is proposed to be re-zoned;

(2) By recommendation of the Planning Commission;

(3) By action of the City Council.

(D) *Required exhibits for re-zoning initiated by property owner.*

(1) Abstractor's certificate, unless varied by Zoning Administrator, showing property owners' names and addresses within 350 feet of the outer boundaries of the property in question.

(2) Any of the following exhibits if required by the Planning Commission: boundary survey, or if pertinent, a certified survey by a registered land surveyor of an area, including the property in question and 100 feet beyond showing existing utilities, lot boundaries and dimensions, building, easements, foliage and topography and waterways, if pertinent. Soil test to be included if pertinent.

(E) *Procedure for rezoning.* The procedure for a property owner to initiating a rezoning of his or her property is as follows:

(1) The property owner or his or her agent shall meet with the Planning Commission to explain his or her situation and obtain an application form;

(2) The applicant shall file the completed application form together with the required exhibit with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3) The City Administrator-Clerk-Treasurer shall transmit the application and required exhibits to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4) The City Administrator-Clerk-Treasurer shall set the date of a public hearing and shall have notice of such hearing published at least once not less than ten days and not more than 30 days prior to the hearing;

(5) The Planning Commission shall hold a public hearing using the services of a planning consultant, if desired, and then shall recommend one of three actions: approval, denial or conditional approval;

(6) The Planning Commission shall transmit its recommendation to the City Council for its official action;

(7) The City Council shall act upon the application within 60 days after receiving the recommendation of the Planning Commission; except that in the case of a petition by the owner or owners of the property which is proposed to be re-zoned, the City Council shall either approve or disapprove the petition within 60 days after the City Clerk-Treasurer received the petition and the required exhibits unless the City Council determines within that 60-day period that an additional 60 days is necessary and informs the petitioner in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.091, passed 12-5-94)

§ 153.105 ENFORCING OFFICER.

The City Administrator-Clerk-Treasurer is authorized to cause the provisions of this chapter to be properly enforced.

(Ord. 25, passed 12-3-74)

§ 153.998 VIOLATIONS.

Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine as determined by § 10.99. Each week a violation is permitted to exist shall constitute a separate offense.

(Ord. 25, passed 12-3-74)