

**CITY OF ZUMBROTA  
ZONING ORDINANCE**

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**CITY OF ZUMBROTA  
LAND USE REGULATIONS**

AN ORDINANCE REPEALING ALL ORDINANCES PREVIOUSLY IN EFFECT PERTAINING TO THE REGULATION OF LAND USES WITHIN THE CITY, AND REPLACING IT WITH ORDINANCE 2001-02 ASSIGNING RULES AND REGULATIONS FOR LAND USES, DEFINING CERTAIN TERMS, ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF LAND USES, ESTABLISHING LAND USE DISTRICTS AND AN OFFICIAL MAP, PROVIDING FOR AMENDMENTS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATIONS

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ZUMBROTA:

**SECTION 1. TITLE AND APPLICATION.**

**SUBD. 1. TITLE.**

This Ordinance shall be known as the "Zumbrota Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance" and shall supersede any previous Ordinance specifically pertaining to the regulation of land uses/zoning within the City.

**SUBD. 2. INTENT AND PURPOSE.**

The intent of this Ordinance is to protect the public health, safety, and general welfare of the City of Zumbrota and its people through the establishment of minimum regulations governing development and use. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land. Such regulations are established to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties for violation of such regulations; and to define powers and duties of the City Staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

**SUBD. 3. SHORT TITLE .**

This ordinance shall be known and may be cited as the "Zumbrota Zoning Ordinance of 2000".

SUBD. 4. STANDARD, REQUIREMENT.

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

SUBD. 5. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, and welfare.

SUBD. 6. No structure shall be erected, converted, enlarged, or used for any purpose which is not in conformity with the provisions of this Ordinance.

SUBD. 7. Except as herein provided, no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

SUBD. 8. USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

Whenever, in any zoning district, a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission, or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

SUBD. 9. SEPARABILITY.

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

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

SUBD. 10. RULES.

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

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.

SUBD. 11. LEGAL AUTHORITY.

This Ordinance is enacted in pursuance of the authority granted by MSA 412.221 and MSA 462.357.

SUBD. 12. GEOGRAPHIC JURISDICTION.

The geographic jurisdiction of this ordinance shall be the entire area within the corporate limits of the City of Zumbrota.

## **SECTION 2. DEFINITIONS OF TERMS.**

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

- SUBD. 1.     **ACCESSORY BUILDING OR USE.**  
A subordinate building or use which is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.
- SUBD. 2.     **ADVERTISING SIGNS.**  
A billboard, poster panel board, painted bulletin board, or other communicative device which is used to advertise products, goods, and/or services which are not exclusively related to the premise on which the sign is located.
- SUBD. 3.     **ADDRESS SIGN.**  
A sign communicating street address only, whether written or in numerical form.
- SUBD. 4.     **AGRICULTURE USES.**  
Those uses commonly associated with the growing of produce on farms. These include, but are not limited to, field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding; but not including fur farms, commercial animal feed lots, and kennels.
- SUBD. 5.     **ALLEY.**  
A public right-of-way, usually 16-feet in width, which affords secondary access to butting property.
- SUBD. 6.     **ALTERATION.**  
As applied to a building or structure, is a change or rearrangement in structural parts, or enlargement or the moving from one location to another.
- SUBD. 7.     **APARTMENT.**  
A part of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence for one family or an individual and equipped with cooking facilities.
- SUBD. 8.     **APARTMENT BUILDING.**  
Three or more suites of rooms which are designed for, intended for, or occupied as a residence by a single family or an individual, and are equipped with cooking facilities (includes dwelling units and efficiency units).
- SUBD. 9.     **APPLICANT.**  
Any person who wishes to obtain a zoning permit, zoning, or subdivision approval.

- SUBD. 10. **AUTOMOBILE REPAIR.**  
General repair, rebuilding or reconditioning engines, motor vehicles, or trailers; collision service, including but not limited to, body, frame, or fender straightening or repair; painting and vehicle steam cleaning.
- SUBD. 11. **AUTOMOBILE SERVICE STATION,**  
A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles.
- SUBD. 12. **AUTOMOBILE WRECKING OR JUNK YARD.**  
Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles, or merchandise.
- SUBD. 13. **BILLBOARD.**  
See advertising sign.
- SUBD. 14. **BASEMENT.**  
Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- SUBD. 15. **BLUFFLINE.**  
A line along the top of a slope connecting the points at which the slope becomes less than thirteen percent (13%).
- SUBD. 16. **BOARDING HOUSE.**  
A dwelling occupied in such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without cooking or kitchen accommodations.
- SUBD. 17. **BOARD OF APPEALS.**  
The Planning Commission.
- SUBD. 18. **BUILDABLE AREA.**  
The portion of a lot remaining after required yards have been provided.
- SUBD. 19. **BUILDING.**  
Any structure used or intended for supporting or sheltering any use or occupancy, which is permanently affixed to the land.

- SUBD. 20. **BUILDING, DEMOLISHED OR PARTIALLY DEMOLISHED.**  
Any building which by an occurrence such as fire, explosion, storm, natural deterioration, or uncompleted intentional demolition, resulting in one or more major structural defect(s) and which is reduced in its market value to less than 75 percent of its market value prior to the occurrence.
- SUBD. 21. **BUILDING HEIGHT.**  
The vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the average height between the plate and the ridge of a gable, hip or gambrel roof.
- SUBD. 22. **BUILDING SETBACK.**  
The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.
- SUBD. 23. **BUSINESS.**  
Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold or where services are offered for compensation.
- SUBD. 24. **BUSINESS SIGN.**  
Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including, but not limited to, entertainment, offered or sold upon the premise where such sign is located.
- SUBD. 25. **CAMPGROUND.**  
An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.
- SUBD. 26. **CARPORT.**  
A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.
- SUBD. 27. **CHURCH.**  
A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- SUBD. 28. **CLEAR-CUTTING.**  
The removal of an entire stand of vegetation.
- SUBD. 29. **CLINIC.**  
A place for the care, diagnosis and treatment of sick, ailing or injured individuals.

- SUBD. 30. CLUB OR LODGE.  
A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests.
- SUBD. 31. COMMERCE.  
An enterprise that involves the offering of a product, service or entertainment for compensation.
- SUBD. 32. COMMERCIAL AGRICULTURAL.  
The use of land for the growing and/or production of field crops, livestock, and livestock products.
- SUBD. 33. COMMERCIAL RECREATION.  
Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theatre, boat rental, amusement rides, campgrounds and similar uses.
- SUBD. 34. COMMERCIAL USES.  
All permitted and accessory uses allowed in Commerce Zoning Districts.
- SUBD. 35. CONDITIONAL USE.  
A use, which because of special problems of control the use permits, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Zumbrota Comprehensive Plan.
- SUBD. 36. CONDITIONAL USE PERMIT.  
A permit issued by the Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
- SUBD. 37. CONDOMINIUM.  
A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, § 515.01 to § 515.19.
- SUBD. 38. CONTROL MEASURE.  
A practice or combination of practices to control erosion and attendant pollution.
- SUBD. 39. CONVENIENCE FOOD ESTABLISHMENT.  
An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

- SUBD. 40. COOPERATIVE (HOUSING).  
A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.
- SUBD. 41. CURB LEVEL.  
The level of the established curb in front of the building measured at the center of such front.
- SUBD. 42. DAY CARE-HOME.  
A family dwelling in which foster care, supervision, and training for children is provided during part of a day with no overnight accommodations and where children are delivered and removed daily.
- SUBD. 43. DAY CARE-GROUP NURSERY.  
A service provided to the public, in which children of school or preschool age are cared for during established business hours.
- SUBD. 44. DECK.  
A flat floored, roofless area adjoining a house.
- SUBD. 45. DETENTION FACILITY.  
A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.
- SUBD. 46. DISTRICT.  
A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
- SUBD. 47. DOG KENNEL.  
Any place where four (4) dogs or more over six (6) months of age are kept, boarded, bred and/or offered for sale, except a veterinary clinic. Dog kennels shall be permitted only in areas specifically zoned for such use. (amended 9.17.2017)
- SUBD. 48. DREDGING.  
To enlarge or clean out a waterbody, watercourse, or wetland.
- SUBD. 49. DRIVE-IN ESTABLISHMENT.  
An establishment which accommodates the patron's automobile from which products purchased from the establishment may be consumed.

- SUBD. 50. DURABLE MATERIAL.  
A hard surfaced material such as concrete or asphalt but not including gravel or crushed rock, as it pertains to ground surfacing.
- SUBD. 51. DWELLING, ATTACHED.  
A dwelling unit which is joined to another dwelling unit or building at one or more sides by a party wall or walls.
- SUBD. 52. DWELLING, DETACHED.  
A dwelling unit which is entirely surrounded by open space on the same lot.
- SUBD. 53. DWELLING, MULTIPLE FAMILY (APARTMENTS).  
A building designated with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but having hallways and main entrances and exits.
- SUBD. 54. DWELLING, ONE-FAMILY.  
A detached dwelling unit designed for occupancy of one (1) family.
- SUBD. 55. DWELLING, TWO-FAMILY.  
A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- SUBD. 56. DWELLING UNIT.  
A residential building or portion thereof with one or more rooms containing complete kitchen facilities, permanently installed intended for occupancy by a family but not including hotels, motels nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers. .
- SUBD. 57. EASEMENT.  
A grant by a property owner for the use of a strip of land which includes but is not limited to the constructing and maintaining of utilities including but not limited to sanitary sewer, water mains, electric lines, telephone line, storm sewer or storm drainage way and gas lines.
- SUBD. 58. ELDERLY (SENIOR CITIZEN) HOUSING.  
A privately or publicly owned or controlled multiple dwelling buildings with open occupancy, limited to persons over sixty (60) years of age or in accordance with Federal and State Laws and Regulations.
- SUBD. 59. EFFICIENCY UNIT OR APARTMENT.  
A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining room.

- SUBD. 60.    **ESSENTIAL SERVICES.**  
Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply, or disposal systems including, but not limited to, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.
- SUBD. 61.    **ESTABLISHMENT, BUSINESS.**  
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.
- SUBD. 62.    **FAMILY.**  
An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, as herein described.
- SUBD. 63.    **FARM.**  
A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.
- SUBD. 64.    **FARM DWELLING.**  
A single family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereon.
- SUBD. 65.    **FEEDLOT.**  
A lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls and domesticated animal zoos shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
- SUBD. 66.    **FENCE.**  
A barrier forming a boundary to or enclosing some area.
- SUBD. 67.    **FLOOD.**  
A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

- SUBD. 68. FLOOD FRINGE.  
That portion of the floodplain outside of the floodway.
- SUBD. 69. FLOOD PLAIN.  
The channel or beds proper and areas adjoining a watercourse which have been or hereafter may be covered by the regional flood. Floodplain areas within the City shall encompass all areas designated s Zone A on the Flood Hazard Boundary Map.
- SUBD. 70. FLOOD PROOFING.  
Commination of structural provisions, changes, or adjustments to the properties and structures subject to flooding primarily for the reduction or delineation of flood damages.
- SUBD. 71. FLOODWAY.  
The channel of the watercourse, bed of a wetland or lake and those portions of the adjoining floodplains reasonably required to carry and discharge the regional flood.
- SUBD. 72. 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:
- a. 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.
  - b. Elevator shafts and stairwells at each floor.
  - c. 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, i.e., bulk needs, water tanks and cooling towers.
  - d. Attic floor space where the structural headroom exceeds seven and one-half feet.
  - e. Interior balconies and mezzanines.
  - f. Enclosed porches but not terraces, decks and breezeways.
  - g. Accessory uses, other than floor space devoted exclusively to accessory off-street parking or loading.
- SUBD. 73. FLOOR AREA RATIO.  
The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

- SUBD. 74. FORESTRY.  
The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including, but not limited to, the construction, alteration, or maintenance of woodroads, skidroads, landing and fences.
- SUBD. 75. GARAGE, RESIDENTIAL.  
An accessory building or accessory portion of the principal building intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
- SUBD. 76. GRADING.  
Changing the natural or existing topography of land.
- SUBD. 77. GUEST ROOM.  
A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.
- SUBD. 78. HOME OCCUPATION.  
Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.
- SUBD. 79. HOTEL.  
Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms, used, designated or intended to be used, let or hired out to be occupied or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.
- SUBD. 80. HYDRIC SOILS.  
Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- SUBD. 81. HYDROPHYTIC VEGETATION.  
Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- SUBD. 82. IDENTIFICATION SIGNS.  
Signs located in a residential district which identify a subdivision, apartment complex or similar identifications and set forth the address of the premises where the sign is located; and signs in all other districts which identify the business or owner, and set forth the address of the premises where the sign is located.

- SUBD. 83. IMPERVIOUS SURFACE.  
An artificial or natural surface through which water, air, or roots cannot penetrate.
- SUBD. 84. INDUSTRIAL USE.  
A permitted or accessory use allowed in the Industrial “I1” or “I2” Districts.
- SUBD. 85. INDUSTRY.  
An enterprise which involves the production, processing or storage of materials, goods or products.
- SUBD. 86. INTEGRATED DEVELOPMENT.  
A grouping of three or more compatible buildings or uses, the development of which was planned as a unit to affect common identity (e.g.: shopping center, industrial park, or apartment complex).
- SUBD. 87. JUNK OR SALVAGE YARD.  
Land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles and other vehicles.
- SUBD. 88. LAND DISTURBING OR DEVELOPMENT ACTIVITIES.  
Any change of the land surface including removing vegetative cover, excavating filling, grading and the construction of any structure.
- SUBD. 89. LOADING SPACES.  
An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.
- SUBD. 90. LODGING HOUSE.  
A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.
- SUBD. 91. LODGING ROOM.  
A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.

- SUBD. 92. LOT (OF RECORD).  
A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street or proposed street approved by the Council.
- SUBD. 93. LOT.  
Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation.
- SUBD. 94. LOT AREA.  
The area of a horizontal plane within the lot lines.
- SUBD. 95. LOT, CORNER.  
A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
- SUBD. 96. LOT COVERAGE.  
The area of a lot occupied by the principal building or buildings and accessory buildings.
- SUBD. 97. LOT, DEPTH.  
The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.
- SUBD. 98. LOT, DOUBLE FRONTAGE.  
An interior lot having frontage on two streets.
- SUBD. 99. LOT, FRONTAGE.  
The front of a lot shall, for purposes of complying with this Ordinance, be that boundary having the least width, abutting a public right-of-way.
- SUBD. 100. LOT, INTERIOR.  
A lot other than a corner lot.
- SUBD. 101. LOT, LINE.  
A property boundary line of any lot held in single or separated ownership, except that where any portion of a lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

- SUBD. 102. LOT, THROUGH.  
A lot fronting on two parallel streets.
- SUBD. 103. LOT, WIDTH.  
The shortest horizontal distance between the side lot lines measured at right angles at the building line.
- SUBD. 104. MANUFACTURED HOME.  
A structure transportable in one or more sections that 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, which includes the plumbing, heating, air conditioning, and electrical systems contained therein. No manufactured dwelling shall be moved into the City that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes.
- SUBD. 105. MANUFACTURED HOME PARK.  
Any site, lot or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. This also includes any buildings or structures appurtenant to the park.
- SUBD. 106. MANUFACTURING, HEAVY.  
The manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.
- SUBD. 107. MANUFACTURING, LIGHT.  
All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which the use is located.
- SUBD. 108. MINING OPERATION.  
The removal from the land of stone, sand and/or gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial or governmental purposes.
- SUBD. 109. MOBILE HOME.  
A dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site ready for occupancy except for incidental assembly, location on foundation, connection to utilities and the like.
- SUBD. 110. MODULAR HOME.  
A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made permanently affixing the module to the site. Modular buildings do not include any structure subject to the

requirements of the National Manufactured Home Construction and Safety Standards Act of 1974. A modular home is not a manufactured home as defined by this ordinance.

SUBD. 111. MOTEL.

A building or group of detached, semi-detached or attached buildings on a lot containing guest rooms or dwellings each of which has a separate outside entrance leading directly from the outside of the building, with a garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients. Motels do not include hotels, boarding houses or trailer camps.

SUBD. 112. MOTOR FUEL STATION.

A place where gasoline (stored only in underground tanks), kerosene, motor oil, lubricants and grease for operation of vehicles are stored or sold to the public. This also includes accessories and services for automobiles.

SUBD. 113. NAME PLATE.

A sign indicating the name and/or address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

SUBD. 114. NATURAL DRAINAGE SYSTEM.

All land surface areas which by nature of their contour configuration collect, store and channel surface water run-off.

SUBD. 115. NATURAL OBSTRUCTION.

Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse or wetland by a non-human cause.

SUBD. 116. NON-CONFORMING.

Does not comply with the applicable regulations of this ordinance. See Non-Conforming Building, Non-Conforming Lot, Non-Conforming Structure, Non-Conforming Use of Land, or Non-Conforming Use of Structure.

SUBD. 117. NON-CONFORMING BUILDING OR STRUCTURE.

A building or portion of thereof existing at the time of adoption of this ordinance and not conforming to the regulations for the district in which it is situated except that such a use is not non-conforming if it would be permitted under a conditional use permit where located.

SUBD. 118. NON-CONFORMING LOT.

A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

- SUBD. 119. NON-CONFORMING USE OF LAND.  
Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.
- SUBD. 120. NON-CONFORMING USE OF STRUCTURE.  
A use of a structure which does not conform to the applicable use regulations of the district in which it is located.
- SUBD. 121. NURSING HOME (REST HOME).  
A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.
- SUBD. 122. OFFICE BUILDING.  
A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling other than by a watchman or janitor.
- SUBD. 123. OFFICE, PROFESSIONAL.  
A room or rooms used for carrying on of a profession.
- SUBD. 124. OFF-STREET LOADING SPACE.  
A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
- SUBD. 125. OPEN SPACE RECREATIONAL USE.  
Recreational use particularly oriented to and utilizing the character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.
- SUBD. 126. ORDINARY HIGH WATER MARK.  
A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank.
- SUBD. 127. PARKING SPACE.  
An area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile, which is suitably surfaced and permanently maintained off of the public right-of-way, exclusive of passageways, driveways or other means of circulation or access.

- SUBD. 128. PERMITTED USE.  
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 districts.
- SUBD. 129. PERSON.  
An individual, firm, partnership, association, corporation or organization of any kind.
- SUBD. 130. PLANNED UNIT DEVELOPMENT.  
A large lot or tract of land developed as a unit rather than as individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.
- SUBD. 131. PLANNING AND ZONING ADMINISTRATOR.  
The person(s) employed by the City of Zumbrota to carry out the provisions of this Ordinance.
- SUBD. 132. PLANNING COMMISSION.  
The Planning Commission of the City of Zumbrota as appointed by the Mayor.
- SUBD. 133. PORTABLE SIGN.  
A sign so designed as to be movable from one (1) location to another and which is not permanently attached to the ground, sales display device or structure.
- SUBD. 134. PRINCIPAL USE.  
The main use of land or buildings as distinguished from subordinate or accessory uses.
- SUBD. 135. PROPERTY OWNER.  
Any person, group of persons, association, corporation, or any other legal entity having a freehold estate interest, leasehold interest extending for a term, or having renewal options for a term in excess of one year, a dominant easement interest, or an option to purchase any of same, but not including owners of interests held for security purposes only.
- SUBD. 136. PUBLIC USE.  
Uses owned or operated by municipal, school districts, county, state or other governmental units.
- SUBD. 137. PUBLIC UTILITY.  
Any person, firm, corporation, municipal department or board fully authorized to furnish under municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation, water sewer and storm sewer.

- SUBD. 138. PUBLIC WATER.  
Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 103F; however, no lake, pond or floodage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles. Such public water shall be determined by the Minnesota Department of Natural Resources. Any body of water created by a private user where there was no previous shoreland for a designated private use as approved by the Commission of the Minnesota Department of Natural Resources is not included as a public water.
- SUBD. 139. RECREATIONAL FIELD OR BUILDING.  
An area of land, water or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theatre, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.
- SUBD. 140. RECREATIONAL VEHICLE.  
A vehicular portable structure used for amusement, vacation or recreational activities, including but not limited to, travel trailers, motor homes, camping trailers and boats.
- SUBD. 141. REGIONAL FLOOD.  
A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100 year reoccurrence interval.
- SUBD. 142. RESTAURANT.  
An establishment which serves food to be consumed primarily while seated at tables or booths within the building.
- SUBD. 143. RETENTION FACILITY.  
A permanent natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water.
- SUBD. 144. 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 (3) 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.
- SUBD. 145. SCREENING.  
The use of fencing to partially conceal the separate land use from the surrounding land use. Earthen berms, landscaping and walls can provide additional or alternative screening if deemed acceptable by the Planning Commission. (amended 3/1/07)

- SUBD. 146. **SELECTIVE CUTTING.**  
The removal of single scattered trees.
- SUBD. 147. **SEDIMENT.**  
Solid matter carried by water, sewage or other liquids.
- SUBD. 147b **SELF-STORAGE FACILITY**  
A structure or structures consisting of individual, self-contained units leased for storage of business, commercial or personal goods and belongings for varying periods of time. (Amended 11.16. 2017)
- SUBD. 148. **SETBACK.**  
The minimum horizontal distance between a structure and the ordinary high water mark or between a structure and a road or highway right of way line, public right-of-way or property line, disregarding steps, unroofed porches and overhangs as long as they do not encroach on adjacent property.
- SUBD. 149. **SEWAGE DISPOSAL SYSTEM.**  
Any system for the collection, treatment and dispersions of sewage, including but not limited to, septic tanks, soil absorption systems and drain fields.
- SUBD. 150. **SIGN.**  
Any letter, word, symbol, device, poster, picture, statuary, reading matter or presentation in the nature of an advertisement, announcement, message or visual communication whether painted, pasted, printed, affixed or constructed which is displayed outdoors for informational or communicative purposes.
- SUBD. 151. **SIGN, ADVERTISING.**  
A sign which directs attention to a commodity, service or entertainment that is sold or offered either elsewhere or upon the premises where such sign is located, or to which it is affixed.
- SUBD. 152. **SIGN AREA.**  
The area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, but excluding any structural elements outside the limits of each sign and not forming an integral part of the sign. The stipulated maximum area for a freestanding sign refers to a single facing.
- SUBD. 153. **SIGN, BILLBOARD.**  
An advertising sign located off the premises where the advertised product is sold or offered. It is usually, but not necessarily, owned by an advertising company.
- SUBD. 154. **SIGN, DIRECTIONAL.**  
A sign for the purpose of making specific commercial, industrial, or public or semipublic locations known and to assist in finding these locations.

- SUBD. 155. SIGN, GOVERNMENTAL.  
A sign which is erected by a governmental unit for the purpose of identification and directing or guiding of traffic.
- SUBD. 156. SIGN, IDENTIFICATION.  
A sign which, identifies a residential, commercial, industrial, or public use located upon the premises where such sign is located, or to which such sign is affixed.
- SUBD. 157. SIGN, ILLUMINATED.  
Any sign upon which artificial light is directed or which has an interior light source.
- SUBD. 158. SIGN, FLASHING.  
Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered a "flashing sign".
- SUBD. 159. SIGN, FREE-STANDING.  
A sign which is supported by upright braces or posts and is placed upon or in the ground and not affixed to any part of any building.
- SUBD. 160. SIGN, GROSS SURFACE AREA OF.  
The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements or same; however, such perimeter shall not include any structural elements lying outside the limits of such sign, and not forming an integral part of the display. In the case of a free-standing sign with two back to back surfaces each surface may be equal the allowable gross area.
- SUBD. 161. SIGNS, ON-PREMISES.  
A sign located on the premise or property of an individual, business or organization when the sale or lease of the premise or the identification, products or services or the individual, business or organization are the subject of the sign.
- SUBD. 162. SIGN, ROOF.  
A sign erected upon the roof of any building.
- SUBD. 163. SIGN, TEMPORARY.  
A sign which is erected or displayed for a limited period of time.
- SUBD. 164. SLOPE.  
The degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

- SUBD. 165. STORY.  
That portion of a building included above and between the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. *A basement is not considered a story.*
- SUBD. 166. STORY, HALF.  
That portion of a building under a gable, hip or gambrel roof, the wall plate of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- SUBD. 167. STREET.  
A platted public thoroughfare sixty (60) feet or more in width, affording for current or future means of access to abutting property.
- SUBD. 168. STREET, ARTERIAL.  
A street which provides for the movement of heavy traffic on relatively long trips. It has a secondary function of providing access to abutting land.
- SUBD. 169. STREET, COLLECTOR.  
A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- SUBD. 170. STREET FRONTAGE.  
The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) street frontages.
- SUBD. 171. STREET LINE.  
The dividing line between the lot and the street.
- SUBD. 172. STRUCTURAL ALTERATIONS.  
Any changes in the supporting members of a building such as bearing walls, columns, beams, or girders or any substantial changes in the roof or the exterior walls.
- SUBD. 173. STRUCTURE.  
Anything which is built, constructed or erected. An edifice or building of any kind or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.
- SUBD. 174. STRUCTURE, RESIDENTIAL.  
A building which is used predominantly for permanent dwelling purposes. It may contain one or more housing units.

- SUBD. 175. SUBSTANDARD USE.  
Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district, but does not meet the minimum lot area, frontage, setbacks or other dimensional standards of this Ordinance.
- SUBD. 176. TEMPORARY SIGN.  
Any sign which is erected or displayed for a specified period of time.
- SUBD. 177. TOURIST HOME.  
A building containing a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation.
- SUBD. 178. TOWNHOUSES.  
Structures housing two (2) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate and individual front and rear entrances.
- SUBD. 179. USE.  
The purpose or activity for which the land or building thereon is designated, arranged or intended or for which it is occupied, utilized or maintained and shall include the performance of such activity as defined by the performance standards of this Ordinance.
- SUBD. 180. USE, ACCESSORY.  
A use incidental or accessory to the principal use of a lot or a building located on the same lot with a building but detached therefrom.
- SUBD. 181. USE, INCOMPATIBLE.  
A use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.
- SUBD. 182. USE, SPECIAL.  
A use either public or private, which, because of the 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 "special use" may or may not be granted.
- SUBD. 183. VACATION.  
The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

- SUBD. 184. VARIANCE.  
The waiving action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.
- SUBD. 185. VEGETATION.  
The sum total of plant life in some area or a plant community with distinguishable characteristics.
- SUBD. 186. WATERBODY.  
A body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basin that holds water and is surrounded by land.
- SUBD. 187. WATERCOURSE.  
A channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.
- SUBD. 188. WATERSHED.  
The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
- SUBD. 189. WETLANDS.  
Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:  
A. Have a predominance of hydric soils;  
B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and  
C. Under normal circumstances support a prevalence of such vegetation.
- SUBD. 190. WETLAND REGULATORY FLOOD PROTECTION ELEVATION.  
An elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- SUBD. 191. YARD.  
An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
- SUBD. 192. YARD, FRONT.  
A yard extending across the front of the lot between the side of lot lines and lying between the front line of the lot and the nearest line of the building.

- SUBD. 193. YARD, REAR.  
A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
- SUBD. 194. YARD, SIDE.  
A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.
- SUBD. 195. ZONING DISTRICT.  
An area or areas within the limits of the City for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- SUBD. 196. ZONING MAP.  
The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning district.

### **SECTION 3. GENERAL DISTRICT PROVISIONS.**

#### **SUBD. 1. PURPOSE.**

##### **A. Purpose.**

The performance standards established in this Ordinance are designed to encourage a high standard of development and delineate requirements for Planned Unit Developments, mobile home parks, signs, parking and loading and sewage disposal. Before any zoning permit is approved, the Planning and Zoning Administrator shall determine whether the proposed use will conform to these standards.

The purpose of this Section is to establish general development standards to assure compatible land uses to prevent blight and deterioration and to enhance the health, safety and general welfare of the City.

#### **SUBD. 2. DWELLING UNIT REGULATIONS.**

##### **A. Dwelling Unit Restrictions.**

1. No commercial building, cellar, basement, garage, recreational vehicle, camper, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, except allowed as a conditional use as set forth and regulated by this Ordinance. This restriction does not apply to apartment building and mixed commercial-apartment structures which are allowed in certain zoning districts.
2. Basements may be used as living quarters or rooms as a portion of residential dwellings provided they conform with the Uniform Building Code requirements.
3. Tents, play houses or similar structures may be used for play or recreational purposes.
4. Existing cellars or basements used as an independent dwelling unit shall have the status of a non-conforming use, subject to the provisions of this Ordinance.
5. No dwelling shall hereafter be erected or altered unless there is direct access to it from a public street.

6. Manufactured Homes and Mobile Homes are only allowed in the RMH Districts, or where a CUP or Variance has been granted as set forth and regulated by this Ordinance.

SUBD. 3. ACCESSORY BUILDINGS.

A. Accessory Buildings.

1. In any zoning district, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building, but may be erected simultaneously.
2. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than five (5) feet to the principal structure.
3. For the purposes of this Ordinance setbacks shall be measured from the property line. Attached and detached accessory buildings, including decks and uncovered porches, may encroach into the required side and rear yard setbacks within the rear yard of a lot, except, however, that no such encroachment may occur on required side yard setbacks abutting a street in the case of a corner lot. In such cases, the following standards shall apply:
  - a. The accessory structure(s) shall not exceed twenty-five percent (25%) of the rear yard.
  - b. All detached accessory buildings in the R1 and R1a Residential, shall be located at least ten (10) feet away from any other building or structure on the same lot and shall not be located within a utility easement or within the front yard required setback and shall be setback from all adjoining lots at least five (5) feet. Structures with peaks over ten (10) feet in height shall be set back at least ten (10) feet from all adjoining lots and structures with peaks over sixteen (16) feet in height shall be set back at least fifteen (15) feet from all adjoining lots.
  - c. All accessory buildings in the R2, R3 and R4 Residential Districts shall be located at least five (5) feet away from interior lot lines and shall not be located within a utility easement or within the front yard required setback.
  - d. No detached accessory structure shall be erected or altered so as to encroach in the front yard setback of a lot.
  - e. Garages having direct access onto an alley shall be setback five (5) feet from the property lot line.

4. In all other cases, other than those noted within Subsection 3 above, accessory buildings shall conform to setbacks which are imposed within the respective zoning district. In districts where gas stations are allowed, pump islands may be located within a required yard provided they are not less than fifteen (15) feet from any street right-of-way line.
5. Within the R1 and R1a districts, no detached accessory structures, or any combination of detached accessory structures shall exceed one thousand (1,000) square feet in area. In addition, the total square footage of detached and attached accessory structures shall not be greater than the footprint of the principal structure. All lot coverage requirements outlined within the respective districts shall be adhered to.
6. No lot shall have more than two (2) detached accessory structures.
7. To ensure that the design and appearance of accessory buildings are appropriate for a residential district, such buildings that are greater than 120 square feet in gross floor area shall have shingled, pitched roofs, eaves, and conventional house siding or siding that simulates conventional house siding except for those buildings in which the design is architecturally complimentary to the principal structure.
8. Except as expressly allowed by conditional use permit, accessory buildings shall comply with the following height limitations and accessory buildings other than garages shall be limited to ten (10) feet in height on all two family and townhouse unit lots:

<u>Zoning District</u>	<u>Maximum Height</u>
R1, R1a & R2	Sixteen (16) feet
R3 & R4	Sixteen (16) feet
C1	District Limit
C1a	District Limit
C2	District Limit
I1	District Limit
I2	District Limit

SUBD. 4. GENERAL BUILDING AND YARD REGULATIONS.

A. Purpose:

This Section identifies yard, building type and height requirements in each zoning district.

B. Building Restrictions.

1. Any person desiring to improve property shall submit to the Planning and Zoning Administrator information on the location and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to City Ordinances. Applicants shall be responsible for locating all property boundaries and providing certification of said property boundaries.
2. All buildings shall be so placed that they will not obstruct future streets that may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
3. Except in the case of Planned Unit Development and "A" Agriculture/Estate Residence District, lots exceeding one (1) acre as provided for in this Ordinance, not more than one (1) principal building shall be located in a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Planning and Zoning Administrator shall be final, subject to the right of appeal to the Planning Commission and City Council.
4. Mobile homes, buildings, tents or other structures temporarily maintained by an individual or company on the premises associated with the work project and used exclusively to house labor or other personnel occupied in such work project shall be exempt from the requirements of this Ordinance. Such mobile homes, buildings, tents or other structures shall be removed within thirty (30) days from the completion of the work project.

C. Building Type and Construction.

1. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs) shall be permitted in any zoning district except in association with farming operations or industrial uses.

2. Residential dwelling structures in the R1, R1a and R2 Districts shall have a minimum of seventy percent (70%) of the structure a minimum width of twenty-two (22) feet. All residential dwelling structures in the R1, R1a and R2 Districts shall be placed on permanent foundations of wood or concrete.
3. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare.
4. Exterior building finishes shall consist of materials comparable in grade and quality to the following:
  - a. Brick.
  - b. Natural stone.
  - c. Decorative concrete block.
  - d. Cast in place concrete or pre-cast concrete panels.
  - e. Wood.
  - f. Glass curtain wall panels.
  - g. Stucco.
  - h. Vinyl, aluminum, colored steel, no-maintenance type siding.
  - i. In the I1, I2 and C2 districts, curtain wall panels of steel, fiberglass and aluminum may be permitted provided such panels are factory fabricated and finished with a durable, non-fade surface and their fasteners are of a corrosion resistant design. Said materials may also be permitted on detached accessory buildings in the R2, R3 and R4 zoning districts and on storage sheds less than 80 sq. ft. in any zoning district.

#### D. Building Height.

1. Building heights in excess of those standards contained in the district provisions may be permitted through a conditional use permit, provided that:
  - a. The site is capable of accommodating the increased intensity of use.
  - b. The use does not negatively impact traffic flow or capacity of surrounding public rights of way.
  - c. For each additional story over three (3) stories or for each additional ten (10) feet above forty (40) feet, front and side yard setback requirements shall be increased by five (5) percent.
  - d. Applicants proposing structures constructed exclusively for or hosting telecommunications equipment shall provide

written verification of approval from the Federal Communications Commission and the Federal Aviation Administration to the extent required by those agencies.

- e. The City shall require an applicant who proposes the construction of any structure with a height equal to or greater than two hundred (200) feet above ground level; or the alteration of any structure to a height which is equal to or greater than two hundred (200) feet above ground level to notify the Minnesota Department of Transportation Commissioner and the Federal Aviation Administration Commissioner of said proposal at least thirty (30) days prior to the City Council's consideration of said request if notice is required by those agencies. Should notice be required by those agencies the applicant shall submit evidence to the City verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been duly notified of said proposed structure prior to City Council approval.

2. Building height limits established for districts shall not apply to the following provided a conditional use permit is issued, in accordance with Section 22, Subdivision 10.

- a. Belfries.
  - b. Chimneys or flues.
  - c. Church Spires.
  - d. Cupolas and domes which do not contain usable space.
  - e. Parapet walls extending not more than three (3) feet above the limiting height of the building.
  - f. Poles, towers, and other structures for essential services.
  - g. Necessary mechanical and electrical appurtenances.
  - h. Farming buildings.
  - i. Cooling Towers.
  - j. Elevator penthouses.
  - k. Flag poles.
  - l. Monuments.
  - m. Elevator legs.
- (Amended 11.18.2010)

#### E. Yards.

1. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided about any building

or structure shall be included as part of any open space required for another structure.

2. The following shall not be considered as encroachments on yard setback requirements:
  - a. Chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like provided they do not project more than two (2) feet into a yard.
  - b. Terraces, steps, stoops, fire escapes or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five (5) feet from any lot line.
  - c. In rear yards: recreational and laundry drying equipment, arbors, and trellises, detached outdoor living rooms, and air conditioning or heating equipment, provided they are at a distance of five (5) feet from the rear lot line.
  - d. A one-story entrance for a detached single family or duplex dwelling may extend into the front yard setback not exceeding five (5) feet.
3. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such adjacent structures. If only one adjacent lot is occupied by a structure, the minimum front yard shall be the average of the required setbacks and the setback of such adjacent structure, but in no case less than twelve (12) feet. In no case shall the setback requirement exceed the minimum established for the respective zoning district.
4. The front yard setback requirements shall be provided on all street sides for through lots.
5. For lots abutting any state highway, arterial or collector street, either existing or proposed, as shown on the City of Zumbrota Land Use/ Transportation Map, and subsequent revisions thereto, then the minimum setbacks for each subject lot within residential zoning districts shall be as follows:

<u>Type of Roadway</u>	<u>R-O-W Width</u>	<u>Minimum Setback</u>
State Highway	any	50 feet
Arterial	75' - 120'	50 feet
Collector	60' or >	30 feet

The "average setback" clause for front yard setbacks does not apply in these instances.

SUBD 5. OUTDOOR STORAGE AND REFUSE.

A. Outside storage: Residential, Commercial and Industrial Uses.

1. All outside storage of materials and equipment for residential uses (excluding farms) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:
  - a. Clothes line pole and wire.
  - b. Not more than two (2) recreational vehicles or one (1) recreational camping vehicle and equipment. A snowmobile trailer equals one (1) recreational vehicle.
  - c. Construction and landscaping material currently being used on the premises.
  - d. On and off street parking of currently registered and operable passenger vehicles and trucks as per the requirements set forth in Section 21 of this ordinance.
  - e. Lawn furniture or furniture used and constructed explicitly for outdoor use.
  - f. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person(s) on whose property it is stored.
2. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require a conditional use permit subject to the provisions of Section 22 of this Ordinance and all non-residential outside storage shall conform to the following conditions:
  - a. The area occupied is not within a required front or required side yard.
  - b. The storage area is totally fenced, fully screened and landscaped according to a plan approved by the Zoning Administrator.
  - c. If abutting a Residential District or a residential use, screening and landscaping is provided according to a plan approved by the Zoning Administrator.
  - d. The storage area is grassed or surfaced to control dust.
  - e. Any/all lighting shall be directed away from the public right-of-way and from neighboring residences.

B. Refuse.

All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety or general welfare of the City, or to have a depressing influence upon property values in the area. The owner of vacant land shall be responsible for keeping such land free of refuse.

C. Waste Materials.

Waste materials are to be picked up and disposed of in accordance with any and all city standards applicable to refuse/waste materials.

D. Refuse Ownership.

Unless an authorized special collection agreement is made, the entity generating the waste shall at all times retain title and ownership of any and all waste materials, including but not limited to, excluded waste materials (i.e. industrial, infectious and/or hazardous waste). The entity retaining title and ownership of any/all waste materials, including excluded waste material shall remain responsible and liable for said waste material. The entity generating any/all refuse, including but not limited to, excluded waste materials, shall remain responsible at all times for properly disposing of the refuse.

Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment or the solid waste stream is strictly prohibited.

The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclables and demolition debris.

SUBD. 6. FENCING, SCREENING, AND LANDSCAPING.

A. Fencing, Screening, and Landscaping.

1. No fence shall exceed four (4) feet in the front yard or eight (8) feet in the rear yard in height as measured from the ground to the highest point of the fence; except security fencing which shall not exceed ten (10) feet including barbed wire toppings. Building code regulations apply to fences over seven (7) feet in height. (amended 9.21.17)
2. No fence, screen or structure which obstructs view shall be located within thirty (30) feet of any front lot line, and twenty five (25) feet of any corner formed by the intersection of street or railroad right-of-ways as measured from the intersecting property lines.
3. In all zoning districts, all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment, unless devoted to drives, sidewalks or patios.
4. All screening required by the provisions of this Ordinance shall consist of a fence constructed of masonry, brick or wood which is compatible with surrounding structures and buildings. (amended 3/17/2008)
5. Except as provided in this Ordinance shrubs and hedges shall be set back at least three (3) feet from the lot lines. (amended 9.21.17)
6. Fences shall be located entirely upon private property, up to but not on the property line. (amended 9.21.17)
7. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face outward toward abutting property or right-of-way. (amended 9.21.17)

SUBD. 7. MOVING OF BUILDINGS.

Any building or structure which has been wholly or partially erected on any premises, located either within or outside of the City shall not be moved to or placed upon any other premises in the City until a permit to use such building or structure has been approved by the City. Any such building shall conform

to all the provisions of this Ordinance, in the same manner as a new building or structure.

SUBD. 8 VISION CLEARANCE AT CORNERS, CURB CUTS AND RAILROAD CROSSINGS.

Notwithstanding any part of this Ordinance or any permit or variance granted, no structure, vehicle, vegetation, fence, sign, building or any obstacle or any portion thereof, shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance of corners, curb cuts or railroad crossings.

SUBD. 9. LIGHTING.

Any lighting used to illuminate an off-street parking area, sign or structure shall be arranged so as to deflect light away from any adjoining residential properties or uses from the public streets.

SUBD. 10. NOISE.

Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity, except for noise from agricultural sources in the “” Agriculture/Estate Residence District generated by agricultural use shall be exempt.

SUBD. 11. ODORS.

Any use established, enlarged or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a zoning permit, except odors from agricultural sources.

SUBD. 12. RESERVED. Commercial Feedlots.

SUBD. 13. SATELLITE DISHES AND OTHER DISHES.

- A. Any satellite dishes hereafter erected shall conform to the provisions of this Section and any other ordinance or regulation of the City.
- B. All dish antennas over one (1) meter (39.4 inches) shall be prohibited from roof tops unless it is determined by the City Council that placement within side or rear yards is impractical.

- C. Satellite dishes and other dishes shall not be located in front yards.
- D. No satellite dish or other dish shall be located within ten (10) feet of any rear lot or side lot line in any residential district.
- E. A limit of two (2) such structures shall exist at any one (1) time on any residential zoned and used lot or parcel except that satellite dishes exceeding one (1) meter in width shall be limited to one (1) per residential lot or parcel.
- F. The applicant shall be responsible for any required license by any federal, state or local agency.

SUBD. 14. RESIDENTIAL POOLS AND SPAS

A. Definitions.

- 1. Residential swimming pools shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their guests and which is over twenty-four (24) inches in depth and has a surface area exceeding two hundred (200) square feet.
- 2. Spa shall be defined as a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may be included but not limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles or any combination thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.
- 3. Landscaping ponds with a depth greater than 24" and a surface area of 80 sq. ft. shall adhere to the fencing requirements that apply to residential pools.

B. Construction.

- 1. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.
- 2. Setback. No person shall build, situate or install a pool or spa within ten (10) feet of any side or rear lot line, nor within six (6) feet of any principal structure nor within any required front yard.

3. Portable Fences. While being constructed, the pool or spa must be fenced with a portable fence, such as snow fence, of not less than four (4) feet in height.

C. Fencing.

1. Minimum Height. All outdoor pools hereafter constructed shall be completely enclosed by a fence or wall of the non-climbing type so as to be impenetrable by toddlers, afford no external handholds and a minimum of four (4) feet in height.
2. Self-Closing. All outdoor fence openings or outdoor points of entry into the pool area shall be equipped with self-closing and self-latching devices. The openings between the bottom of the fence and the ground or other surface shall not be more than three (3) inches.
3. Latchable Cover. All outdoor spas shall have either a fence as described in C(1) and C(2) or a latchable cover. The cover shall be constructed of a material impenetrable by toddlers.

D. Permits.

No person shall construct, alter or renovate a pool or spa without a zoning permit.

SUBD. 15. LAND RECLAMATION AND MINING

A. Land Reclamation.

Under this Ordinance, land reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the Zoning Ordinance, and shall meet the following standards:

1. The smallest amount of bare ground is exposed for as short a time as feasible.
2. Temporary ground cover is used and permanent ground cover, such as sod, is planted.
3. Methods to prevent erosion and trap sediment are employed.
4. Fill is stabilized to accepted engineering standards.

5. Final slopes for cut slopes should be a maximum of 1:1, or one hundred percent (100%); fill slope 3:1 or thirty percent (30%); and grade or construction slope 5:1 or twenty percent (20%).
6. Final slopes shall not result in the displacement or run-off of storm water to an adjacent property greater than the pre-existing condition.

B. Mining.

The extraction of sand, gravel, or other material from the land in the total amount of four hundred (400) cubic yards or more and removal thereof from the site without processing shall be defined as mining. In all districts, the conduct of mining shall be permitted only upon issuance of a Conditional Use Permit. Such permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.

SUBD. 16. ADMINISTRATIVE STANDARDS.

Whenever, in the course of administration of any enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of this Ordinance.

SUBD. 17. COMPLIANCE.

All uses shall comply with all federal, state and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust, odors and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.

## **SECTION 4. CLASSIFICATION OF DISTRICTS**

### **SUBD. 1. ESTABLISHMENT OF DISTRICTS.**

The following zoning districts are hereby established within the City of Zumbrota:

- A1 Agriculture/Estate Residence District
- R1 One-Family Residential District
- R1a One-Family Residential District
- R2 One and Two-Family Residential District
- R3 One to Eight-Family Residential District
- R4 Multiple-Family Residential District
- RMH Residential-Manufactured Home District
- C1 Central Commerce District
- C1a Central Fringe Commerce District
- C2 Highway Commerce District
- I1 Limited Industrial District
- I2 General Industrial District

### **SUBD. 2. MAP.**

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

### **SUBD. 3. ANNEXATION.**

In the event of annexation of new areas to the City, such areas shall be considered to be in the most appropriate zoning district as identified by the City's Comprehensive Plan until otherwise classified.

### **SUBD. 4. ZONING DISTRICT BOUNDARIES.**

- A. Boundaries indicated as approximately following the center line of streets, highways, alleys or railroad lines shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to following such center lines.
- D. Boundaries indicated as approximately following the City limits shall be construed as following such City limits.
- E. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this chapter, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.

SUBD. 5. DISTRICT REGULATIONS.

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

- A. No buildings, structures or land shall hereafter be used or occupied and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yard, side yards or other open spaces than herein required or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Except in the case of Planned Unit Development and the Agricultural “A” District lots exceeding one (1) acre as provided for in this Ordinance, not more than one (1) principal building shall be located in a lot.
- E. No provision hereunder shall be construed so as to prevent emergency repair/rebuild of existing essential services provided said repair/rebuild

does not exceed area, width, height, etc. in existence and conforming to this ordinance prior to the emergent situation.

SUBD. 6. AMENDMENTS.

It shall be the responsibility of the Zoning Administrator to maintain the Zoning Map. Amendments to said zoning map shall be recorded thereon within thirty (30) days after official publication of amendments. The Zumbrota Zoning Map shall be kept on file in the City Administrator's Office.

## **SECTION 5. “A” AGRICULTURE/ESTATE RESIDENCE DISTRICT.**

### **SUBD. 1. PURPOSE.**

The purpose of the Agriculture/Estate Residence District is to provide for existing rural uses, single-family residences and institutional uses. It is designed for areas within the City which may presently be used for agriculture, but which may be converted to urban uses in the future.

### **SUBD. 2. PERMITTED USES.**

The following are permitted uses in the “A” Agriculture/Estate Residence District:

- A. Single-family dwellings.
- B. Public parks and playgrounds, recreational areas and wildlife areas/refuges.
- C. Hobby Farms.
- D. Farming and Agriculture plus related buildings and structures subject to Minnesota Pollution Control Agency standards, but not including commercial feed lots or other commercial operations.
- E. Nurseries, greenhouses, tree farms and landscape material operations which do not include retail sales.
- F. Essential services.
- G. Cemeteries.

### **SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the “A” Agriculture/Estate Residence District:

- A. Private garages, parking areas and car ports for licensed and operable passenger cars and trucks.
- B. Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.
- C. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- D. Recreational vehicles and equipment
- E. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- F. Home occupations as regulated by Section 19 of this Ordinance.

SUBD. 4.      CONDITIONAL USES.

The following are conditional uses in the "A" Agriculture/Estate Residence District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:
  - 1. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - 2. Compatibility with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
- B. Kennels and riding stables, commercial recreational areas and similar uses, provided that:
  - 1. The principal use, function, or activity is recreational in character.
  - 2. Not more than thirty percent (30%) of the land area of the site be covered by buildings or structures.
  - 3. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - 4. Animals shall be, at a minimum, kept in an enclosed pen or corral of sufficient height and strength to retain such animals.
  - 5. Any building in which animals are kept shall be located a minimum of one hundred (100) feet from a lot line.
  - 6. The provisions of all applicable Minnesota Pollution Control Agency standards and all other applicable state and federal standards are complied with, as may be amended.
- C. Airports and golf courses.
- D. Uses determined by the Planning and Zoning Commission of similar nature to the Conditional Uses cited above and not found to be detrimental to the general health and welfare of the City.
- E. Adult use subject to the following and as outlined in Section 26 of this Ordinance:

1. It shall not be located within one thousand (1,000) feet (measured in a straight line between buildings) of an existing adult use or Highway 52.
2. It shall not be within five hundred feet (500) feet (measured in a straight line between buildings) of any PUD district, public park or property which is or is zoned, projected to be zoned, or used as residential. (Revised 9.17.2009)
3. It shall not be located within one thousand feet (1000) feet (measured in a straight line between buildings) of an existing school, a licensed daycare center, any school, any church, any youth facility, any hospital, any nursing home, or any cemetery.
4. It shall not sell or dispense non-intoxicating liquors or intoxicating liquors, nor shall it be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
5. It shall not involve or permit any person to engage in any activity or conduct in or about the establishment which is prohibited by local, state or federal law. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or City Code provisions prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors.
6. It shall not be conducted in a manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
7. It shall prominently display at the entrance and located within two feet of the door-opening device of the establishment a sign which states “This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter.” Said sign shall have letters between three-eighths (3/8) inch and two (2) inches in height.
8. No person under the age of eighteen (18) shall be permitted on the premises, and no person under the age of eighteen (18) shall be permitted access to material displayed or offered for sale or rent by the establishment.

SUBD. 5. PERFORMANCE STANDARDS.

- A. Minimum lot size: One (1) Acre
- C. Minimum lot width: One hundred (100) feet.
- D. Setbacks (measured from lot lines):
  - 1. Front yard: Thirty (30) feet
  - 2. Side yard:
    - a. Interior lots Fifteen (15) feet
    - b. Corner lots Not less than thirty (30) feet on the side yard butting a public street.
  - 3. Rear yard:
    - a. Principal building Thirty-five (35) feet
    - b. Accessory Buildings Per Section 3, Subd. 3 of this Ordinance.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- E. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½ ) stories.
- F. Maximum Site Coverage: No structure or combination of structures shall occupy more than ten percent (10%) of the lot area.

Additional requirements, including but not limited to parking, signs, planned unit developments and sewage disposal as regulated in the appropriate sections of this Ordinance, as may be amended.

**SECTION 6. "R1" ONE-FAMILY RESIDENTIAL DISTRICT.**

**SUBD. 1. PURPOSE.**

The purpose of the R1, One-Family Residential District is to provide for low-density, single-family residences and directly related complimentary customary home occupation and certain public and semi-public uses that primarily serve the residents of Zumbrota, at a maximum of three dwellings per acre.

**SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "R1" Residential District:

- A. One (Single-family) family dwelling units.
- B. Day Care Home.
- C. Public parks, playgrounds and recreational uses of a non-commercial nature.
- D. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
- E. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
  - 1. Side yards shall be double that required for the district.
  - 2. No building shall be located within twenty-five (25) feet of any lot line of an abutting lot in an "R" District.
  - 3. A fence shall be erected along the boundary line which is common with private property, except that religious institutions such as churches shall be exempt from this individual provision.
  - 4. Adequate screening from abutting residential uses is provided.
  - 5. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.

**SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "R1" One-Family Residential District:

- A. Private garages, parking spaces and carports.
- B. Recreational vehicles and equipment as regulated by Section 21 of this Ordinance.
- C. Home Occupations as regulated by Section 19 of this Ordinance.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment. No more than three (3) dogs over the age of six (6) months of age shall be permitted. (amended 9.12.2017)

In addition to animals typically classified as domestic pets, the keeping of not more than ten (10) hen chickens on a parcel shall be permitted provided the following standards are met:

- (1) Hen chickens shall be fully contained on the property at all times.
- (2) Hen chicken feed shall be stored in secure containers with tight fitting lids.
- (3) All housing, pens and containment areas shall be maintained in a clean, sanitary and odor free environment, consistent with Zumbrota City Code Sections 95.29 and 95.30.
- (4) Hen chickens shall be housed in an accessory structure with run meeting the requirements of the underlying zoning district and consistent with Zumbrota Zoning Code Section 3, Subdivision 3. Structures shall be rodent/predator proof and no hen chickens shall be housed within any part of a residential dwelling.
- (5) Accessory structures and runs shall be at least ten (10) feet from all property lines.
- (6) Neither the keeping of roosters nor the slaughtering of hen chickens shall be permitted.
- (7) In order to address potential Avian Influenza (AI) and other disease spreading, any illness or unusual mortality of hen chickens shall be reported immediately to the Goodhue County Feedlot Management Officer and the MN Board of Animal Health. Biosecurity measures shall be in place to help prevent introduction of avian influenza.
- (8) Prior to the keeping of hen chickens in accordance with this Section, property owners shall notify the City in writing on a form provided by the Zoning Administrator. Failure to provide prior notification shall subject property owner to enforcement under provisions of the City Code Title I: General Provisions, Chapter 10 Section 20.  
(amended 6/18/2015)

- F. Fences.
- G. One (1) lodging room per single-family dwelling for not more than two roomers.
- H. Tool houses, sheds and similar non-commercial storage buildings.
- I. Uses determined by Planning and Zoning Commission to be similar to those listed in this subdivision.

#### SUBD. 4.      CONDITIONAL USES.

The following are conditional uses in the "R1" One-Family Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
- B. Fire station.
- C. Police Station
- D. Residential Planned Unit Developments per Section 18 of this ordinance.
- E. Hospitals and clinics.
- F. Use of the basement as an independent resident or living unit providing:
  - 1. The living unit shall meet or exceed the minimum performance standards for floor area outlined in Subdivision 5 of this Section and the ceiling height is a minimum of seven (7) feet or the height required by the Uniform Building Code, whichever is greater.
  - 2. The living unit contains adequate ventilation and fire escapes as determined by the Uniform Building Code.
  - 3. The owner of the property resides on the premises.

SUBD. 5. PERFORMANCE STANDARDS.

- A. Minimum lot size: Eleven thousand (11,000) square feet
- B. Minimum lot width: Eighty (80) feet: at the required setback line
- C. Minimum lot depth: One hundred (100) feet
- D. Setbacks (measured from lot lines):
  - 1. Front yard: Thirty (30) feet or average setback of buildings immediately adjacent but not less than twelve (12) feet.
  - 2. Side yard:
    - a. Interior lots Ten (10) feet. Interior side yards may be six (6) feet on the side where there is an attached garage.

Dwellings over one and one-half (1 ½ ) stories shall require an additional five (5) feet each side.

  - b. Corner lots: Not less than fifteen (15) feet on the side yard abutting a public street.
  - c. Public and Semi-public buildings:  
Twenty-five (25) feet.
  - 3. Rear yard:
    - a. Principal building: Thirty-five (35) feet
    - b. Detached Accessory Building: per Section 3, Subd. 3 of this Ordinance.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

3. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
4. Floor Area Requirements for One-Family Dwelling Units: One-family dwelling units erected in the R1 District shall have the following minimum floor areas:
  1. One (1) story or split level dwellings containing three (3) bedrooms or less shall have a minimum of one thousand (1,000) square feet plus one hundred twenty (120) square feet for each additional bedroom. Split level design shall be defined as any design wherein the entry way together with some living space is located at ground level with additional living space located above such level and/or partially below such level.
  2. Two (2) story dwellings containing three (3) bedrooms or less, shall have a minimum of eight hundred (800) square feet on the first floor plus sixty (60) square feet for each additional bedroom per unit.
5. Maximum Site Coverage: No structure or combination of residential structures shall occupy more than thirty percent (30%) of the lot area. Other uses may occupy up to forty percent (40%) of the lot area.
6. Additional requirements, including but not limited to parking signs, planned unit developments and sewage disposal as regulated in the appropriate sections of this Ordinance, as may be amended.

## **SECTION 7. "R1a" ONE-FAMILY RESIDENTIAL DISTRICT.**

### **SUBD. 1. PURPOSE.**

The purpose of the R1a, One-Family Residential District is to provide for low-density, single-family residences and directly related complimentary customary home occupation and certain public and semi-public uses that primarily serve the residents of Zumbrota, at a maximum of five dwellings per acre.

### **SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "R1a" Residential District:

- A. One (Single-family) family dwelling units.
- B. Day Care Home.
- C. Public parks, playgrounds and recreational uses of a non-commercial nature.
- D. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
- E. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
  6. Side yards shall be double that required for the district.
  7. No building shall be located within twenty-five (25) feet of any lot line of an abutting lot in an "R" District.
  8. A fence shall be erected along the boundary line which is common with private property, except that religious institutions such as churches shall be exempt from this individual provision.
  9. Adequate screening from abutting residential uses is provided.
  10. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.

### **SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "R1a" One-Family Residential District:

- A. Private garages, parking spaces and carports.
- B. Recreational vehicles and equipment as regulated by Section 21 of this Ordinance.
- C. Home Occupations as regulated by Section 19 of this Ordinance.

- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment. No more than three (3) dogs over the age of six (6) months of age shall be permitted. (amended 9.12.2017)

In addition to animals typically classified as domestic pets, the keeping of not more than ten (10) hen chickens on a parcel shall be permitted provided the following standards are met:

- (1) Hen chickens shall be fully contained on the property at all times.
- (2) Hen chicken feed shall be stored in secure containers with tight fitting lids.
- (3) All housing, pens and containment areas shall be maintained in a clean, sanitary and odor free environment, consistent with Zumbrota City Code Sections 95.29 and 95.30.
- (4) Hen chickens shall be housed in an accessory structure with run meeting the requirements of the underlying zoning district and consistent with Zumbrota Zoning Code Section 3, Subdivision 3. Structures shall be rodent/predator proof and no hen chickens shall be housed within any part of a residential dwelling.
- (5) Accessory structures and runs shall be at least ten (10) feet from all property lines.
- (6) Neither the keeping of roosters nor the slaughtering of hen chickens shall be permitted.
- (7) In order to address potential Avian Influenza (AI) and other disease spreading, any illness or unusual mortality of hen chickens shall be reported immediately to the Goodhue County Feedlot Management Officer and the MN Board of Animal Health. Biosecurity measures shall be in place to help prevent introduction of avian influenza.
- (8) Prior to the keeping of hen chickens in accordance with this Section, property owners shall notify the City in writing on a form provided by the Zoning Administrator. Failure to provide prior notification shall subject property owner to enforcement under provisions of the City Code Title I: General Provisions, Chapter 10 Section 20. (amended 6/18/2015)

- F. Fences.
- G. One (1) lodging room per single-family dwelling for not more than two roomers.
- H. Tool houses, sheds and similar non-commercial storage buildings.
- I. Uses determined by Planning and Zoning Commission to be similar to those listed in this subdivision.

SUBD. 4.      CONDITIONAL USES.

The following are conditional uses in the "R1a" One-Family Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
- B. Fire station.
- C. Police Station
- D. Residential Planned Unit Developments per Section 18 of this ordinance.
- E. Hospitals and clinics.
- F. Use of the basement as an independent resident or living unit providing:
  - 4. The living unit shall meet or exceed the minimum performance standards for floor area outlined in Subdivision 5 of this Section and the ceiling height is a minimum of seven (7) feet or height required by the Uniform Building Code, whichever is greater.
  - 5. The living unit contains adequate ventilation and fire escapes as required by the Uniform Building Code.
  - 6. The owner of the property resides on the premises.

SUBD. 5.      PERFORMANCE STANDARDS.

- A. Minimum lot size:      Seven thousand five hundred (7,500) square feet
- B. Minimum lot width:    Seventy (70) feet at the required setback line
- C. Minimum lot depth:    One hundred (100) feet
- D. Setbacks (measured from lot lines):
  - 1. Front yard:      Thirty (30) feet or average setback of buildings immediately adjacent but not less than twelve (12) feet.
  - 2. Side yard:
    - a.      Interior lots      Ten (10) feet.  
  
Interior side yards may be six (6) feet on the side where there is an attached garage. Dwellings over one and one-half (1 ½ ) stories shall require an additional five (5) feet each side.
    - b. Corner lots:      Not less than fifteen (15) feet on the side yard abutting a public street.
    - c. Public and Semi-public buildings: Twenty-five (25) feet.
  - 3. Rear yard:

- a. Principal building Thirty-five (35) feet
- b. Detached Accessory Building: per Section 3, Subd. 3 of this Ordinance.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

4. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
5. Floor Area Requirements for One-Family Dwelling Units: One-family dwelling units erected in the R1a District shall have the following minimum floor areas:
  6. One (1) story or split level dwellings containing three (3) bedrooms or less shall have a minimum of nine hundred (900) square feet plus one hundred twenty (120) square feet for each additional bedroom. Split level design shall be defined as any design wherein the entry way together with some living space is located at ground level with additional living space located above such level and/or partially below such level.
  7. Two (2) story dwellings containing three (3) bedrooms or less, shall have a minimum of seven hundred (700) square feet on the first floor plus sixty (60) square feet for each additional bedroom per unit.
  8. Maximum Site Coverage: No structure or combination of residential structures shall occupy more than thirty percent (30%) of the lot area. Other uses may occupy up to forty percent (40%) of the lot area.
  9. Additional requirements, including but not limited to parking signs, planned unit developments and sewage disposal as regulated in the appropriate sections of this Ordinance, as may be amended.

**SECTION 8. "R2" ONE AND TWO-FAMILY RESIDENTIAL DISTRICT.**

**SUBD. 1. PURPOSE.**

The purpose of the R2, One and Two-Family Residential District is to provide for one and two-family residences and directly related complimentary customary home occupation and certain public and semi-public uses that primarily serve the residents of Zumbrota, at a maximum of six (6) dwellings per acre for one and two-family residences.

**SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "R2" Residential District:

- A. One and Two-family dwelling units.
- B. Day Care Home.
- C. Public parks, playgrounds and recreational uses of a non-commercial nature.
- D. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
- E. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
  - 1. Side yards shall be double that required for the district.
  - 2. No building shall be located within twenty-five (25) feet of any lot line of an abutting lot in an "R" District.
  - 3. A fence shall be erected along the boundary line which is common with private property, except that religious institutions such as churches shall be exempt from this individual provision.
  - 4. Adequate screening from abutting residential uses is provided.
  - 5. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.

**SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "R2" One and Two-Family Residential District:

- A. Private garages, parking spaces and carports.
- B. Recreational vehicles and equipment as per Section 21 of this Ordinance.
- C. Home Occupations as regulated by Section 19 of this Ordinance.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment. No more than three (3) dogs over the age of six (6) months of age shall be permitted. (amended 9.12.2017)

In addition to animals typically classified as domestic pets, the keeping of not more than ten (10) hen chickens on a parcel shall be permitted provided the following standards are met:

- (1) Hen chickens shall be fully contained on the property at all times.
- (2) Hen chicken feed shall be stored in secure containers with tight fitting lids.
- (3) All housing, pens and containment areas shall be maintained in a clean, sanitary and odor free environment, consistent with Zumbrota City Code Sections 95.29 and 95.30.
- (4) Hen chickens shall be housed in an accessory structure with run meeting the requirements of the underlying zoning district and consistent with Zumbrota Zoning Code Section 3, Subdivision 3. Structures shall be rodent/predator proof and no hen chickens shall be housed within any part of a residential dwelling.
- (5) Accessory structures and runs shall be at least ten (10) feet from all property lines.
- (6) Neither the keeping of roosters nor the slaughtering of hen chickens shall be permitted.
- (7) In order to address potential Avian Influenza (AI) and other disease spreading, any illness or unusual mortality of hen chickens shall be reported immediately to the Goodhue County Feedlot Management Officer and the MN Board of Animal Health. Biosecurity measures shall be in place to help prevent introduction of avian influenza.
- (8) Prior to the keeping of hen chickens in accordance with this Section, property owners shall notify the City in writing on a form provided by the Zoning Administrator. Failure to provide prior notification shall subject property owner to enforcement under provisions of the City Code Title I: General Provisions, Chapter 10 Section 20.  
(amended 6/18/2015)

- F. Fences.
- G. One (1) lodging room per single-family dwelling for not more than two roomers.
- H. Tool houses, sheds and similar non-commercial storage buildings.
- I. Uses determined by Planning and Zoning Commission to be similar to those listed in this subdivision.

#### SUBD. 4.      CONDITIONAL USES.

The following are conditional uses in the "R2" One and Two-Family Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
- B. Fire station.
- C. Police Station
- D. Residential Planned Unit Developments per Section 18 of this ordinance.
- E. Hospitals and clinics, mortuaries, sanitariums, nursing homes, rest homes and old age homes provided that:
  - 1. Side yards are double the minimum requirements established for this district, with a minimum of a fifteen (15') setback from any residential zoned property.
  - 2. Only the rear yard shall be used for play or recreational areas.
  - 3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
  - 4. All state laws governing such use are strictly adhered to and all required operating permits are secured.
  - 5. The proposed nursing home or similar group housing is in compliance with all other provisions of this Ordinance.
- F. Use of the basement as an independent resident or living unit providing:
  - 1. The living unit shall meet or exceed the minimum performance standards for floor area outlined in Subdivision 5 of this Section and the ceiling height is a minimum of seven (7) feet or the height required by the Uniform Building Code, whichever is greater.
  - 2. The living unit contains adequate ventilation and fire escapes as required by the Uniform Building Code.

**SUBD. 5. PERFORMANCE STANDARDS.**

- A. Minimum lot size: Six thousand (6,000) square feet for one-family dwelling units. Seven thousand (7,000) square feet for two-family dwelling units.
- B. Minimum lot width: Sixty (60) feet measured at the required setback line
- C. Minimum lot depth: One hundred (100) feet
- D. Setbacks (measured from lot lines):
  - 1. Front yard: Thirty (30) feet or average setback of buildings immediately adjacent but not less than twelve (12) feet.

2. Side yard:

- a. Interior lots Six (6) feet. Dwellings over one and one-half (1 ½ ) stories shall require an additional five (5) feet each side.
- b. Corner lots: Not less than twelve (12) feet on the side yard abutting a public street
- c. Public and Semi-public buildings: Twenty-five (25) feet.
- d. Rooming and boarding houses: Fifteen (15) feet.

3. Rear yard:

- a. Principal building: Twenty-five (25) feet
- b. Detached Accessory Building: per Section 3, Subd. 3 of this Ordinance.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- E. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
- F. Floor Area Requirements for One-Family Dwelling Units: One-family dwelling units erected in the R2 District shall have the following minimum floor areas:
  - G. One (1) story or split level dwellings containing three (3) bedrooms or less shall have a minimum of seven hundred-fifty (750) square feet plus one hundred twenty (120) square feet for each additional bedroom. Split level design shall be defined as any design wherein the entry way together with some living space is located at ground level with additional living space located above such level and/or partially below such level.
  - H. Two (2) story dwellings containing three (3) bedrooms or less, shall have a minimum of six hundred-fifty (650) square feet on the first floor plus sixty (60) square feet for each additional bedroom per unit.
  - I. Floor Area Requirements for Two-Family Dwelling Units: Six hundred-fifty (650) square feet per one-bedroom unit, plus an additional sixty (60) square feet for each additional bedroom in each dwelling unit.
  - J. Maximum Site Coverage: No structure or combination of residential structures shall occupy more than thirty-five percent (35%) of the lot area. Other uses may occupy up to forty percent (40%) of the lot area.

- K. Additional requirements, including but not limited to parking signs, planned unit developments and sewage disposal as regulated in the appropriate sections of this Ordinance, as may be amended.

**SECTION 9. "R3" ONE TO EIGHT FAMILY RESIDENTIAL DISTRICT.**

**SUBD. 1. PURPOSE.**

The purpose of the R3, One to Eight Family Residential District is to provide for medium density residential developments and directly related complimentary customary home occupation and certain public and semi-public uses that primarily serve the residents of Zumbrota.

**SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "R3" Residential District:

- A. One (1) and two (2) family dwelling units.
- B. Multiple family dwellings containing no more than eight (8) dwellings.
- C. Day Care Home.
- D. Public parks, playgrounds and recreational uses of a non-commercial nature.
- E. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
- F. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
  - 1. Side yards shall be double that required for the district.
  - 2. No building shall be located within twenty-five (25) feet of any lot line of an abutting lot in an "R" District.
  - 3. A fence shall be erected along the boundary line which is common with private property, except that religious institutions such as churches shall be exempt from this individual provision.
  - 4. Adequate screening from abutting residential uses is provided.
  - 5. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.

**SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "R3" One to Eight-Family Residential District:

- A. Private garages, parking spaces and carports.
- B. Recreational vehicles and equipment as per Section 21 of this Ordinance.
- C. Home Occupations as regulated by Section 19 of this Ordinance.

- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment. No more than three (3) dogs over the age of six (6) months of age shall be permitted. (amended 9.12.2017)

In addition to animals typically classified as domestic pets, the keeping of not more than ten (10) hen chickens on a parcel shall be permitted provided the following standards are met:

- (1) Hen chickens shall be fully contained on the property at all times.
- (2) Hen chicken feed shall be stored in secure containers with tight fitting lids.
- (3) All housing, pens and containment areas shall be maintained in a clean, sanitary and odor free environment, consistent with Zumbrota City Code Sections 95.29 and 95.30.
- (4) Hen chickens shall be housed in an accessory structure with run meeting the requirements of the underlying zoning district and consistent with Zumbrota Zoning Code Section 3, Subdivision 3. Structures shall be rodent/predator proof and no hen chickens shall be housed within any part of a residential dwelling.
- (5) Accessory structures and runs shall be at least ten (10) feet from all property lines.
- (6) Neither the keeping of roosters nor the slaughtering of hen chickens shall be permitted.
- (7) In order to address potential Avian Influenza (AI) and other disease spreading, any illness or unusual mortality of hen chickens shall be reported immediately to the Goodhue County Feedlot Management Officer and the MN Board of Animal Health. Biosecurity measures shall be in place to help prevent introduction of avian influenza.
- (8) Prior to the keeping of hen chickens in accordance with this Section, property owners shall notify the City in writing on a form provided by the Zoning Administrator. Failure to provide prior notification shall subject property owner to enforcement under provisions of the City Code Title I: General Provisions, Chapter 10 Section 20. (amended 6/18/2015)

- F. Fences.
- G. One (1) lodging room per single-family dwelling for not more than two roomers.
- H. Tool houses, sheds and similar non-commercial storage buildings.
- I. Uses determined by Planning and Zoning Commission to be similar to those listed in this subdivision.

SUBD. 4.      CONDITIONAL USES.

The following are conditional uses in the "R3" One to Eight-Family Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
- B. Fire station.
- C.     Police Station
- D. Residential Planned Unit Developments per Section 18 of this ordinance.
- E. Use of the basement as an independent resident or living unit providing:
  - 1. The living unit shall meet or exceed the minimum performance standards for floor area outlined in Subd. 5 C and the ceiling height is a minimum of seven (7) feet or the minimum required by the Uniform Building Code, whichever is greater.
  - 2. The living unit contains adequate ventilation and fire escapes as determined by the Uniform Building Code.
- F. Hospitals and clinics, mortuaries, sanitariums, nursing homes, rest homes and old age homes provided that;
  - a. Side yards are double the minimum requirements established for this district, with a minimum of fifteen (15') setback from any residential zoned property.
  - b. Only the rear yard shall be used for play or recreational areas.
  - c. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
  - d. All state laws governing such use are strictly adhered to and all required operating permits are secured.
  - e. The proposed nursing home or similar group housing is in compliance with all other provisions of this Ordinance.

SUBD. 5.      PERFORMANCE STANDARDS.

A. Setbacks (measured from lot lines):

- 1. Front yard:     Thirty (30) feet or average setback of buildings immediately adjacent but not less than twelve (12) feet.

B. Side yard:

- a. Interior lots Six (6) feet. Dwellings over one and one-half (1 ½) stories shall require an additional five (5) feet each side.
  - b. Corner lots: Not less than twelve (12) feet on the side yard abutting a public street. This includes principal and accessory buildings.
  - c. Public and Semi-public buildings: Twenty-five (25) feet.
  - d. Rooming and boarding houses: Fifteen (15) feet.
3. Rear yard:
- a. Principal building Twenty-five (25) feet
  - b. Detached Accessory building - Per Section 3, Subd. 3 of this Ordinance.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- C. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
  - F. Floor Area Requirements for One-Family Dwelling Units: One-family dwelling units erected in the R3 District shall have the following minimum floor areas:
    - G. One (1) story or split level dwellings containing three (3) bedrooms or less shall have a minimum of seven hundred-fifty (750) square feet plus one hundred twenty (120) square feet for each additional bedroom. Split level design shall be defined as any design wherein the entry way together with some living space is located at ground level with additional living space located above such level and/or partially below such level.
    - H. Two (2) story dwellings containing three (3) bedrooms or less, shall have a minimum of six hundred-fifty (650) square feet on the first floor plus sixty (60) square feet for each additional bedroom per unit.
  - I. Floor Area Requirements for Two-Family Dwelling Units: Units containing three (3) bedrooms or less shall have a minimum of six hundred (600) square feet plus one hundred and twenty (120) square feet for each additional bedroom. Split level design shall be defined as any design wherein the entry way together with some living space is located at ground level with additional living space located above such level and/or partially below such level.
  - J. Floor Area Requirements for Multiple-Family Dwelling Units:
    - a. Efficiency Units: 400 square feet
    - b. One Bedroom: 640 square feet
    - c. Two Bedroom: 720 square feet
    - d. Three Bedroom: 840 square feet
    - e. Four Bedroom: 960 square feet

\*The minimum areas specified above for multiple unit buildings shall not include areas occupied by stairs, hallways, entryways and utility rooms. Closet space in excess of fifteen percent (15%) of above minimum floor areas shall not be included. No multiple dwelling shall have efficiency unit in excess of twenty percent (20%) of the total number of units in the building.

K. Maximum Site Coverage: No structure or combination of one and two-family residential structures shall occupy more than thirty-five percent (35%) of the lot area. No structure or combination of multiple-family and other permitted uses shall occupy more than sixty percent (60%) of the lot area.

L. Minimum Lot Requirements:

1. Area: One-family dwellings: 6,000 square feet  
Two-family dwellings: 7,000 square feet  
Multiple-family dwellings: Efficiency units- 1,000 square feet per unit, One or more bedroom units- 2,000 square feet per unit.
2. Width: One and two-family dwellings: 60 feet  
Three and four family dwellings: 70 feet  
Five to eight family dwellings: 90 feet
3. Depth: One hundred (100) feet.

M. Additional requirements, including but not limited to parking signs, planned unit developments and sewage disposal as regulated in the appropriate sections of this Ordinance, as may be amended.

**SECTION 10. "R4" MULTIPLE FAMILY RESIDENTIAL DISTRICT.**

**SUBD. 1. PURPOSE.**

The purpose of the R4, Multiple Family Residential District is to provide for higher density residential developments and directly related complimentary customary home occupation and certain public and semi-public uses that primarily serve the residents of Zumbrota.

**SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "R4" Residential District:

- A. One (1) and two (2) family dwelling units.
- B. Multiple family dwellings without limitation provided they meet setback, height and site coverage requirements.
- C. Day Care Homes.
- D. Public parks, playgrounds and recreational uses of a non-commercial nature.
- E. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
- F. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
  - 6. Side yards shall be double that required for the district.
  - 7. No building shall be located within twenty-five (25) feet of any lot line of an abutting lot in an "R" District.
  - 8. A fence shall be erected along the boundary line which is common with private property, except that religious institutions such as churches shall be exempt from this individual provision.
  - 9. Adequate screening from abutting residential uses is provided.
  - 10. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.

**SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "R4" Multiple Family Residential District:

- A. Private garages, parking spaces and carports.
- B. Recreational vehicles and equipment as per Section 21 of this Ordinance.
- C. Home Occupations as regulated by Section 19 of this Ordinance.

- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment. No more than three (3) dogs over the age of six (6) months of age shall be permitted. (amended 9.12.2017)

In addition to animals typically classified as domestic pets, the keeping of not more than ten (10) hen chickens on a parcel shall be permitted provided the following standards are met:

- (1) Hen chickens shall be fully contained on the property at all times.
- (2) Hen chicken feed shall be stored in secure containers with tight fitting lids.
- (3) All housing, pens and containment areas shall be maintained in a clean, sanitary and odor free environment, consistent with Zumbrota City Code Sections 95.29 and 95.30.
- (4) Hen chickens shall be housed in an accessory structure with run meeting the requirements of the underlying zoning district and consistent with Zumbrota Zoning Code Section 3, Subdivision 3. Structures shall be rodent/predator proof and no hen chickens shall be housed within any part of a residential dwelling.
- (5) Accessory structures and runs shall be at least ten (10) feet from all property lines.
- (6) Neither the keeping of roosters nor the slaughtering of hen chickens shall be permitted.
- (7) In order to address potential Avian Influenza (AI) and other disease spreading, any illness or unusual mortality of hen chickens shall be reported immediately to the Goodhue County Feedlot Management Officer and the MN Board of Animal Health. Biosecurity measures shall be in place to help prevent introduction of avian influenza.
- (8) Prior to the keeping of hen chickens in accordance with this Section, property owners shall notify the City in writing on a form provided by the Zoning Administrator. Failure to provide prior notification shall subject property owner to enforcement under provisions of the City Code Title I: General Provisions, Chapter 10 Section 20. (amended 6/18/2015)

- F. Fences.
- G. One (1) lodging room per single-family dwelling for not more than two roomers.
- H. Tool houses, sheds and similar non-commercial storage buildings.

- I. Community laundry facilities, storm shelters, park offices and recreational buildings, provided that such structures are of a permanent nature.
- J. Uses determined by Planning and Zoning Commission to be similar to those listed in this subdivision.

SUBD. 4.       CONDITIONAL USES.

The following are conditional uses in the "R4" Multiple-Family Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
- B. Fire station.
- C. Police Station
- D. Residential Planned Unit Developments per Section 18 of this ordinance.
- E. Use of the basement as an independent resident or living unit providing:
  - 11. The living unit shall meet or exceed the minimum performance standards for floor area outlined in Subd. 5 E and the ceiling height is a minimum of seven (7) feet or the height required by the Uniform Building Code, whichever is greater.
  - 12. The living unit contains adequate ventilation and fire escapes as determined by the Uniform Building Code.
- F. Hospitals and clinics, mortuaries, sanitariums, nursing homes, rest homes and old age homes, provided that:
  - f. Side yards are double the minimum requirements established for this district, with a minimum of a twenty-five (25) foot setback from residential zoned districts.
  - g. Only the rear yard shall be used for play or recreational areas.
  - h. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
  - i. All state laws governing such use are strictly adhered to and all required operating permits are secured.
  - j. The proposed nursing home or similar group housing is in compliance with all other provisions of this Ordinance.

SUBD. 5.       PERFORMANCE STANDARDS.

- A. Setbacks (measured from lot lines):

1. Front yard: Thirty (30) feet or average setback of buildings immediately adjacent but not less than twelve (12) feet.

2. Side yard:

a. Interior lots Six (6) feet.

Dwellings over one and one-half (1½) stories shall require an additional five (5) feet each side.

b. Corner lots: Not less than twelve (12) feet on the side yard abutting a public street. This includes principal and accessory buildings.

c. Public and Semi-public buildings: Twenty-five (25) feet.

d. Rooming and boarding houses: Fifteen (15) feet.

3. Rear yard:

a. Principal building Twenty-five (25) feet

b. Detached Accessory Building: per Section 3, Subd. 3 of this Ordinance.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

B. Maximum Building Height: Forty-five (45) feet or three and one-half (3 ½) stories.

C. Floor Area Requirements for One-Family Dwelling Units: One-family dwelling units erected in the R4 District shall have the following minimum floor areas:

1. One (1) story or split level dwellings containing three (3) bedrooms or less shall have a minimum of seven hundred-fifty (750) square feet plus one hundred twenty (120) square feet for each additional bedroom. Split level design shall be defined as any design wherein the entry way together with some living space is located at ground level with additional living space located above such level and/or partially below such level.

2. Two (2) story dwellings containing three (3) bedrooms or less, shall have a minimum of six hundred-fifty (650) square feet on the first floor plus sixty (60) square feet for each additional bedroom per unit.

3. Floor Area Requirements for Two-Family Dwelling Units: Units containing three (3) bedrooms or less shall have a minimum of six hundred (600) square feet plus one hundred and twenty (120) square feet for each additional bedroom. Split level design shall be defined as any design wherein the entry way together with some living space is located at ground level with additional living space located above such level and/or partially below such level.

4. Floor Area Requirements for Multiple-Family Dwelling Units:

a. Efficiency Units: 400 square feet.

b. One Bedroom: 640 square feet.

c. Two Bedroom: 720 square feet.

- d. Three Bedroom: 840 square feet.
- e. Four Bedroom: 960 square feet.

\*The minimum areas specified above for multiple unit buildings shall not include areas occupied by stairs, hallways, entryways and utility rooms. Closet space in excess of fifteen percent (15%) of above minimum floor areas shall not be included. No multiple dwelling shall have efficiency unit in excess of twenty percent (20%) of the total number of units in the building.

D. Maximum Site Coverage: No structure or combination of one or two family-residential principal and accessory structures shall occupy more than thirty-five percent (35%) of the lot area. Multiple-family residential and other permitted, accessory and conditional uses may occupy up to sixty percent (60%) of the lot area.

E. Minimum Lot Requirements:

- 1. Area: One-family dwellings: 6,000 square feet  
           Two-family dwellings: 7,000 square feet  
           Multiple-family dwellings:  
   Efficiency units- 1,000 square feet per unit  
   One and two-bedroom units- 1,500 square feet per unit. Three  
   and four bedroom: 2,000 square feet per unit.
- 2. Width:                           One and two-family dwellings: 60 feet  
   Three and four family dwellings: 70 feet  
   Five to eight family dwellings: 90 feet
- 3. Depth:                           One hundred (100) feet.

F. Additional requirements, including but not limited to parking signs, planned unit developments and sewage disposal as regulated in the appropriate sections of this Ordinance, as may be amended.

**SECTION 11. "RMH" MANUFACTURED HOUSING RESIDENTIAL DISTRICT/  
MANUFACTURED HOME PARKS.**

**SUBD. 1. PURPOSE.**

The purpose of the "RMH" Manufactured Housing Residential District is to provide for a district for manufactured housing parks in a specified area of the City. No manufactured home shall be admitted to any park unless it can be demonstrated that it meets the requirements of all State, County and City Codes governing the installation of plumbing, heating and electrical systems.

**SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "RMH" Residential District:

- A. Single-family detached manufactured housing units when placed in manufactured home parks as defined in Subdivision 8.
- B. Public Open Space.

**SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "RMH" Residential District:

- A. Uses incidental or accessory to the operation of a manufactured home park, provided such uses are only for the benefit and convenience of the occupants of the manufactured home park and approved by the City Council. Such uses shall not occupy more than ten percent (10%) of the area of the park.

**SUBD. 4. CONDITIONAL USES.**

The following are conditional uses in the "RMH" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subdivision 10 of this Ordinance):

- A. All conditional uses as in the "R1, R2 and R3" Districts, subject to the same conditions as the Districts.
- B. Manufactured Home Parks, provided that:
  - 1. The proposed manufactured home park is in compliance with provisions of Subdivision 6 of this Section.

2. The proposed manufactured home park is in compliance with all other provisions of this Ordinance.

SUBD. 5. PERFORMANCE STANDARDS.

- A. Minimum district size: Twenty thousand (20,000) square feet or five thousand (5,000) square feet per manufactured home site, whichever is greater. No more than five (5) manufactured home sites may be provided per acre.
- B. Minimum lot width of district: One hundred (100) feet or fifty (50) feet per manufactured home site, whichever is greater.
- C. District Setbacks (measured from lot lines):
  1. No manufactured home shall be located closer than five (5) feet to the side lot lines of a manufactured home park.
  2. No manufactured home shall be located closer than ten (10) feet to a public street or alley.
  3. There shall be a minimum of ten (10) feet of open space between the sides of adjacent manufactured homes including their attachments. This space between manufactured homes may be used for the parking of motor vehicles and other property, if the vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position.
  4. There shall be at least ten (10) feet between manufactured homes when parked end to end.
- D. Maximum Building Height: 2 stories.
- E. Maximum Site Coverage: No structure or combination of structures shall occupy more than fifty (50) percent of the lot area.
- F. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than sixteen (16) feet in width, which space shall have unobstructed access to a public or private access or street.
- G. Additional requirements, including but not limited to parking, signs and planned unit developments as regulated in the appropriate Sections of this Ordinance, as may be amended.

- SUBD. 6. VARIANCES. Variances to this Subsection subdivisions 1, 3 and 6 may be granted by the State Commissioner of Health in manufactured home parks when the variance is applied for in writing and in the opinion of the Commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.

SUBD. 7. MANUFACTURED HOME PARK REQUIREMENTS.

A. The intent and purpose of this Section is to assure quality development equal to that found in other types of residential areas throughout the City. Excellence of design, development and maintenance is the desired objective.

B. Permit Required.

1. No person shall attempt to develop or operate a manufactured home park within the City without obtaining primary and subsequent renewal license(s) from the Minnesota Department of Health and a Conditional Use Permit from the City of Zumbrota.
2. The application for primary and renewal licenses to operate and maintain a manufactured home park shall be made by the applicant to the state department of health, at such office and in such manner as may be prescribed by that department.
3. The requirements of the conditional use permit shall prevail over all other standards and requirements notwithstanding the more restrictive Sections of this Ordinance.
4. A permit for a manufactured home park may contain other requirements beyond those mentioned in this Section.

C. Conditional Use Permit Application Requirements. The applicant for a conditional use permit, in addition to other requirements, shall include the name and address of the Developer and a general description of the construction schedule and construction cost. The application for a permit shall be accompanied by eight (8) copies of plans which indicate the following:

1. Location and site of the manufactured home park.
2. Location, size, and character of all manufactured home lots, manufactured home stands, storage areas, recreational areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites and all setback dimensions.
3. Detailed landscaping plans and specifications.
4. Location and width of sidewalks.
5. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service, cable television and gas service. The park must be

suitably located for facilities including water supply, sewage disposal and fire protection.

6. Plans for an overhead street lighting system shall be submitted for approval by the City Council.
7. The proposed method of disposing of garbage and refuse.
8. Location and size of all streets abutting the manufactured home park and all driveways from such streets to the park. Access to the manufactured home park must be provided from a public street.
9. Plans and specifications for all road construction either within the park or directly related to park operation.
10. Floor plans of all service buildings to be constructed within the manufactured home park.
11. Such other information as may be required or requested by the city.
12. Detailed description of maintenance procedures and grounds supervision.
13. Plans and specifications for severe weather shelters.

D. Performance Standards for Manufactured Home Parks:

1. All land area shall be adequately drained and landscaped to control dust.
2. Manufactured home parks shall be maintained free of accumulations of debris that may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one foot above the ground. Areas shall be so maintained as to prevent the growth of noxious weeds considered detrimental to health.
3. All manufactured homes shall be properly connected to a central water supply and a central sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the Planning Commission and City Council. A connection to said public water supply shall be provided for each manufactured home.
4. Each manufactured home park shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a place of shelter within a reasonable distance of the park for use by residents in times of severe weather, including high winds and tornadoes. The park owner shall

- provide each resident with a copy of the approved shelter or evacuation plan.
5. Access to manufactured home parks shall be as approved by the City.
  6. The area beneath a manufactured housing unit shall be enclosed except that such enclosure must have access for inspection.
  7. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
  8. The walkways, drives and other portions of manufactured home parks shall be lighted during the hours of darkness.
  9. Where bottled gas is used, the container shall be firmly connected to the appliance by tubing of copper or other suitable metallic material. Cylinders containing bottle gas shall not be located within five (5) feet of any manufactured home door. The container shall not be installed or stored even temporarily inside any manufactured home vehicle. No container may be permitted to stand free, but must be firmly mounted in an upright position.
  10. All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five (5) feet from any manufactured home exit. All fuel oil containers shall be mounted upon a stand or track constructed of a non-combustible material.
  11. A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial, or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
  12. Every structure in the manufactured home park shall be developed and maintained in a safe, approved, and substantial manner. The exterior of every such structure shall be kept in good repair. All of said structures must be constructed to meet existing City Codes. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.

13. All structures shall require a zoning permit.
14. A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the park or his/her appointed representative. The attendant or caretaker shall be answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.
15. It shall be the duty of the operator of the manufactured housing park to keep a record of all homeowners and occupants located within the park. The park operator shall keep the record available for inspection at all times by authorized City officials and other public officials whose duty necessitates acquisition of the information contained in the record. The record shall not be destroyed until a period of three years following the date of departure of the registrant from the park. The record shall contain:
  - a. The name and address of each unit occupant.
  - b. The name and address of the owner of each unit.
16. Each individual manufactured home site shall be numbered in a manner clearly discernable at all times from the entry access road.
17. All manufactured homes changing ownership within manufactured home parks shall comply with home safety feature disclosure standards as identified in Minnesota Statutes 327C.07 Subd. 3(a), as may be amended.

## **SECTION 12. "C1" CENTRAL COMMERCE DISTRICT.**

### **SUBD. 1. PURPOSE.**

The "C1" Central Commerce District has been established to encourage the continuation of a viable downtown by allowing prime retail sales and service uses, office, entertainment facilities and public and semi-public uses. The purpose of this district is to provide specifically for regulation of the high intensity commercial uses located within the downtown core of the City.

### **SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "C1" Central Commerce District:

- A. Barber shops and beauty parlors.
- B. Convenience grocery stores, without motor fuel facilities.
- C. Essential services.
- D. Funeral homes and mortuaries.
- E. Governmental and public related utility buildings and structures.
- F. Laundromat/dry cleaning.
- G. Municipal buildings/offices, libraries, Postal Service offices.
- H. Professional and commercial leased offices.
- I. Private clubs.
- J. Telephone exchange and utility structures.
- K. Other retail and service uses, like the following examples:
  - Antique shops.
  - Apparel or clothing stores, tailor shops.
  - Appliance stores.
  - Art gallery or arts supply store.
  - Auto accessory stores.
  - Bakeries.
  - Bank or saving institutions.
  - Bars.
  - Bicycle sales and repair.
  - Book stores and newsstands.
  - Bus terminal.
  - Candy shop.
  - Dance hall, nightclub or tavern.
  - Department store.
  - Drug stores.
  - Florists.
  - Furniture stores.
  - Gift stores, novelty or souvenir shops.

- Grocery stores.
- Hardware stores.
- Health club and gymnasium.
- Home supplies including paint and wallpaper shops.
- Interior decorating stores.
- Jewelry stores.
- Luggage and leather goods.
- Motels and hotels.
- Music studio.
- Newspaper and magazine sales.
- Novelty stores.
- Optical stores.
- Pet stores.
- Photography studios.
- Pottery stores.
- Printing shops.
- Private clubs or lodges serving food and beverages.
- Restaurants, not of the drive-in, convenience or drive-through type.
- Shoe and footwear sales and repair.
- Specialty stores.
- Sporting goods stores.
- Theatres.
- Travel bureau.
- Variety stores.

L. Uses determined by Planning Commission to be similar to those listed in this subdivision.

### SUBD. 3. ACCESSORY USES.

The following are permitted accessory uses in the "C1" Central Commerce District:

- A. Commercial or business buildings and structures for a use accessory to the principal use, such as storage, but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Off-street parking facilities (not including semi-trucks) and off-street loading facilities as regulated by Section 21 of this Ordinance.

### SUBD. 4. CONDITIONAL USES.

The following are conditional uses in the "C1" Central Commerce District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Commercial Planned Unit Developments as regulated by Section 18 of this Ordinance.
- B. Buildings combining residential and non-residential uses allowed in this District provided that:
  - 1. Residential uses shall be confined to the second or third floor of the building.
  - 2. The residential and non-residential uses shall not conflict in any manner.
- C. Drive-in and convenience food establishments, provided that:
  - 1. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - 2. Parking areas shall be screened from the view of abutting residential districts.
  - 3. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Sections of this Ordinance as may be amended and shall be subject to the approval of the City.
  - 4. Provisions are made to control and reduce noise.
  - 5. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop, concrete or landscaped so as to control dust, subject to the approval of the City.
  - 6. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - 7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
  - 8. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot, as determined by the City.
  - 9. Parking, lighting, signage, etc. are in compliance with appropriate Sections of this Ordinance as may be amended.
- D. Commercial car washes (drive through, self-service and mechanical) provided that:
  - 1. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - 2. Parking areas shall be screened from the view of abutting residential districts.
  - 3. Stacking space is constructed, subject to approval by the City Engineer, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.

4. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Sections of this Ordinance as may be amended and shall be subject to the approval of the City.
  5. The entire site other than that taken up by a building, structure or plantings shall be hard surfaced with blacktop, concrete or other durable surface so as to control dust, subject to the approval of the City.
  6. The entire area shall have a drainage system subject to the approval of the City Engineer.
  7. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  8. Provisions are made to control and reduce noise.
  9. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
- E. Motor vehicle and truck fuel sales, auto repair and service, provided that:
1. Motor fuel facilities are installed in accordance with state and city standards.
  2. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
  3. Wherever fuel pumps are to be installed, pump islands shall be installed.
  4. A protective canopy located over the pump island(s) may be an accessory structure on the property; however, adequate visibility both on and off site shall be maintained.
  5. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
  6. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  7. Parking areas shall be screened from the view of abutting residential districts.
  8. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Sections of this Ordinance as may be amended and shall be subject to the approval of the City.
  9. Provisions are made to control and reduce noise.
  10. The entire site other than that taken up by a building, structure or plantings shall be hard surfaced with blacktop, concrete or other

durable material so as to control dust, subject to the approval of the City.

11. The entire area shall have a drainage system subject to the approval of the City Engineer.
12. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
13. Parking, lighting, signage, etc. are in compliance with appropriate Sections of this Ordinance as may be amended.

F. Convenience Store with gasoline, provided that:

1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
3. Motor fuel facilities are installed in accordance with state and city standards.
4. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
5. Wherever fuel pumps are to be installed, pump islands shall be installed.
6. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
8. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
9. Parking areas shall be screened from the view of abutting residential districts.
10. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
11. Provisions are made to control and reduce noise.
12. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop, concrete or other durable surface so as to control dust, subject to the approval of the City.

- 13. The entire area shall have a drainage system subject to the approval of the City Engineer.
- 14. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- 15. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.

G. Implement and auto sales within permanent structures not to include outdoor sales or repair facilities.

H. Any 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.

**SUBD. 5. PERFORMANCE STANDARDS.**

A. Minimum lot size area: One thousand five hundred (1,500) square feet

B. Minimum lot width: Fifteen (15) feet.

C. Minimum lot depth: One hundred (100) feet.

D. Setbacks (measured from lot lines):

- 1. Front yard: None
- 2. Side yard: None, twenty (20) feet if abutting a residential district.
- 3. Rear yard: Fifteen (15) feet. Twenty (20) feet if abutting a residential district.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

E. Maximum Building Height: Forty-five (45) feet or three (3) stories.

F. Maximum Site Coverage: No structure or combination of structures shall occupy more than ninety percent (90%) of the lot area.

G. Additional requirements, including but not limited to, parking, signs, and planned unit developments as regulated by appropriate Sections of this Ordinance, as may be amended.

**SECTION 13. "C1a" CENTRAL FRINGE COMMERCE DISTRICT.**

**SUBD. 1. PURPOSE.**

The "C1a" Central Fringe Commerce District has been established to allow commercial activities within the area between the central commerce and highway commerce districts. The purpose of this district is to provide specifically for regulation of medium intensity commercial uses located within the City.

**SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "C1a" Central Fringe Commerce District:

- A. Barber shops and beauty parlors.
- B. Governmental and public related utility buildings and structures.
- C. Municipal buildings/offices, libraries, Postal Service offices.
- D. Professional and commercial leased offices including dental or medical offices and attorney, architect and engineering offices.
- E. Private clubs.
- F. Telephone exchange and utility structures.
- G. Bank or financial and lending institutions.
- H. Grocery stores.
- I. Shoe and footwear sales and repair.
- J. Uses determined by Planning Commission to be similar to those listed in this subdivision.

**SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "C1a" Central Fringe Commerce District:

- A. Commercial or business buildings and structures for a use accessory to the principal use, such as storage, but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Off-street parking facilities (not including semi-trucks) and off-street loading facilities as regulated by Section 21 of this Ordinance.

**SUBD. 4. CONDITIONAL USES.**

The following are conditional uses in the "C1a" Central Fringe Commerce District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Theaters, assembly halls and commercial recreational establishments provided that off-street parking requirements are in compliance with Section 21 of this Ordinance.
- B. Motor vehicle and implement sales and service, provided that:
  - 1. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
  - 2. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - 3. Parking areas shall be screened from the view of abutting residential districts.
  - 4. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Sections of this Ordinance as may be amended and shall be subject to the approval of the City.
  - 5. Provisions are made to control and reduce noise.
  - 6. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject, to the approval of the City.
  - 7. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - 8. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - 9. Parking, lighting, signage, etc. are in compliance with appropriate Sections of this Ordinance as may be amended.
- C. Any 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 C1a District.

SUBD. 5. PERFORMANCE STANDARDS.

- A. Minimum lot size area: Four thousand (4,000) square feet
- B. Minimum lot width: Forty (40) feet.
- C. Minimum lot depth: One hundred (100) feet.
- D. Setbacks (measured from lot lines):
  - 1. Front yard: Twelve (12) feet
  - 2. Side yard: One-story building: Six (6) feet  
Over one-story building: Eleven (11) feet

3. Rear yard: Fifteen (15) feet. Twenty (20) feet if abutting a residential district.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

E. Maximum Building Height: Thirty (30) feet or two (2) stories.

F. Maximum Site Coverage: No structure or combination of structures shall occupy more than eighty-five percent (85%) of the lot area.

G. Additional requirements, including but not limited to, parking, signs, and planned unit developments as regulated by appropriate Sections of this Ordinance, as may be amended.

## **SECTION 14. "C2" HIGHWAY COMMERCE DISTRICT.**

### **SUBD. 1. PURPOSE.**

The purpose of the "C2" Highway Commerce District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities which have considerable customer contact. Permitted uses take advantage of direct access to major highways, frontage roads or streets intersecting a highway in a manner other businesses are not afforded.

### **SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "C2" Highway Commerce District:

- A. Automobile service stations and convenience stores with motor fuel facilities.
- B. Bowling alleys.
- C. Dance halls.
- D. Governmental (including Fire and Police stations) and public related utility buildings and structures.
- E. Greenhouses, nurseries and garden stores.
- F. Lumber yard, construction material sales, garden and landscaping sales and services (including produce).
- G. Motels.
- H. Motor vehicle, farm implement and recreation equipment sales, uses, structures and outdoor sales and storage accessory thereto.
- I. On and off-sale liquor establishment.
- J. Private clubs or lodges serving food and beverages.
- K. Restaurants drive-in, convenience or drive-through type.
- L. Retail Businesses with less than or equal to 30,000 square feet of floor area.
- M. Uses determined by Planning Commission to be similar to those listed in this subdivision.

### **SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "C2" Highway Commerce District:

- A. Any incidental repair, processing and storage necessary to conduct a principal use, but not to exceed thirty percent (30%) of the floor space of the principal building.
- B. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- C. Fences.
- D. Landscaping.
- E. Off-Street Parking Facilities and Off-Street Loading Facilities as regulated by Section 21 of this Ordinance.

- F. Outdoor storage, sales and display if the items are directly related to the permitted use within the principal structure.

SUBD. 4.      CONDITIONAL USES.

The following are conditional uses in the "C2" Highway Commerce District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Commercial Planned Unit Developments as regulated by Section 18 of this Ordinance.
- B. Commercial car washes (drive through, self-service and mechanical) provided that:
  - 1. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - 2. Parking areas shall be screened from the view of abutting residential districts.
  - 3. Stacking space is constructed, subject to approval by the City, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.
  - 4. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate sections of this Ordinance as may be amended and shall be subject to the approval of the City.
  - 5. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City.
  - 6. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - 7. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - 8. Provisions are made to control and reduce noise.
  - 9. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.
- C. Open or outdoor service, sale and rental other than those specified as a permitted use in this district including but not limited to building materials and mobile home sales, provided that:
  - 1. Such outdoor or open services, sales and rentals are limited to fifty percent (50%) of the gross floor area of the principal use.
  - 2. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.

3. The use does not take up parking space as required for conformity to this Ordinance.
  4. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City.
  5. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.
  6. The visual appearance and activity of such outdoor display areas, as seen from the streets and highways, does not detract unreasonably from the pleasant residential character of Zumbrota.
- D. "Off-site" advertising signs as specified within Section 20 of this Ordinance.
- E. Retail Businesses with greater than 30,000 square feet of floor area but no more than 50,000 square feet of floor area provided that:
1. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  2. Parking areas shall be screened from the view of abutting residential districts.
  3. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City.
  4. The entire area shall have a drainage system subject to the approval of the City Engineer.
  5. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  6. Provisions are made to control and reduce noise.
  7. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.
  8. If open or outdoor services, sales or rentals are involved:
    - a. Such outdoor or open services, sales and rentals are limited to fifty percent (50%) of the gross floor area of the principal use,
    - b. The use does not take up parking space as required for conformity to this Ordinance, and
    - c. The visual appearance and activity of such outdoor display areas, as seen from the streets and highways, does not detract unreasonably from the pleasant residential character of Zumbrota.

SUBD. 5. PERFORMANCE STANDARDS.

- A. Minimum Lot Size: Twelve thousand (12,000) square feet.
- B. Minimum Lot Width: Ninety (90) feet.
- C. Minimum Lot Depth: One hundred twenty (120) feet.
- D. Setbacks (measured from lot lines):
  - 1. Front yard: Twenty-five (25) feet
  - 2. Side yard: Ten (10) feet, unless abutting a street right-of-way, then fifteen (15) feet. If abutting a residential district, then thirty-five (35) feet.
  - 3. Rear yard: Fifteen (15) feet, unless abutting a residential district, then thirty-five (35) feet.

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.
- E. Maximum Building Height: Thirty (30) feet or two (2) stories.
- F. Maximum Site Coverage: No structure or combination of structures shall occupy more than fifty percent (50%) of the lot area.
- G. Additional requirements, including but not limited to, parking, signs and planned unit developments as regulated by appropriate Sections of this Ordinance, as may be amended.

## **SECTION 15. "I1" LIMITED INDUSTRIAL DISTRICT.**

### **SUBD. 1. PURPOSE.**

The purpose of the "I1" Limited Industrial District is to establish, preserve and regulate areas in the City for limited manufacturing, processing, assembly and fabrication, storage and warehousing and other industrial and related uses. These uses shall maintain a high level of performance and appearance, including open spaces and landscaping and encouraging development that is compatible with abutting districts.

### **SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "I1" Limited Industrial District provided they are undertaken within completely enclosed buildings:

- A. Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products or wastes or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of such uses include: fabrication or assembly of small products such as opticals, electronic, pharmaceutical, medical supplies and equipment and printing and publishing.
- B. Bottling establishments.
- C. Dry cleaning and dyeing establishments.
- D. Manufacturing of crates, boxes, baskets, furniture, veneer, cabinets and similar wood items.
- E. Manufacturing of plastic, fiberglass and metal products.
- F. High-tech and computer related uses.
- G. Building materials sales and storage, lumber yards.
- H. Warehousing of non-explosive material or equipment; including self-storage facilities. (Amended 11.16. 2017).
- I. Offices related to industrial uses.
- J. Machine shops, lumber yards, etc.
- K. Highway maintenance shops and yards.
- L. Uses determined by Planning Commission to be similar in nature to those listed in this subdivision.

### **SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "I1" Limited Industrial District:

- A. Off-street parking as defined in Section 21 of this Ordinance.

- B. Any use customarily incidental to the uses permitted in Subdivisions 2 and 4 of this Section, provided the buildings do not exceed thirty percent (30%) of the floor space of the principal building.

SUBD. 4.      CONDITIONAL USES.

The following are conditional uses in the "I1" Limited Industrial District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- A. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
  - 1. Outside services, sales and equipment rental connect with the principal use is limited to fifty percent (50%) of the gross floor area of the principal use.
  - 2. Outside sales areas are fenced and screened from view of neighboring residential uses or an abutting residential district.
  - 3. Sales area is grassed or surfaced to control dust.
  - 4. Such outdoor display yards do not detract unreasonably from the desired pleasant physical environment of the district.
  
- B. Accessory, enclosed retail, rental service, or processing, manufacturing activity other than that allowed as a permitted use or conditional use within this Section, provided that:
  - 1. Such use is allowed as a permitted use in a business district.
  - 2. Such use does not constitute more than fifty percent (50%) of the gross floor area of the principal use.
  - 3. Adequate off-street parking and off-street loading is provided in compliance with Section 21 of this Ordinance.
  - 4. All signage is in compliance with Section 20 of this Ordinance.
  
- C. Government buildings and public facilities.
  
- D. Commercial/Industrial Planned Unit Developments.
  
- E. Any manufacturing, processing, cleaning, storage, testing of materials or goods similar to those listed in Subd. 4 which conform with the performance standards of this Section.

SUBD. 5.      PERFORMANCE STANDARDS.

- A. Minimum lot size: Twelve thousand (12,000) square feet.
- B. Setbacks (measured from lot lines):
  - 1. Front yard:      Thirty (30) feet
  - 2. Side yard:      Ten (10) feet, unless adjacent to a street right-of-way then fifteen (15) feet.

3. Rear yard: Twenty (20) feet

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

C. Minimum lot width: Sixty (60) feet.

D. Minimum lot depth: One hundred twenty (120) feet.

E. Maximum Building Height: Thirty (30) feet or two (2) stories.

F. Maximum Site Coverage by Buildings: Fifty percent (50%) of the total lot area.

G. Additional requirements, including but not limited to, parking, signs and planned unit developments are listed in appropriate sections of this Ordinance as may be amended.

**SECTION 16. "I2" GENERAL INDUSTRIAL DISTRICT.**

**SUBD. 1. PURPOSE.**

The purpose of the "I2" General Industrial District is to establish, preserve and regulate areas in the City for general manufacturing, processing, assembly and fabrication, storage and warehousing and other industrial and related uses. These uses shall maintain a high level of performance and appearance, including open spaces and landscaping and encouraging development that is compatible with abutting districts.

**SUBD. 2. PERMITTED USES.**

The following are permitted uses in the "I2" General Industrial District:

- A. Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products or wastes or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of such uses include: fabrication or assembly of small products such as opticals, electronic, pharmaceutical, medical supplies and equipment and printing and publishing.
- B. Bottling establishments.
- C. Dry cleaning and dyeing establishments.
- D. Manufacturing of crates, boxes, baskets, furniture, veneer, cabinets and similar wood items.
- E. Manufacturing of plastic, fiberglass and metal products.
- F. High-tech and computer related uses.
- G. Building materials sales and storage, lumber yards.
- H. Warehousing of non-explosive material or equipment; including self-storage facilities (Amended 11.16. 2017).
- I. Offices related to industrial uses.
- J. Machine shops, lumber yards, etc.
- K. Major automotive repair and body shops.
- L. Appliance assembly and warehousing, freight terminals and classification yards, concrete products plants, building materials production, clothing or apparel manufacturing and similar uses.
- M. Highway maintenance shops and yards.
- N. Grain elevators.
- O. Uses determined by Planning Commission to be similar in nature to those listed in this subdivision.

**SUBD. 3. ACCESSORY USES.**

The following are permitted accessory uses in the "I2" General Industrial District:

- C. Off-street parking as defined in Section 21 of this Ordinance.
- D. Any use customarily incidental to the uses permitted in Subdivisions 2 and 4 of this Section, provided the buildings do not exceed thirty percent (30%) of the floor space of the principal building.

SUBD. 4.       CONDITIONAL USES.

The following are conditional uses in the "I2" General Industrial District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22, Subd. 10 of this Ordinance):

- F. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
  - 5. Outside services, sales and equipment rental connect with the principal use is limited to fifty percent (50%) of the gross floor area of the principal use.
  - 6. Outside sales areas are fenced and screened from view of neighboring residential uses or an abutting residential district.
  - 7. Sales area is grassed or surfaced to control dust.
- G. Accessory, enclosed retail, rental service, or processing, manufacturing activity other than that allowed as a permitted use or conditional use within this Section, provided that:
  - 5. Such use is allowed as a permitted use in a business district.
  - 6. Such use does not constitute more than fifty percent (50%) of the gross floor area of the principal use.
  - 7. Adequate off-street parking and off-street loading is provided in compliance with Section 21 of this Ordinance.
  - 8. All signage is in compliance with Section 20 of this Ordinance.
- H. Government buildings and public facilities.
- I. Commercial/Industrial Planned Unit Developments.
- J. Storage, utilization or manufacturing of materials or products which could decompose by demolition.
- K. Crude oil, gasoline or other liquid storage tanks, bulk fuel sales and storage.
- L. Fertilizer and chemical sales and storage.

M. Any manufacturing, processing, cleaning, storage, testing of materials or goods similar to those listed in Subd. 4 which conform with the performance standards of this Section.

SUBD. 5. PERFORMANCE STANDARDS.

P. Minimum lot size: Fifteen thousand (15,000) square feet.

Q. Setbacks (measured from lot lines):

1. Front yard: Forty (40) feet (or the average setback rule)

2. Side yard: Fifteen (15) Feet\*

3. Rear yard: Twenty-Five (25) Feet\*

\*Note: building code requires larger setbacks for some uses.

\*\*Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

R. Minimum lot width: One hundred (100) feet.

S. Maximum Building Height: Forty-five (45) feet or three (3) stories.

T. Maximum Site Coverage by Buildings: Sixty percent (60%) of the total lot area.

U. Additional requirements, including but not limited to, parking, signs and planned unit developments as listed in appropriate sections of this Ordinance as may be amended.

**SECTION 17. FLOOD PLAIN DISTRICT.**

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**CITY OF ZUMBROTA, MN FLOOD PLAIN MANAGEMENT ORDINANCE  
THREE DISTRICT - ONE-MAP FORMAT<sup>1</sup>**

*<sup>1</sup>A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.*

**SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE**

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City of Council of the City of Zumbrota, Minnesota does ordain as follows:

1.2 Findings of Fact:

1.21 The flood hazard areas of the City of Zumbrota, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

1.22 Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

1.23 National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

1.3 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

**SECTION 2.0 GENERAL PROVISIONS**

2.1 Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of City of Zumbrota shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2.2 Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for Goodhue County, Minnesota And incorporated Areas and Flood Insurance Rate Map Panels therein numbered: 27049C0535E, 27049C0537E, 27049C0541E, 27049C0542E and 27049C0545E, all dated September 25, 2009, and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the City Administrator and the Community Development Director/Zoning Administrator.

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

2.4 Interpretation:

2.41 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.42 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

2.5 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of City of Zumbrota or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

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

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

2.813 Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (a) Certain conditions as detailed in the zoning ordinance exist.
- (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

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

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

2.816 Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.817 Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Goodhue County, Minnesota and Incorporated Areas.

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

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

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

2.821 Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

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

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

2.824 Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

2.825 Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

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

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

2.828 Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.829 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins,

manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.31 of this Ordinance and other similar items.

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

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

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.832 Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

2.9 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Zumbrota at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Zumbrota after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Zumbrota.

## **SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS**

3.1 Districts:

3.11 Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 2.2.

3.12 Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in Section 2.2 as being within Zone AE but being located outside of the floodway.

3.13 General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone AE without a floodway on the Flood Insurance Rate Map adopted in Section 2.2.

3.2 Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9.0.

3.22 Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 11.0.

3.23 As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of this Ordinance.

## **SECTION 4.0 FLOODWAY DISTRICT (FW)**

4.1 Permitted Uses:

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.

4.13 Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4.14 Residential lawns, gardens, parking areas, and play areas.

#### 4.2 Standards for Floodway Permitted Uses:

4.21 The use shall have low flood damage potential.

4.22 The use shall be permissible in the underlying zoning district if one exists.

4.23 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

#### 4.3 Conditional Uses:

4.31 Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32 - 4.38 below.

4.32 Extraction and storage of sand, gravel, and other materials.

4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.

4.34 Railroads, streets, bridges, utility transmission lines, and pipelines.

4.35 Storage yards for equipment, machinery, or materials.

4.36 Placement of fill or construction of fences.

4.37 Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9.3 of this Ordinance.

4.38 Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

#### 4.4 Standards for Floodway Conditional Uses:

4.41 All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this Ordinance.

4.43 The conditional use shall be permissible in the underlying zoning district if one exists.

#### 4.44 Fill:

- (a) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
- (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
- (c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

#### 4.45 Accessory Structures:

- (a) Accessory structures shall not be designed for human habitation.
- (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
  - (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
  - (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
  - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
  - (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
  - (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

#### 4.46 Storage of Materials and Equipment:

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

4.47 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

4.48 A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

## **SECTION 5.0 FLOOD FRINGE DISTRICT (FF)**

5.1 Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 5.2 and the "Standards for all Flood Fringe Uses" listed in Section 5.5.

### **5.2 Standards for Flood Fringe Permitted Uses:**

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

5.22 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 4.45 (c).

5.23 The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance.

5.24 The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

5.25 The provisions of Section 5.5 of this Ordinance shall apply.

5.3 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21 - 5.22 and or any use of land that does not comply with the standards in Section 5.23 - 5.24 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4-5.5 and 10.4 of this Ordinance.

#### 5.4 Standards for Flood Fringe Conditional Uses:

5.41 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

- (1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
- (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

5.42 Basements, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

(a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.43 All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

5.44 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5.45 Storage of Materials and Equipment:

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

5.46 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

5.51 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

5.52 Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

5.53 Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain

accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

5.54 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5.55 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

5.56 Standards for recreational vehicles are contained in Section 9.3.

5.57 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

## **SECTION 6.0 GENERAL FLOOD PLAIN DISTRICT**

### **6.1 Permissible Uses:**

6.11 The uses listed in Section 4.1 of this Ordinance shall be permitted uses.

6.12 All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 6.2 below. Section 4.0 shall apply if the proposed use is in the Floodway District and Section 5.0 shall apply if the proposed use is in the Flood Fringe District.

### **6.2 Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.**

6.21 Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

- (a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
- (b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
- (c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
- (d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

6.22 The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- (a) Estimate the peak discharge of the regional flood.
- (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

6.23 The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this Ordinance.

## **SECTION 7.0 SUBDIVISION**

7.1 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the

regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

7.2 Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Section 6.2 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

7.3 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

## **SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES**

8.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

## **SECTION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.**

9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.

9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

9.21 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

9.3 Recreational vehicles that do not meet the exemption criteria specified in Section 9.31 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33-9.34 below.

9.31 Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 9.32 below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
- (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
- (c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

9.32 Areas Exempted For Placement of Recreational Vehicles:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium type associations.

9.33 Recreational vehicles exempted in Section 9.31 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the

parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

9.34 New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

(a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 5.51 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 9.31 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8.3 of this Ordinance.

## **SECTION 10.0 ADMINISTRATION**

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of the Ordinance.

### **10.2 Permit Requirements:**

10.21 Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

10.22 Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

10.23 State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

10.24 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

10.25 Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 12.0 of this Ordinance.

10.26 Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

10.27 Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

10.28 Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.29 Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

10.3 Board of Adjustment:

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10.31 Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

10.32 Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

10.33 Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.35 Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within thirty days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in

conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.36 Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

10.37 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 Conditional Uses. The Zumbrota City Council shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Zumbrota City Council for consideration.

10.41 Hearings. Upon filing with the Zoning Administrator an application for a conditional use permit, the Zumbrota City Council shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.42 Decisions. The Zumbrota City Council shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the Zumbrota City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.43 Procedures to be followed by the Zumbrota City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

(a) Require the applicant to furnish such of the following information and additional information as deemed necessary by Zumbrota City Council for determining the suitability of the particular site for the proposed use:

- (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
- (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(c) Based upon the technical evaluation of the designated engineer or expert, the Zumbrota City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

10.44 Factors Upon Which the Decision of the Zumbrota City Council Shall Be Based. In passing upon conditional use applications, the Zumbrota City Council shall consider all relevant factors specified in other sections of this Ordinance, and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(l) Such other factors which are relevant to the purposes of this Ordinance.

10.45 Time for Acting on Application. The Zumbrota City Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to 10.43 of this Ordinance. The Zumbrota City Council shall render a written decision within 60 days from the receipt of such additional information.

10.46 Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Zumbrota City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

(a) Modification of waste treatment and water supply facilities.

(b) Limitations on period of use, occupancy, and operation.

(c) Imposition of operational controls, sureties, and deed restrictions.

- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

## **SECTION 11.0 NONCONFORMING USES**

11.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.831(b) of this Ordinance, shall be subject to the provisions of Sections 11.11 – 11.15 of this Ordinance.

11.11 No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

11.12 Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.16 below.

11.13 The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

11.14 If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

11.15 If any nonconforming use or structure is substantially damaged, as defined in Section 2.830 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0, 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

11.16 If a substantial improvement occurs, as defined in Section 2.831 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

## **SECTION 12.0 PENALTIES FOR VIOLATION**

12.1 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

12.2 Nothing herein contained shall prevent the City of Zumbrota from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

12.21 In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.22 When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

12.23 The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

12.24 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

### **SECTION 13.0 AMENDMENTS**

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

**SECTION 18. PLANNED UNIT DEVELOPMENTS.**

**SUBD. 1. PURPOSE.**

The purpose of this section is to: (1) encourage a more creative and efficient development of land and the application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan and preserving the health, safety, and welfare of the citizens of Zumbrota; (2) to allow for a mixture of residential units, or residential and commercial units, in an integrated and well-planned area; and (3) to ensure concentration of open space into more usable areas, and the preservation of natural resources of the site including wetlands, steep slopes, vegetation, and scenic areas. Planned unit development is conceived for use primarily in two basic situations:

- A. Vacant Land: Areas of substantial open land where strict pre-regulation may limit good urban design, may restrict the full achievement of the Comprehensive Plan or may not meet those changes in technology and demand that would be consistent with the best interests of the entire city; and in
- B. Built-up and Aged Areas: Areas of the city needing rehabilitation and redevelopment including areas which may be deficient in public facilities and services, where it is believed that private investment should be encouraged to contribute to that redevelopment and in recognition that such necessary redevelopment cannot be expected to take place in strict accordance with those uniform regulations appropriated to more viable and established areas of the city.

**SUBD. 2. PERMITTED USES.**

Each planned unit development shall be comprised of one or more subdistricts which shall be designated as follows: 1) PUD-R - General Residential; 2) PUD-HDR - High Density Residential; and 3) PUD-C - Commercial which definitions are as follows:

- A. PUD-R and PUD-HDR: Dwelling units in detached, semi-detached, attached, groups attached or clustered or multi-storied structures, or any combination thereof.
- B. PUD-C:
  - 1. Any commercial use which by design, use and restriction is compatible with all adjacent uses.
  - 2. Mixed commercial and residential use located within the same building.

Uses other than the principal type of use by area permitted in the zoning district or districts in which the land proposed for such unit is located shall not result in undue adverse effect on surrounding areas, and shall be consistent with the concept of the proposed planned unit development district. The Planning Commission shall evaluate whether the plan would result in an adverse effect on the surrounding area.

### SUBD. 3. REGULATIONS

- A. Maximum Development Intensity:
  - 1. PUD-R: Site coverage of the underlying residential district shall apply for buildings, tennis courts, swimming pools, roads and other impervious surfaces.
  - 2. PUD-HDR: Site coverage of the underlying high density residential district of the subject tract shall apply for principal and accessory uses.
  - 3. PUD-C: Site coverage regulations for the underlying commercial district shall apply to the PUD-C overlay district.
  
- B. Projects shall be so designed as to provide adequate sewer and water facilities and public access; lots should be of adequate size to provide emergency and/or service vehicle public access. Buildings shall be spaced to allow emergency vehicles freedom to maneuver between buildings.
  
- C. Open Space Requirements: A primary function of the planned unit development provision is to encourage development which will preserve and enhance the worthwhile, natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial including but not limited to the following:
  - 1. The amount and location of common open space shall be consistent with the stated purpose and intent of this section.
  - 2. All common open space shall be labeled as such and as to its intent or design functions.
  - 3. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to scale and character of the planned unit development considering its size, density, expected population, topography, and number and type of dwellings provided.
  - 4. If the required open space is less than 10,000 square feet, all of it shall be located in contiguous portion of the lot and no dimension may be less than thirty (30) feet.

5. If the required open space is more than 10,000 square feet, each separate open area shall contain not less than 10,000 square feet and no portion of the space shall be less than fifty (50) feet in width.
  6. Off-site permanent recreation space and facilities may be approved as meeting up to one-half (1/2) the open space requirements if it meets the intent of these regulations and it abuts the site.
  7. Accessory uses in a planned unit development may include the following; golf course, private park, lake or waterway, recreation area, recreation building, clubhouse or social hall or other accessory structure which the planning and zoning commission finds is designed to serve primarily the residents of the development, and is comparable with the design of the planned unit development.
- D. An application for PUD must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- E. Each project must comply with Department of Natural Resources guidelines for planned unit developments in floodplain areas.
- F. Height Restrictions: Structures on the planned unit development shall comply with height restrictions set forth in the zoning ordinance for at least one land use that is immediately adjacent to the planned unit development. A greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features area used to avoid any adverse impact due to the greater height.
- G. Floor Area Ratio: Structures in PUD-R and PUD-HDR planned unit developments shall adhere to minimum floor area ratios outlined in the R3 (one to eight family residential section of this ordinance. Structures in PUD-C shall have no minimum floor area requirements.
- H. Minimum Development: For residential planned unit developments, a minimum of two (2) residential dwellings must be constructed on any new planned unit development. For commercial planned unit developments, a minimum of two (2) units must be constructed on any new planned unit development. Mixed residential and commercial planned unit developments shall consist of a minimum of five (5) units.

- I. Street Width: Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission and City's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.
- J. Plats: All planned unit developments shall be platted. In certain instances, it may be necessary to re-plot the land if the existing platted lot lines are not in accord with the proposed planned unit development.
- K. Comprehensive Plan: The development should be planned so that it is consistent with the Comprehensive Plan for the City of Zumbrota
- L. Harmony: The planned unit development should be planned and developed to harmonize with any existing or imminent development in the area surrounding the project sites, and will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to potential surrounding uses. The planned unit development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which are proposed to serve the district. The proposed total development shall be designed in such manner as to form a desirable and unified environment within its own boundaries.
- M. General Provisions: A zone change shall be required of all planned unit developments. The City of Zumbrota may approve the planned unit development only if it finds that the development satisfies the following standards for ownership and restrictions listed above.

SUBD. 4. ADMINISTRATIVE PROCEDURE.

- A. Ownership: The developer must own the tract of land to be developed, or the developer must present information indicating he or she has an option or a contract to purchase the property.
- B. Pre-application Conference: The property owner(s) or his/her agent shall meet with the Zoning Administrator to explain the situation, learn the procedures and obtain a list of requirements. A conceptual layout shall be presented to the Planning and Zoning Commission. The contemplated project will be discussed relative to community development objectives for the area in question. The Planning and Zoning Commission shall give general approval or denial to the concept, after which the developer may determine if he/she would like to continue with the preliminary plan state (3A (3)). The informal

review session is intended to prevent the applicant from incurring substantial expense in the preparation of plans, surveys and other data.

C. Preliminary Plan Approval: The proponents of a Planned Unit Development shall submit a preliminary subdivision plat and a site plan, along with an application for a Conditional Use Permit and applicable fee to the City Planning Commission and City Council. Such preliminary plat and site plan shall conform to the provisions of this Ordinance and the City Subdivision regulations. The Planning Commission may waive any of the written or mapping requirements. Such information shall include:

1. The landowner's name and address and his interest in the subject property.
2. The applicant's name and address if different from the landowner.
3. Evidence the landowner has significant control over the subject property.
4. An explanation of the character and need for the planned unit development.
5. A statement of the present ownership of all the land including the planned development and a list of property owners (names and addresses) within 200 feet of the outer boundaries of the property.
6. A general indication of the expected schedule of development including sequential phasing and time schedules.
7. A statement of proposed financing.
8. If recreational vehicles are to be stored on the grounds of the planned unit development, there shall be a separate area provided for the storage of the vehicles, indoors or outdoors. Such storage shall have parking areas marked and landscaped as to be harmonious with the environment.
9. In a planned unit development adequate deed restrictions and covenants shall be present, and approved by the city attorney for an automatic home owner's association, or individual homeowners for the proper maintenance, care and preservation of the exterior design, all common structures, facilities, sewer and water utilities, pedestrian and vehicular access and opens spaces by the original and all subsequent owners of property within the development.

10. In addition to other deed restrictions or covenants, running in favor of the City, there shall be provision for the free and uninhibited access to all private or common areas by the Fire, Police or other public safety vehicles and personnel for the customary performance of their respective duties and responsibilities.
11. The total number of living units and the overall density of the project defined as the number of living units per acre.
12. Form of organization proposed to own and maintain open space.
13. Full description as to how all necessary governmental services will be provided to the development including sanitary sewer, storm sewer, water system, streets, and other public utilities.
14. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for utilities.
15. Name, addresses, and telephone numbers of principals of each Landscape Architect, Planner, Architect, Engineer or Law Firm, serving the proposed development.
16. The address and legal description of the subject property.
17. The existing zoning classification, site development and present use of subject property and all lands within one thousand (1000) feet of the subject property.
18. Property boundary lines and dimensions of the subject property.
19. Graphic Reproductions of Existing Site Conditions including a minimum of (all graphics should be the same scale to allow for easy cross reference):
  - a. Contours.
  - b. Slope analysis.
  - c. Location and extent of waterbodies, wetlands, streams and floodplains within the subject property and those within three hundred and fifty (350) feet of the subject property.
  - d. Existing drainage patterns.
  - e. Soil Conditions.
20. A written statement generally describing the proposed PUD and the market which it is intended to serve and how the proposed PUD is to be designed, arranged and operated. When requested and/or when appropriate: the number of residential dwelling units

and expected population; the gross square footage of commercial and industrial floor space by type of activity (i.e. drug store, supermarket, salon); preliminary architectural plans including floor plan, elevations and exterior wall finishes of proposed building(s).

21. The proposed name of the development.
22. Existing adjacent development.
23. Proposed public or community sanitary sewer and water systems, including size, type and capacity.
24. Proposed roadway, private or public, type and capacity of surfacing.
25. Proposed site development and development schedule.
26. Size and location of proposed and existing buildings on the subject site.
27. Proposed landscaping.
28. Allocation and disposition of park and open space.
29. Type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two-family units. Roadways that are private in PUD's shall remain private and are not subject to public maintenance.
30. Location, type and sizing of signage.
31. A preliminary plat prepared in accordance with the Subdivision Chapter of the City Code.
32. The City may excuse an applicant from submitting any specific item of information or document required which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
33. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect thereof.

D. Initiation of Proceedings for Preliminary Plat Approval:

1. The Zoning Administrator shall transmit copies of the required exhibits to the Planning and Zoning Commission and shall notify all property owners within the affected zone and within three hundred and fifty (350) feet of the property in question by mail; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
2. The Planning Commission or the City Council shall hold a public hearing and shall have notice of such hearing published at least once not less than 10 days and not more than 30 days prior to said hearing.
3. The Planning Commission shall recommend to the City Council within 60 days one of three actions - approval, denial or conditional approval.”
4. In the granting of the Preliminary Plan, the Planning and Zoning Commission and the City Council shall determine whether the planned unit development district regulations and standards have been satisfied based on preliminary plans and specifications, after making the following findings:
  - a. The title to, or control of option or contract of, the tract to be developed is held by the applicant;
  - b. That provisions for public sewer and water facilities is adequate;
  - c. That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the movement of public and private vehicles for the servicing of the proposed land uses without blocking traffic;
  - d. That there will not be undue conflicts between pedestrian and vehicular traffic;
  - e. That the design of open spaces and housing will assure both easy access and privacy;
  - f. That no structure which contains residential units will be more than two-hundred (200) feet (60 m) from a street parking area, or other right-of-way on which a fire truck may be operated;
  - g. That adequate street, parking, walkway and accessory lighting will be provided;
  - h. That continuity of open space and recreation will be maintained;
  - i. That provisions has been made for: (a) The preservation of existing vegetative, geologic, historic or other environmentally important characteristics of the site, (b) Where existing landscape materials are adequate to create an appropriate plan materials will be added; and

- j. That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood.
- E. Council Action: The City Council shall act upon the application of the tentative preliminary plan approval within 60 days after receiving the complete application or upon recommendation of the Planning and Zoning Commission, whichever occurs first. The City Council shall then act on the request for the land to be rezoned to a planned unit development area. Any change in zoning granted by the Council shall automatically amend the Comprehensive Plan in accordance with said Zoning Change. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
- 1. Approve or disapprove the request as recommended by the Planning Commission, or
  - 2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or
  - 3. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one (1) time on a singular action.
- F. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and site plan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a re-submission to and approval by the City Planning Commission and the City Council.
- G. If the Conditional Use Permit is approved, the final plat shall be submitted to the City in accordance with the City Subdivision Regulations and the provisions of this Ordinance within six (6) months following Council approval on the Preliminary Plan. If the Final Plan is not submitted within the allowed time, the tentative approval shall automatically become null and void and the applicant shall pay the fee and start the proceedings again. The zoning change to the PUD shall become null and void and the area shall revert back to the previous zoning.
- H. The process for Final Plan approval shall be as follows:
- 1. Ownership: The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. A single owner, or a group of land owners

acting through a corporation or partnership, where the owner agrees in advance to be bound by conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions with the county registrar of deeds. Final approval shall be granted for such development unless the applicant has acquired actual ownership.

2. Approval: if the Planning Commission finds the final plan and subdivision to be in substantial agreement with the action of the City Council they shall submit the documents directly to the City Council for final action; if not they shall identify such discrepancies in a letter of transmittal to the City Council. If approved by the City Council, the final plan shall be adopted by resolution subject to such conditions or restricts as may be imposed by the City Council, and the area of land involved shall be re-designated as a planned unit development district by resolution. Approval of the final plan shall not become effective until the effective date of the resolution designating the area as a planned unit development..
3. Effect of Approval: The final plan as approved by resolution together with the conditions and restrictions imposed, if any shall govern and control the use and development of the land involved, provided that general zoning regulations which were applicable to the land prior to approval of the plan and which are not inconsistent with the plan shall continue to be applicable

SUBD. 5 DEVELOPMENT SCHEDULE:

- A. Enforcement of Schedule: The construction and provisions of all the common open spaces and public and recreational facilities that are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following approval of the final development plan, the Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If it is found that the rate of construction of dwelling units is faster than the rate at which common open spaces and public and recreational facilities have been constructed and provided, this information shall be forwarded to the City Council. If the developer or landowners fail to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the City may finish the open space areas and assess the cost back to the developer an/or homeowners association.
- B. Changes: Changes in the final plan involving the location and alignment of structures not to exceed ten (10) feet (3m) in any direction and other minor

revisions in the shape of structures may be authorized by the Zoning Administrator for good cause shown provided the changes are within the maximum allowable floor area limits, are in harmony with the intent of the concept statement as to uses and densities of use and the architectural style has been approved in writing by the planned unit development homeowners association or public body. All other changes shall be made only after public hearings by the Commission and Council, upon notice provided in SUBD. 4, 4a and 4b, and any changes approved by the City Council shall be by resolution to the final plan.

- C. Failure to commence construction within allotted schedule shall automatically render void the PUD permit and all approvals of the PUD plan unless an extension is granted by the City Council.

SUBD. 6. GENERAL REGULATIONS.

- A. Requirements for signs, parking, sewage disposal, etc., as regulated in appropriate Sections of this Ordinance shall apply.
- B. Occupancy: Occupancy and use of buildings and structures in a planned unit development may be permitted when the buildings and structures have been completed to the satisfaction of the Building Inspector and the access drives and parking areas are sufficiently completed to support emergency vehicles at all times and are kept in a dust-free condition. Final surfacing of streets, roadways, and parking areas and landscaping may be deferred over winter months upon written application to and approval of the Planning and Zoning Commission.
- C. Maintenance: If the common open space is conveyed to a homeowner's association, and the common open space, common buildings, playground equipment or other recreational amenities are not maintained properly to the standards established by the City, the City shall have the authority to maintain the property and assess the costs back to the homeowner's association and/or landowner and/or developer.



**SECTION 19. HOME OCCUPATIONS.**

**SUBD. 1. PURPOSE.**

The purpose of this Section is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Section is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily “more sensitive” home occupations.

**SUBD. 2. REGULATIONS.**

All occupations conducted in the home shall comply with the provisions of this Section, the provisions of the district in which it is located and other sections of this Ordinance.

**SUBD. 3. PERMITTED HOME OCCUPATIONS.**

Permitted home occupations include and are limited to: artists and sculptors; authors and composers; dressmakers, seamstresses, and tailors; home crafts, such as model making, rug weaving, lapidary work, and carpentry work or furniture repair; office facility of a minister, rabbi, or priest; office facility of a salesman, sales representative, or manufacturers representative, provided that no retail or wholesale transactions are made on the premises; office facility of an architect, artist, broker, dentist, physician, engineer, dance instructor, arts and crafts, insurance agent, tax preparer, musician or real estate agent; office facility of a typist or stenographer; lessons given by tutors, for example, English, math, sciences, music, or dance; computer programmers; family daycare and foster care. All other home occupations not listed shall be required to obtain a conditional use permit before establishing a home occupation as per Section 22, Subd. 10.

**SUBD. 4. SPECIAL HOME OCCUPATIONS.**

In addition to any provisions set forth in a conditional use permit, the following regulations shall apply:

- A. Bed and Breakfasts may be permitted as a special home occupation provided that
  1. Four (4) or fewer rooms are for rent for a period not to exceed fourteen (14) consecutive days during any ninety (90) day period.
  2. The establishment conforms to the State Health and Building Code requirements.

3. Large functions of twenty-five (25) or more such as receptions or business meetings shall be permitted on-site providing such functions shall be limited to a maximum of seventy-five (75) people.
4. The total of said functions shall not exceed six (6) events per calendar year
5. Small functions of less than twenty-five (25) people such as receptions or business meetings shall be permitted on site, unrestricted.

B. Massage Therapy may be permitted as a home occupation provided that all requirements outlined in this Section and other City Ordinances are met.

SUBD. 6. GENERAL PROVISIONS.

All standards of the zoning district shall apply. The following specific standards shall apply to all home occupations:

1. No person other than those who customarily reside on the premises and/or one (1) additional employee shall be in one's employ on the premises. If additional employees are necessary for the home occupation, the property owner must apply for a conditional use permit.
2. All permitted home occupations shall not occupy more than one-quarter of the total ground area occupied by buildings on the lot unless permitted under the terms of a conditional use permit.
3. Home Occupations shall be permitted only in one family attached and one family detached dwellings.
4. The use shall not require any exterior alteration of the dwelling.
5. Permitted home occupations shall not create a parking demand or traffic flow which creates a hazard or a nuisance.
7. Said uses shall not create odor, dust, noise, electrical disturbances, glare, vibrations, or other hazards or nuisances that will in any way have an objectionable effect upon adjacent or nearby property. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
8. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the

residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

9. Any equipment or materials used in the home occupation must be stored in an enclosed and covered structure. Said structure must comply with accessory building regulations set forth in this ordinance.
10. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a home; teaching which customarily consists of more than two pupils at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet unless said uses are prescribed in a conditional use permit.
11. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, with the exception that one (1) non-illuminated sign measuring one and one-half (1½) square feet may be attached to the dwelling or near the dwelling entrance.
12. Whenever within one (1) year after granting a conditional use permit, the use as permitted by the conditional use permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Council.

#### SUBD. 7. NON-CONFORMING USE

Existing home occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. Any existing home occupation that is discontinued for a period of more than one (1) year shall be brought into conformity with the provisions of this Ordinance prior to re-institution.

**SECTION 20. SIGNS.**

**SUBD. 1. PURPOSE.**

**A. Purpose.**

The purpose of this Section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout Zumbrota. By the construction of public roads, the public has created views to which the public retains a right of view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.

**SUBD. 2. PROHIBITED SIGNS.**

- A. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare or that prevents ingress or egress from any door, window or fire escape that tends to accumulate debris as a fire hazard or that is attached to a standpipe or fire escape.
- B. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to destruct or interfere with traffic visibility or traffic control. No sign shall display the words “Stop” or “Danger”.
- C. Private signs are prohibited within the public right-of-way of any street or easement including but not limited to temporary signs or posters of miscellaneous character that are attached, posted or otherwise affixed to the walls of buildings or on trees, fences, poles or other structures not considered to be bona fide sign structures.
- D. Signs with rotating beams or flashing illumination are prohibited.
- E. Rotating signs are prohibited.
- F. Business Signs and Advertising Signs on or attached to equipment, such as semi-truck trailers, being used in such a manner that advertising is the principal use.
- G. Roof signs are prohibited.
- H. Advertising and business signs painted directly on building exteriors.

SUBD. 3 GENERAL SIGN REGULATIONS.

- A. All signs along state and federal highways shall conform to state and federal sign regulations. Billboards erected along US Highway 52 shall be spaced a minimum of one thousand seven hundred (1,700) feet apart and shall be subject to the regulations of SUBD. 7.
- B. All permanent off-site freestanding signs shall require Conditional Use Permits.
- C. Sign Maintenance.
  - 1. Painting: The owner of any sign shall be required to have such a sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
  - 2. Area Around Signs: The owner, or lessee, of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind at the ends of said sign.
- D. Obsolete Signs.

Any sign which no longer advertises a bona fide business conducted or a project sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign may be found, within ten (10) days after written notice from the Zoning Administrator.

- E. Unsafe or Dangerous Signs.

Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

- F. All signs hereafter erected or maintained, except for official traffic and public street signs, shall conform with the provisions of this Ordinance; with other applicable ordinances and regulations of the City; and, relative to all federal and state highways, with the Minnesota Outdoor Advertising Control Act, Minnesota Statutes, Section 173.01, as amended.

- G. All signs may be illuminated internally or by reflected light subject to the following:
  - 1. The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises.
  - 2. The illumination source shall not be placed so to cause confusion or hazard to traffic, or to conflict with traffic control signs or lights.
  - 3. No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing, and rotating, except that signs display alternatively displaying time and temperature and barber poles may be allowed.
- H. No freestanding signs shall project higher than thirty-six (36) feet above the established grade of the site.
- I. No wall sign or other sign attached to a building shall project above the roof line of the building to which it is attached or shall constitute a roof sign as defined by this Ordinance.
- J. No sign shall be located in a required yard or building setback area, except as specifically provided for by this section.
- K. Signs shall not be permitted within the public right-of-way, or within dedicated public easements except that the City Council may, upon recommendation from the Planning Commission, grant a conditional use permit to allow temporary signs and decorations to be strung across and within right-of-way and easement for a period not to exceed ninety (90) days.
- L. Approved automotive repair and motor fuel stations may, in lieu of other business signage allowed in the respective district, erect pylon signs with a maximum area of sixty-four (64) square feet which may be placed in the front yard, at least twenty (20) feet from the front property line; two (2) price signs, not to exceed sixteen (16) square feet per sign, either attached or detached to the pylon may be allowed, but in no case may they be placed in any side yard. On corner lots, such signs shall be subject to setback regulations.
- M. The maximum height shall be thirty-six (36) feet.
- N. All signs shall direct primary attention to the business, commodity, service, activity, or entertainment conducted, sold, or offered on the

premises where the sign is located, except as otherwise specified and allowed.

- O. The gross surface area of the sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements or same; however, such perimeter shall not include any structural elements lying outside the limits of such sign, and not forming an integral part of the display. In the case of a free-standing sign with two back to back surfaces each surface may be equal the allowable gross area.

#### SUBD. 4. EXEMPTIONS.

The following signs do not require a permit, however, they shall conform to the requirements of this section.

- A. Signs for one and two-family residential dwellings identifying the occupant or street address, provided that such signs are less than one (1) square foot in area.
- B. Pedestrian vehicular traffic and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than six (6) feet in height.
- C. Public signs, street signs, warning signs or signs of public companies for the purpose of safety.
- D. Campaign Signs. Temporary signs for political campaigns shall be a maximum of thirty-two (32) square feet in surface area, except that maximum size shall be waived in state general election years, and shall be removed not more than ten (10) days after an election. The owner or manager of the sign, the owner of the land, or the political candidate shall be equally responsible for the proper location, maintenance, and ultimate removal of the signs. Setback requirements may be waived for such signs, provided that they are located in private property with the express written consent of the property owner, and provided that they do not impede safety by obstructing vision of pedestrians or motor vehicle operations.
- E. Flags, badges or insignia of any governmental agency.
- F. Emergency signs required by any governmental agency.
- G. Temporary real estate signs pertaining only to the sale, rental or development of a lot upon which it is displayed. Such signs shall not

exceed six (6) square feet for residential property or twenty-four (24) square feet for other property. One (1) sign shall be permitted for each lot and must be removed within ten (10) days following the sale, lease or development of said property. The owner or manager of the sign and the owner of the land shall be equally responsible for the proper location, maintenance and ultimate removal of the sign.

- H. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or incombustible material, provided the sign does not exceed six (6) square feet in area.
- I. Home occupation signs, non-illuminated, attached to the wall of a dwelling and not exceeding one and one-half (1 ½) square feet in area.
- J. Construction Signs. One (1) temporary sign announcing the development and availability of lots and/or buildings, or one (1) temporary sign identifying architects, engineers, contractors, or suppliers, not exceeding a total surface area of ninety-six (96) square feet, not exceeding more than sixteen (16) feet in height, and not less than two (2) feet above ground shall be permitted on the property under development. Such signs shall be set back at least twenty (20) feet from front property lines, and shall not be located in any required side yard. Such signs shall be allowed for three (3) years from date of original building permit issuance, or until the construction in the development is completed, whichever occurs first, unless otherwise specifically provided in this chapter.
- K. Signs on vehicles when the vehicle is being used in the normal day-to-day operations of the business.
- L. Directional signs as follows:
  - 1. Directional signs shall not exceed four (4) square feet of surface area in residential districts, sixteen (16) square feet with maximum dimensions of four (4) feet by four (4) feet in commercial areas or thirty-two (32) square feet with maximum dimensions of four (4) feet by eight (8) feet in industrial districts, and shall not be erected higher than ten (10) feet above grade.
  - 2. Directional signs directed at persons off the site shall be limited to one (1) such sign per collector or arterial street approach to the site.
  - 3. Directional signs shall not be illuminated unless illumination is deemed by the City as essential to the orderly flow of traffic.

4. Directional signs may be located on the private property next to the street right-of-way line, but shall be so located and designed so as to not obstruct traffic or vision of drivers and pedestrians.
  5. One (1) off-site directional sign shall be permitted for the following: church, school, hospital, sanitarium, non-commercial club, library or similar use provided that the sign is located on private property which abuts a collector or arterial street leading to the subject use.
- N. Transient Merchant Signs. One (1) temporary sign for transient merchants and transient produce merchants. The sign shall not exceed sixteen (16) square feet in surface area, and shall not exceed six (6) feet in height. The sign shall be set back at least twenty feet from the street right-of-way line and shall be erected only during the period of transient sales.

SUBD. 5. PERMITTED SIGNS. The following signs are permitted in the A, R1, R1a, R2, R3, R4, and R-MH Districts as an accessory to permitted, interim and conditional uses in these districts.

- A. Signs over show windows or doors of non-conforming businesses establishments announcing without display or elaboration only the names and occupation of the proprietor and not to exceed four (4) square feet and is setback a minim twenty (20) feet from property lines, but in no case located in a side yard.
- B. Bulletin boards for public, charitable or religious institutions not to exceed twenty (20) square feet in an area located on the premises.
- C. Religious uses, public institutions, non-residential and residential development signs not exceeding thirty-two (32) square feet in area. Such identification signs may be wall or ground mounted or combination thereof. A ground sign shall not exceed fifteen (15) feet in height. There may be a second sign if the use abuts two (2) or more streets.
- D. All signs shall be set back a minimum of five (5) feet from property lines and shall not be located within thirty (30) feet of an intersection.
- E. Area Identification Signs. Area identification signs are intended for the identification of residential neighborhoods, subdivisions, and multi-residential complexes; and also referred to as entrance monument signs.

1. Area identification signage shall be permitted for each multi-residential project or residential subdivision; for purposes of this section, residential subdivisions shall include platted phases of approved staged developments.
  2. The area identification signage shall be located at the entrance to the project or subdivision.
  3. A maximum of two (2) area identification signs, not exceeding a total of thirty-two (32) square feet in surface area, may be permitted per each project or subdivision. The typical use of two (2) such signs is to create a gateway effect at opposite corners of the entrance to the project or subdivision.
  4. An area identification sign shall be located at least twenty (20) feet from the front property lines, but in no case shall it be located in any side yard.
- F. One (1) freestanding nameplate sign shall be permitted for allowed institutional uses such as churches, schools, hospitals, clubs, libraries, municipal and other governmental buildings, and the like; provided that the maximum surface area shall be thirty-two (32) square feet, and provided that the sign is located at least twenty (20) feet from the front property lines, but in no case is located in any side yard.
- G. Home Occupation Signs. One (1) home occupation sign for each dwelling provided such sign is free standing and does not exceed an area of ten (10) square feet and a height of five (5) feet.

SUBD. 6. PERMITTED SIGNS. The following signs are permitted in the C1, C1a, I1 and I2 Districts.

- A. Allowable uses and business establishments other than those in multi-tenant commercial buildings may have a freestanding business sign which shall be a minimum of ten feet from any property line and shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one (1) premises.
- B. Window signs that are placed only inside of the commercial buildings, provided not more than fifty percent (50%) of the window is covered.
- C. Projecting signs which provide a minimum undersign clearance of at least ten (10) feet and which do not project more than twenty-four (24) inches over a sidewalk and shall not exceed twenty (20) square feet.

- D. Allowable uses and business establishments other than those in multi-tenant commercial buildings may have wall business signage limited to flat wall sign, not exceeding more than eighteen (18) inches from the face of the building, except that such signage may extend from the face of the roof over a covered walk, or from a marquee, providing the signage does not extend above the roof or parapet line of said building. Such wall business signage shall not exceed twenty (20) percent of the area of the wall to which the signage is attached.
- E. Individual business and tenants in multi-tenant commercial buildings may have wall business signs and/or freestanding provided they are designed and arranged in accordance with a comprehensive sign plan for the entire multi-tenant commercial building which has been prepared by, and submitted to, the City by the owner and which has been approved by the City; further, the aggregate area of such signs shall not exceed five (5) percent of the area of the wall to which they are attached. All such signs shall be reviewed by the building ownership or management who shall provide a written endorsement at the time application is made for the sign permit; the endorsement shall indicate that the proposed signage has been found to be consistent with the approved comprehensive sign plan.
- F. Business signs shall direct attention to the business, profession, commodity or service which is found on the premises where the sign is located, except that such signs may be placed on adjacent premises if all of the following conditions are met: There is common ownership of the two premises. The signs are in compliance with all other ordinance requirements. That the sign(s) shall be removed from the adjacent premises within six (6) months in the event that the two (2) premises are no longer in common ownership.
- G. The total aggregate signage shall not exceed 20% of the area to which the sign is affixed in the C1 and C1a districts.

SUBD. 6.1 PERMITTED SIGNS. The following signs are permitted in the C2 District.

- A. A freestanding business sign which does not exceed thirty-six (36) feet in height above the average centerline street grade, is a minimum of ten (10) feet or the height of the sign, whichever is less, from any property line and does not exceed one hundred twenty-one (121) square feet on one side and does not have more than two (2) sides.
- B. The total aggregate signage shall not exceed two (2) square feet per one and one half (1 ½) lineal front feet in the C2 District.
- C. Other signs as permitted in the C1 and C1a Districts.

SUBD. 7. BILLBOARDS. Billboards are intended to direct attention to a business commodity, service, activity, or entertainment which is not conducted, sold, or offered upon the premises on which such sign is located. Billboards may be allowed by conditional use permit in the Highway Commercial (C2) District subject to the following standards and criteria:

- A. Billboards shall be allowed only along U.S. Highway 52, not to be located within 35 feet from any public right of way.
- B. The total surface area of any billboard shall not exceed three hundred (300) square feet per face, or be less than one hundred ten (110) square feet in area including border, trim, and any projections of the featured message, but excluding base and apron supports and other structural members.
- C. The maximum height of all billboards shall not exceed thirty-six (36) feet above the established grade of the site upon which the sign is located.
- D. The maximum length of any sign, including border, trim, and any projections of the featured message, shall not be more than fifty (50) feet.
- E. The minimum distance between billboards shall be one thousand seven hundred (1,700) feet.
- F. No billboard or structure shall be located closer than two hundred (200) feet from the boundary of any residential district, park, playground, school, or church on the same side of the street or intersection of streets.
- G. No billboard shall contain more than two (2) signs per facing.
- H. Billboards shall be erected on single poles. No billboard shall be erected on or above the roof of any building.
- I. The City Council, upon recommendation by the Planning Commission, may require the relocation or removal of billboards from sites where development is proposed, and when by virtue of site plan review and approval, it has been determined the billboard presents an obstruction and/or conflict with other signage as proposed on the site by the owner and/or developer. Likewise, the City Council may limit the amount of freestanding signage allowed on a site, which contains an existing billboard at the time of development.

- SUBD. 8. TEMPORARY SIGNS. Temporary signs as provided herein are intended to announce and promote developments and events, and to direct persons to those activities which are of limited duration.
- A. Special Event Signs or Sandwich Signs. Temporary signage for commercial announcements such as grand openings and special events, may be mounted on a portable stand, with a maximum surface area of thirty-two (32) square feet, or may be wall signage subject to the same standards as the permanent wall signage allowed for the enterprise. Such signs may be used not more than four (4) times per calendar year, and for a period of not more than fourteen (14) days per time or the duration of the event promoted by the sign message, whichever is less. The sign, sign supports, and portable stand shall be removed from public view at the end of the period. Multi-tenant buildings shall be considered as a single property for purposes of this paragraph, and the use of the single temporary sign by tenants on the property shall be the responsibility of the property owner or designated manager who shall endorse in writing, all applications for sign permits. The owner or manager of the sign and the owner of the property shall be equally responsible for the proper location, maintenance, and removal of the sign. Setback requirements may be waived for such signs provided they are located on private property with the express consent of the property owner and provided that they do not impede safety by obstructing vision of pedestrians or motor vehicle operators.

SUBD. 9 PLANNED UNIT DEVELOPMENT DISTRICTS. Sign requirements within PUD, Planned Unit Development Districts, shall be the same as those imposed in the corresponding zoning district in which the use is customarily permitted.

SUBD. 10. ADMINISTRATION AND ENFORCEMENT. The sign regulations set forth in this Ordinance shall be administered and enforced by the City's Zoning Administrator or authorized designees. The procedures, standards and requirements for the administration and enforcement of the provisions of this section shall be in accordance with this Ordinance, the City Code, and other applicable laws and regulations.

- A. Permits required. Every person shall obtain from the City a permit before erecting, placing, rebuilding, reconstructing, structurally altering, enlarging or relocating any sign which is not specifically exempted by these regulations from this permit requirement. An application for a permit shall be submitted to the Zoning Administrator in accordance with the permit procedures of the City Code and the requirements of this section. The application shall include the information required by the form provided by the City and shall be accompanied by appropriate documents and plan or plans drawn to scale which legibly reflect the following:

1. The location of proposed and existing signs in relation to property lines and existing and proposed building based upon a certified survey or site plan approved by the City which accurately reflects current conditions on the property.
  2. The design, full dimensions, and specifications including the method of construction, and attachment to a building or placement in the ground.
  3. Stress calculations, where applicable, indicating that the structure's design for dead load and wind pressure in any direction in the amount required by regulations.
  4. Such other information as the Zoning Administrator or Building Inspector shall require to show full compliance with this Ordinance and other applicable laws or codes of the City. The Zoning Administrator may waive requirements for technical information specified above where such information is not necessary to the determination of compliance.
- B. The appropriate permit fee as established by the City Council shall accompany the application. If the permit is not issued due to determination by the Zoning Administrator that the proposed sign is not in conformance with City regulations, fifty (50) percent of the fee may be refunded with fifty (50) percent retained by the City to defray application review and administration expenses. If a variance application is to be submitted, as provided for in this Ordinance, an additional fee as established by the City Council shall be required for the variance. If a permit is not issued because the variance is not granted, there shall be no refund fee, unless specifically authorized by the City Council.
- C. The Zoning Administrator shall, upon approval, issue a written permit authorizing the proposed sign and related work; the permit shall, where applicable, specify the duration of the sign; and the permit shall indicate any special conditions or requirements related to the construction of the sign.
- D. Expiration and renewal of permits shall be in accordance with the provisions of the Minnesota State Building Code for building permits.
- E. Signs not requiring permits. The following signs and work, in addition to other signs and work addressed in this Ordinance where exemption from permit requirements is specifically made, do not require a permit. The exemptions shall apply only to the requirement of a permit and shall not be construed as relieving the owner or

contractor of the sign from the standards or maintenance requirements of this ordinance.

1. Street, warning, directional and other official non-commercial signs erected by a government or by others, where required or recommended pursuant to legal authority.
2. Changing of the copy or message of an allowed sign expressly designed with changeable copy.
3. Changing the advertising copy or message of an allowed sign, unless major structural change is involved.
4. Address letters and numerals required by and in conformance with this Ordinance. Included are related signs, not to exceed two (2) square feet, displayed strictly for the convenience of the public such as identification signs for rest rooms, waste receptacles, door bells, mailboxes, reserved parking spaces, loading zones, or primary building entrances.
5. Temporary real estate signs related to the sale, rent, or lease of land, parcels and located on the subject property.
6. Temporary signs for non-commercial announcements for civic groups and for political campaigns.
7. Temporary window signs.
8. Flags, badges, or insignia of any government or governmental agency, or of any civic, religious, fraternal, or professional organization.
9. Commercial and industrial establishments may display on a single flag or on a single awning or on a single canopy, the official corporate seal or insignia as identification of the individual establishment.
10. Advertising or promotion of specific products or services is prohibited unless approved in conjunction with an administrative or conditional use permit as provided by this Ordinance.

SUBD. 11. **NON-CONFORMING SIGNS:** Non-conforming signs are those signs which lawfully existed upon the effective date of a previous ordinance or this Ordinance, but which did not, or do not conform to the regulations as set forth in the previous ordinance of this Ordinance, and which therefore have or shall become non-conforming signs.

- A. Business Signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of the Ordinance, or from the effective date of any amendments thereto which render such signs non-conforming. Such signs may be illuminated, but no flashing, rotating, or moving signs shall be permitted.
- B. No sign erected before the passage of the Ordinance or from the effective date of any amendments thereto which rendered such signs non-conforming shall be rebuilt, altered, or moved to a new location on the premises without being brought into compliance with the requirements of this Ordinance.

SUBD 12. **ENFORCEMENT.** All signs shall be subject to inspection by the Zoning Administrator or authorized designees who are hereby authorized to enter upon any property or premises to ascertain whether these regulations are being met. Such entrance shall be made during normal business hours, unless a clear and present emergency exists. The Zoning Administrator may order, in writing, the removal of any sign that is not maintained in accordance with the standards or maintenance requirements of this Ordinance. Continued violations of this section shall be administered and prosecuted in accordance with the City Code.

SUBD. 13. **VARIANCES AND APPEALS.** Variances from the dimensional and location standards of this section shall be subject to the procedures and requirements set forth in this ordinance. No variance shall be considered which would allow signs in districts or places where such signs are prohibited or not allowed. Appeals to administrative rulings of the Zoning Administrator shall be made in accordance with the procedures and requirements of this Ordinance.

**SECTION 21. OFF-STREET PARKING.**

**SUBD. 1. PURPOSE.**

It is the purpose of this Section to provide for the regulation of and design standards for off-street parking facilities within the City, to minimize congestion of the public right-of-way and to maximize the safety and general welfare of the public. When required, screening of parking lots is intended to limit direct views of pavement and vehicular light and noise emissions near the exterior of the site. It is not intended to significantly obscure views of principal buildings or permitted signage. (amended 3/1/2007)

**SUBD. 2. REGULATIONS.**

A. Scope of Regulations. No provision of any Section of this Ordinance shall be less restrictive than those outlined in this Section. The off-street parking requirements and off-street loading requirements of this subdivision shall apply within all zoning districts, except the C1, Central Commerce District.

B. Calculating Space.

1. Where calculations result in requiring a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) space.
2. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building structure or use times the number of floors, minus ten (10) percent.
3. Should a building or structure contain two (2) or more types of uses, each should be calculated separately for determining the total off-street parking spaces required.
4. Garage or indoor parking facilities shall be included as "off-street parking" spaces.

C. Site Plan.

Except for single family dwellings, all applications for a building or an occupancy permit shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of all off-street parking and loading spaces in compliance with the requirements of this Section.

The Site Plan shall include the following information:

1. Zoning District.

2. North point and scale.
3. All adjacent rights-of-way.
4. The ownership of the entire lot being developed.
5. Dimensions of the lot and parking spaces.
6. The owner's name, address and phone number.

Such plan shall be reviewed by the Planning Commission and approved by the City Council, in accordance to the criteria developed in this subdivision.

D. Site Plan Criteria. Upon review by the Planning Commission and approval by the City Council, the plan for off-street parking shall meet the following site design standards:

1. All areas devoted for parking space and driveways shall be hard surfaced (e.g. crushed rock, concrete, bituminous or similar materials). Required off-street parking in residential districts shall not be provided within the required front yard setback area, other than within the approved driveway. One vehicle may be parked in the side yard of a residentially-zoned lot provided the vehicle is five (5) feet or more from the property line. All parking areas within the C1, C1a, and C2, as well as parking for multiple-family and other conditional uses within the R3 and R4 districts shall be improved with concrete, bituminous or similar material. Parking areas shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques. No landscaped areas shall be used for the parking of vehicles. Parking plans for Industrial districts shall include plans for short and long term dust control and surface water management.
2. Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.
3. No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area. Such signs shall not be considered part of the permitted advertising space and shall be subject to regulations pursuant to Section 20.
4. All parking lots abutting residential uses or districts shall be screened from abutting property by a fence not less than six (6) feet nor more than eight (8) feet in height. Required fencing shall provide a solid screen and constructed of masonry, brick or wood. The use of chain link equipped with slats shall be prohibited. Alternative screening and landscaping plans may be proposed, but must be reviewed and approved by the Planning Commission in

order to satisfy the provisions of this ordinance. All required fencing shall comply with Section 3, Subdivision 6 of this Code. (amended 3/1/2008)

5. The parking area shall meet the minimum design standards, and number of stalls required under this Section.
- E. Reduction of Existing Parking and Loading Spaces. Parking or loading spaces existing upon the effective date of this Ordinance shall not subsequently be reduced below the requirements of this Section.
- F. Change of Use or Occupancy of Land or Building. No change of use or occupancy of land, or of use or occupancy of any building, shall be made until there is furnished sufficient parking and loading spaces as required by this Section.
- G. Use of Parking and Loading Space.
  1. Required parking or loading spaces shall not be used for storage of goods or for storage of vehicles or trailers that are inoperable or for sale or rent.
  2. Unless a conditional use permit is issued, the maximum number of vehicles stored on a one or two-family residential parcel, excluding those parked in a garage, shall not exceed two (2) per the number of persons with valid driver's licenses residing on the premises or a maximum of four (4) per dwelling unit, whichever is less. The following vehicles shall be exempted from this requirement:
    - a. Temporary Visitor Parking
    - b. Maximum of one recreational camping vehicle or two (2) other recreation vehicles not to be stored within any front or side yard abutting a public right-of-way or within three (3) feet of any property line.
    - c. Maximum of one (1) collector vehicle registered as a pioneer, classic, collector or street rod vehicle. The collector plates must be displayed on the vehicle and are not to be not to be stored within any front or side yard abutting a public right-of-way or within three (3) feet of any property line.
    - d. Trailers, trucks and other vehicles used in loading, unloading, maintenance or construction of the premises.
  5. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business establishments, unless permitted through the issuance of a conditional use permit and appropriate screening or landscaping is provided.

H. Design and Maintenance.

1. Drainage and Surfacing: Driveways shall not exceed a grade of six (6) percent and all parking lots except those for less than four (4) vehicles shall be graded according to a drainage plan that does not adversely affect adjacent property owners and which has been approved by the City Engineer. Catch basins, sumps and underground storm sewers may be required.
  2. Striping: All lots for five (5) or more vehicles shall have the organization of spaces painted on the surface according to the plan approved by the City.
  3. Circulation: Lots shall be so designed that internal circulation shall be available without utilizing the public street.
  4. Maintenance: It shall be the joint and several responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
  5. Lighting: All lighting used to illuminate an off-street parking area shall be shaded or diffused so as to reflect the light away from the adjoining property and away from abutting traffic flow.
- I. Stall, Aisle, and Driveway Design.
1. Each parking space shall be not less than nine (9) feet wide and twenty (20) feet in length, exclusive of an adequately designed system of access driveways. Provided, however, that in school parking lots of more than three hundred (300) parking spaces, up to forty percent (40%) of such spaces may be designated and clearly marked as compact car parking spaces. A compact car parking space shall not be less than eight (8) feet wide and eighteen (18) feet in length exclusive of the adequately designed system of access drives. No parking space may be designated as a compact parking space unless the parking space is clearly posted with signs which are reasonably visible even in winter months and which are approved by the Zoning Administrator.
  2. Except in the case of single-family, two-family, and townhouses, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and such design does not require backing into the public street.

3. Except in the cases of single-family, two-family and townhouses, parking areas shall comply with the following standards (Note: In addition, off-street parking areas shall conform with handicap accessibility codes in the Uniform Building Code and ADA requirements):

ANGLE OF PARKING (ALONG CURB)	STALL WIDTH	STALL DEPTH	MIN. DRIVEWAY WIDTH
Zero degrees	9'	22'	12'
30 degrees	9'	19'	12'
45 degrees	9'	21'	13'
60 degrees	9'	22'	18'
90 degrees	9'	19'	24'

4. No curb cut access shall be located less than forty (40) feet from the intersection of two (2) or more street right-of-ways for residential uses, and sixty (60) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
  5. Curb cut openings shall be a minimum of five (5) feet from the side property line.
  6. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property, unless a conditional use permit is approved to allow for a second curb cut .
  7. All parking spaces shall be served by access aisle or driveway connections to a public right-of-way.
  8. In the C1, C1a, C2, I1 and I2 Districts, no parking or loading space shall be located within ten (10) feet of any property line which abuts a public street or residential district.
- J. Location of Parking Spaces.
1. Parking for one and two-family residential units shall be located upon the same lot as the principal structure.
  2. Parking for multiple-family residential units may be located upon the same lot as the principal structure or on another lot provided the parking is within two hundred (200) feet of the main entrance of the principal structure(s).

3. Parking required for commercial uses may be located upon the same lot as the principal structure or on another lot provided the parking is within three hundred (300) feet of the entrance of the building served.
4. Parking for industrial uses may be located upon the same lot as the principal structure or on another lot provided the parking is within eight hundred (800) feet of the main entrance of the building served.
5. No off-street parking space shall be located within ten (10) feet of a public right-of-way.

K. Number of Required Parking and Loading Spaces.

The following minimum number of off-street parking and loading spaces shall be provided and maintained:

USE	REQUIRED PARKING SPACES
Single family, two family, townhouse dwelling	2 spaces/unit
Multiple family dwelling	2 free spaces/unit
Boarding house, fraternity house, sorority house	2 spaces/3 persons
Bed & Breakfasts	2 spaces/ 3 persons
Elderly housing	1/2 space/unit
USE	# OF REQUIRED PARKING SPACES
Baseball fields, stadiums	1 space/8 seats
Schools – Elementary and Junior High	1 per class PLUS 1 per 50 students.
Schools – Senior High	1 per class PLUS 1 per 10 students.
Public parks/playgrounds	As per Planning Comm.
Church, theatre, auditorium, gymnasium	1 space/6 seats of main assembly hall
Skating rink, dance hall, public auction house	1space/200 sq. ft. of gross floor area
Miniature golf course, archery range, golf driving range	10 spaces respectively
Hospital	1 space/3 beds
Nursing home, day nurseries, sanitariums, or rest homes	1 space for each 6 beds

Office buildings, professional offices, banks, animal hospitals	1 space per 300 sq. ft.
Undertaking establishments	1 space/50 sq. ft. of gross floor area PLUS 1 space/official vehicle
Motels, hotels	1 space/rental room PLUS spaces required for restaurant (see restaurant)
Drive-in establishment and convenience food (amended 3/1/2007)	1 space/200 sq. ft. of gross floor area, with a minimum of 20 spaces.
Bowling Alley	5 spaces/lane or alley
Retail store and service establishment in C2 District	1 space/200 sq. ft. of floor area
Retail sales and services with 50% or more of floor area devoted to storage, warehouse and/or industry	1 space/200 sq. ft. of gross floor area devoted to sales or service PLUS 1 space/500 sq. ft. of storage area
Automobile service station (motor fuel station)	4 spaces PLUS 2 spaces for each stall
Restaurants, cafes, private clubs, bars, taverns and nightclubs	1 space for every three seats.
Dance halls	1 space/ 35 sq. ft of gross floor area on dance floor.
Car wash: automatic drive through	3 spaces per wash station
Car wash: self-service	3 spaces per wash station
Auto repair, bus and taxi terminals, boat and marine sales and repair, bottling company, garden supply store, building material sales	8 spaces PLUS one additional space/800 sq.ft. of floor area over 1,000s.f.
Manufacturing, fabricating, or processing of a product or materials, warehouse, storage or post office	1/2 space per employee but no less than 1 space/1000 sq. ft. gross floor area PLUS 1 space per company vehicle kept on premises.

- L. Joint Facilities. The City Council may, after receiving a recommendation from the Planning Commission, approve a Conditional Use Permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business, if the following conditions are satisfactorily met:

1. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
2. The applicant shall show that there is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
3. The provisions of this Ordinance are considered and satisfactorily met.

M. Off-Street Loading Facilities.

1. The regulations of this Section are not applicable in the "C1" Central Commerce District. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least twenty thousand (20,000) square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds one hundred thousand (100,000) square feet.
2. Minimum Size of Off-Street Loading Berths
  - a. Width: 10 feet
  - b. Length: 25 feet
  - c. Vertical Clearance: 14 feet
3. Location of Off-Street Loading Berths: No closer than 25 feet from the intersection of two street rights-of-way.
4. Access to Off-Street Loading Berths: Each berth shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement.
5. Surfacing and Drainage: All loading berths and access-ways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

SUBD. 3. EXCEPTIONS.

- A. There shall be no off-street parking requirements within the "C1" Central Commerce District for permitted uses.
- B. In unique situations where an industrial user is able to provide evidence that the demand for parking is significantly less than the required number of spaces required per Subd. 2, K of this Section, a variance from the number of required parking spaces for industrial districts may be granted provided a site plan is presented which

illustrates the ability to construct additional off-street parking spaces in conformance with this Section of the Ordinance (Proof of Parking) upon notice from the City of the need to provide additional parking. The variance process outlined in Section 22, Subdivision 12 shall be followed.

**SECTION 22. ADMINISTRATION.**

**SUBD. 1. PURPOSE.**

The purpose of this section is to outline administration of this Ordinance and establish procedures for non-conformances, exceptions, variances, conditional use permits and duties of administrating officers and commission.

**SUBD. 2. APPLICATION.**

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.

**SUBD. 3. EXISTING LOTS.**

A lot or parcel of land for which a deed, recorded contract for deed or other legal conveyance has been executed prior to the effective date of this Ordinance shall be deemed a buildable lot provided it can meet the minimum setback requirements in the zoning district where it is located.

**SUBD 4. NON-CONFORMANCE.**

- A. Non-Conforming Uses and Structures: Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following conditions:
  - 1. No such use shall be expanded, reconstructed or enlarged except in conformity with the provisions of this Ordinance or provided a conditional use permit is granted in accordance with Subdivision 10 of this Section.
  - 2. If a non-conforming use is discontinued for a period of twelve (12) months, further use of the structures or property shall conform to this Ordinance.

3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent (50%) of its fair market value, based on the Boech Replacement Cost System (Insurance industry standard), a future structure on the site shall conform to this Ordinance.
4. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building. A dwelling may not, however, be demolished and a new dwelling constructed unless the new dwelling is in full compliance with this Ordinance.
5. Non-conforming single family dwelling units and developed substandard single family lots may be expanded to improve livability as a conditional use provided that the non-conformity is not increased.
6. Nothing in this Ordinance shall prevent the placing of a structure in safe condition providing the necessary repairs shall not constitute more than fifty percent (50%) of fair market value of such structure as based on the Boech Replacement Cost System (Insurance industry standard).
7. No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the non-conformance substantially closer to compliance with the requirements of this Ordinance.
8. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
9. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.
10. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

- B. Non-Conforming Lots of Record.
1. A single-family dwelling and customary accessory building, notwithstanding limitations imposed by other provisions of this Ordinance, may be erected in any district in which single-family dwellings are permitted on any single lot of record at the effective date of adoption of or amendment to this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. The provisions shall apply even though such lot fails to meet the zoning requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
  2. If, in a group of two (2) or more lots under the same ownership, any individual lot does not meet the area and width requirements of this Ordinance, the lot must not be considered as a separate parcel or land for the purpose of sale or development. The lot must be combined with the one (1) or more contiguous lots so they equal one (1) or more parcels of land, each meeting the area and width requirements of this Ordinance.
  3. Variances of area, width and yard requirements shall be obtained only in accordance with Section 22, Subdivision 12 of this Ordinance.
- C. Non-Conforming Signs. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use. Business signs on the premises of a non-conforming building or use may be continued, however, such signs shall not be increased in number, area, height or illumination. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location on the affected property without being brought into compliance with the requirements of this Ordinance.

SUBD. 5. ENFORCEMENT OFFICER.

The City Council shall appoint a Zoning Administrator. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

- Issue zoning and other permits and make and maintain records thereof.
- Conduct inspections of plans as they relate to the Zoning and Subdivision Ordinances and use of land to determine compliance with the terms of this Ordinance.

- Maintain permanent and current records of this Ordinance, including, but not limited to: all maps, amendments and special uses, variances, appeals and applications therefore.
- Ensure that the appropriate documents are filed with the County Recorder or other appropriate official as required by law.
- Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
- Institute, in the name of the City, any appropriate actions or proceedings against a violator as provided for.
- Serve as an ex-officio non-voting member of the Planning Commission and secretary to the Planning Commission and Board of Adjustments.

SUBD. 6. BOARD OF ADJUSTMENT.

The City Council of the City of Zumbrota shall, through the passing of an Ordinance, provide for the establishment of a Board of Adjustment. The Board of Adjustment shall be the Planning Commission. The members of the Board of Adjustment may be paid their necessary expenses in attending the meetings of the Board and in the conduct of the business of the Board. The Board of Adjustments shall elect a chairperson and vice-chairperson from among its members and the Zoning Administrator shall serve as secretary.

It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings, which shall include the minutes of its meeting, its findings and the action taken on each matter heard by it, including the final order. The meeting of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify.

A majority vote of two-thirds of the full Board of Adjustment shall be required to reverse any decision of an administrative officer in the interpretation of this Ordinance. An appeal from the ruling of an administrative officer of the City made by the property owner or his/her agent within thirty (30) days after the making of the order appealed from shall be considered by the Board of Adjustment. The procedure for making such an appeal shall be as follows: The property owner or his agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. The Board of Adjustments shall make its decision by resolution within sixty (60) days and a copy of the resolution shall be mailed to the applicant by the Zoning Administrator. All decisions by the Board of Adjustment shall be final.

SUBD. 7. PLANNING COMMISSION.

The City Council shall through the passing of an Ordinance provide for the establishment of a Planning Commission. The Planning Commission shall consist of seven (7) members. Of the seven (7) Planning Commission members, one (1) shall be from the five (5) member City Council and six (6) shall be appointed by the mayor. The member of the City Council shall serve on the Planning Commission for their respective elected term of office on the council. Every attempt shall be made to obtain a cross section of the City in appointing members to the Commission.

The Planning Commission shall provide assistance to the City Council and Zoning Administrator in administration of this Ordinance, and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings and make recommendations to the City Council on all applications for zoning amendments and conditional use permits.

The Officers of the Planning Commission shall be elected by the members of the Planning Commission at a regular meeting thereof in January of each year. The officers shall consist of a Chairperson, a Vice-Chairperson, and the Zoning Administrator shall serve as the Secretary. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage of such officers as well as any other duties specified within this Ordinance. The Vice-Chairperson shall act for the Chairperson in his/her absence. The Secretary shall be given the duties as may be assigned by the Planning Commission. Vacancies in office of the officers of the Planning Commission shall be filled immediately by the same procedure.

A quorum for any meeting or hearing of the Planning Commission shall be a majority of the voting members of the Commission.

The Planning Commission may set such rules and procedures as are necessary for the orderly conduct of its business. Rules and procedures not otherwise adopted or not covered by applicable law shall be governed by Roberts Rules of Order, Revised, as may be necessary for the proper conduct of the business of the Planning Commission.

The members of the Planning Commission may receive such compensation for per diem and expenses as may be allowed by the City Council.

SUBD. 8. CITY COUNCIL.

The City Council shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm, or corporation aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

The City Council may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The council shall make written findings of fact and keep appropriate minutes of its meetings. The reasons for the Council's decisions shall be stated. The decision of such Council shall be final. However, any person having an interest affected by such decision shall have the right to appeal to district court in the county in which the land is located on questions of law and fact.

SUBD. 9. ZONING AMENDMENTS.

A. Criteria for Granting Amendments.

The City Council may adopt amendments to the zoning ordinance and the zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the City.

B. Procedure:

1. An amendment to the text of the Ordinance or zoning may be initiated by the City Council, the Planning Commission or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Council until it has received the Planning Commission's recommendations. Individuals wishing to initiate an amendment to the zoning ordinance shall complete a zoning amendment application form and submit it to the Zoning Administrator.
2. A public hearing on the rezoning application shall be held by the Planning Commission within thirty (30) days after the request for

the zoning amendment has been received. Legal notice concerning official action pursuant to this Section shall be as follows:

- a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
  - b. In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
3. The City Council must take action on the application within sixty (60) days following receipt of a complete application. The person making the application shall be notified of the action taken. The amendment shall be effective only with a majority vote of the Council concurring with its passage. When a zoning district is being changed from residential to commercial or industrial, then an affirmative vote of two-thirds (2/3) of all members of the council is required. The City Council shall maintain records of amendments to the text and zoning map of the Ordinance. Amendments shall be filed with the County Recorder.
  4. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
  5. Fees. To defray administrative costs of processing requests for an amendment to this Ordinance, the applicable fee shall be paid by the petitioner. The applicable fee for a Zoning Ordinance Amendment shall be established by the City Council.

SUBD. 10.    CONDITIONAL USE PERMITS.

A.   Criteria for granting conditional use permits.

In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the City Council may make the following findings where applicable:

1.   That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2.   That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3.   That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4.   That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5.   That adequate measures have been or will be taken to provide or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6.   The developer shall submit a time schedule for completion of the project.
7.   The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
8.   The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
9.   The use is not in conflict with the Comprehensive Plan of the City.
10.  The use will not cause traffic hazard or congestion.

11. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

12. Provide proof of ownership to Zoning Administrator.

B. Additional Conditions:

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. The conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of the buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

C. Procedures.

1. The person applying for a Conditional Use Permit shall fill out and submit to the Zoning Administrator a Conditional Use application form.
2. Information Requirement: The information required for all conditional use permits generally consists of the following items, and shall be submitted when requested by the City.
  - a. Site Development Plan.
    - 1) Location of all buildings on lots including both existing and proposed structures.
    - 2) Names of adjacent property owners, for properties located within three hundred fifty (350) feet of the exterior boundaries of the property in question, from the County Recorder's Office.
    - 3) Location and number of existing and proposed parking spaces.
    - 4) Vehicular circulation.
    - 5) Architectural elevations (type and materials used in all external surfaces.
    - 6) Location and type of all proposed lights.

- 7) Curb cuts, driveways, number of parking spaces.
- b. Dimension Plan.
    - 1) Lot dimensions and area.
    - 2) Dimensions of proposed and existing structures.
    - 3) “Typical” floor plan and “Typical” room plan.
    - 4) Setbacks of all buildings located on property in question.
    - 5) Proposed setbacks.
    - 6) Sanitary sewer and water plan with estimated use per day.
  - c. Grading Plan.
    - 1) Existing contour.
    - 2) Proposed grading elevations.
    - 3) Drainage configuration.
    - 4) Storm sewer catch basins and invert elevations.
    - 5) Spot elevations.
    - 6) Proposed road profile.
  - d. Landscape Plan.
    - 1) Location of all existing trees, type, diameter and which trees will be removed.
    - 2) Location, type and diameter of all proposed plantings.
    - 3) Location and material used for all screening devices.
  - e. Legal description of property under consideration.
  - f. Proof of Ownership of the land for which a conditional use permit is requested.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
  4. The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Section shall be as follows:
    - a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
    - b. In addition persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
  5. The petitioner or his representative may appear before the Planning Commission in order to answer questions concerning the proposed conditional use.

6. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission, but not later than sixty (60) days after the applicant has submitted the application.
  7. The City Council must take action on the application within sixty days after receipt of a complete application. The City Council, at its discretion, may hold an additional public hearing on the Conditional Use Permit, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.
- D. Re-Application. No application for a Conditional Use Permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
  - E. Periodic Review. After the initial probationary period of one (1) year, the permit may be reissued for an additional one year term. If a time limit or periodic review is included as a condition by which a Conditional Use Permit is granted, the Conditional use Permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearings, and the owner of land having a Conditional Use Permit shall not be required to pay a fee for said review. A public hearing for annual review of Conditional Use Permit may be granted at the discretion of the City Council.
  - F. Compliance. In the event that the applicant violates any of the conditions set forth in this Permit, the City Council shall have the authority to revoke the Conditional Use Permit.
  - G. Expiration. Conditional Use Permits shall expire if they have not been initiated within one (1) year of date of issuance.
  - H. Records. A record and appropriate minutes shall be prepared by the Planning Commission from the public hearing on the Conditional Use Permit application. Specific findings of fact shall be made in addition to the recommendations of the Planning Commission.
  - I. Fees. To defray administrative costs for processing a Conditional Use Permit, the applicable fee shall be paid by the applicant. The applicable fee shall be set by the City Council.

SUBD. 11. INTERIM USE PERMITS.

- A. Purpose: The purpose and intent of allowing interim uses is:
  - 1. To allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district.
  - 2. To allow a use that is presently acceptable but that, with anticipated development, may not be acceptable in the future.
- B. Application, Public Hearing, Notice and Procedure: The application, public notice and procedure requirements for interim use permits shall be the same as those for Conditional Use Permits as provided in Chapter 22, Subdivision 10 of this Ordinance.
- C. Standards: The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permits only if it finds that such use at the proposed location:
  - 1. Meets the standards of a conditional use permit set forth in Chapter 22, Subd. 10, A 12 of this Ordinance, entitled “Proof of Ownership”.
  - 2. Conforms to the zoning regulations, performance standards and other requirements of this Ordinance.
  - 3. Is allowed as an interim use in the applicable zoning district.
  - 4. Will terminate upon a tangible date or event specified in the resolution approving said interim use permit.
  - 5. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
  - 6. Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
- D. Termination: An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
  - 1. The date specified in the permit;

2. A violation of the conditions under which the permit was issued; or
3. A change in the City's zoning regulations which render the use nonconforming.

SUBD. 12. VARIANCES.

A. Criteria for granting variances.

A variance to the provision of the Zoning Ordinance may be issued to provide relief to the landowner in those instances where the Ordinance imposes practical difficulties to the property owner in the use of the owners land.

The City Council shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan.

Variances may be granted when the applicant establishes:

1. There are practical difficulties in complying with the official control. "Practical difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; and
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, and,
4. The variance requested is the minimum variance which would alleviate the practical difficulty; and
5. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.

Except as otherwise specifically provided in this Subdivision, no use variances may be issued.

NOTE: Economic considerations alone do not constitute practical difficulties.

Practical difficulties include, but are not limited too, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes

Section 216C.06, Subdivision 14, when in harmony with the official controls.

No variance may be granted that would permit any use that is not allowed in the zoning district in which the subject property is located. However, the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

B. Procedure:

1. The person applying for a variance shall fill out and submit to the Zoning Administrator a variance request form containing the following information:
  - a. Description of the site (legal and address).
  - b. Site plan, drawn to scale, showing parcel and all building dimensions.
  - c. Location of all buildings and their square footage measurements.
  - d. Curb cuts, driveways, sidewalks, parking spaces and off-street loading areas.
  - e. Landscape and screening plans.
  - f. Water, sanitary sewer and storm water plans.
  - g. Any additional information reasonably requested by the Planning Commission.
2. The Zoning Administrator shall refer the application to the Planning Commission for review.
3. The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Section shall be as follows:
  - a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
  - b. In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
4. The petitioner or the petitioner's representative shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed variance.
5. The Planning Commission shall make findings of fact and recommend the City Council approve or deny the request. The

Planning Commission must take action on the application within thirty (30) days after the first regular meeting at which the variance request was considered by the Commission.

The Planning Commission may extend the time limit before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant, consistent with Minnesota Statutes Section 15.99.

The Planning Commission's recommendation shall then be presented to the City Council. The Planning Commission may recommend conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance

6. Upon receiving a recommendation from the Planning Commission the City Administrator or Zoning Administrator shall place the recommendation on the agenda for the next regular City Council meeting. Such recommendations shall be made a part of the permanent written record of the City Council meeting.
7. The City Council shall not grant a variance until they have received a recommendation from the Planning Commission. The City Council may extend the time limit before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant, consistent with Minnesota Statutes Section 15.99. The extension shall not extend beyond an additional sixty (60) day period.
8. The City Council shall review the application and may at its option conduct a public hearing on the request.
9. The City Council shall make finding of fact and approve or deny a request for variance within sixty (60) days after receipt of the complete application.

The City Council may extend the time limit before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant, consistent with Minnesota Statutes Section 15.99.

10. A variance of this Ordinance shall be simple majority vote of the City Council.

11. If it grants the variance, the City Council may impose conditions it considers necessary to protect the public health, safety and welfare. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance

C. Lapse of Variance. Variance permits shall expire if the project has not commenced within one (1) year after the date of issuance.

D. Fees. To defray the administrative costs of processing requests for variances, the applicable fee shall be paid by the applicant. The applicable fee is in addition to the regular zoning permit. Fees shall be established by the City Council in the annual fee schedule.

SUBD. 13. ZONING AND BUILDING PERMITS.

For the purposes of enforcing this Ordinance, a zoning permit shall be required of all persons intending to erect, expand or move any building. No building permit shall be approved unless said site plan conforms to the conditions listed within this ordinance and the use is consistent with the district.

- A. Persons requesting a zoning permit shall fill out a zoning permit form available from the Zoning Administrator or City Administrator. A site plan must be submitted by the applicant. Such site plan shall show
1. the proposed location and arrangement of the building or buildings on the site,
  2. the parking spaces required,
  3. proposed landscaping,
  4. all special requirements such as fencing, drainage, proposed lighting, methods of ingress and egress, trash enclosures and whatever other information that the Zoning Administrator or Planning Commission may from time to time require.
  5. a site plan to scale of the property in question and 300 feet beyond showing present and proposed uses relation to building(s) on property and/or adjoining property may be required at the option of the Zoning Administrator, dimensioned property lines and
  6. labeled streets.

- B. The City Council shall set the fees from time to time for all zoning and building permits, sewer permits, variance applications, conditional use applications, pumping permits, installer's permits, zoning change applications, mobile home park applications and subdivision plats.
- C. If the proposed development involves a zoning amendment, variance or conditional use permit, the application, together with a zoning permit, shall be submitted either to the Planning Commission or the Board of Adjustment for review and appropriate action according to the procedures set forth in this Ordinance.
- D. Lot Survey Requirements. In such cases where fences are being erected along property lines or a building permit is requested for structures which are being enlarged within questionable distances of the applicable setbacks in districts, the Planning Commission may require the applicant (at the applicant's expense) to have the lot surveyed and staked in order to insure compliance with the regulations established by the City.
- E. Zoning and Building Permits shall expire one (1) year after the date of issuance. All exterior construction and landscaping must be completed within one (1) year after the date of issuance except permanent surfacing of private driveways must be completed within two (2) years from the date of the initial permit issuance. Permit extensions may be granted at the discretion of the Planning Commission.
- F. Applications for building projects other than one and two family dwellings and other projects costing less than \$10,000 shall be accompanied by the following exhibits unless waived by the Planning Commission:
  - 1. Abstractor's Property Certificate. Certificate showing property owners' names and addresses within 100 feet of the outer boundaries of the property in question.
  - 2. Boundary survey. If deemed necessary, a Certified surveyor by a registered land survey or of an area including the property in question and 300 feet beyond the outer boundaries of the property in question showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage, and topography and waterways if pertinent. Soil tests to be included if pertinent.
  - 3. Preliminary Building and Site Plans. Complete preliminary architectural drawings designed and certified by a registered architect as follows:
    - a. Site development Plan showing building(s) location dimensional parking and loading arrangement, vehicular and

pedestrian access and egress surface draining plan, landscaping, utility plan, screening, size and location of all signs and other site improvements. Building Floor Plan(s) of all floors.

- b. Elevation/s of all sides of building(s).
- c. Sections, details and outline material specifications as appropriate.
- d. Upon approval by the Planning Commission of the preliminary plans called for in 2.c. above the following shall be provided.
- e. Final Building and Site Plans: Final architectural construction drawings and specifications including site plan and specifications designed and certified by a registered architect. These shall comply with the approved preliminary plans. Structural plans and specifications designed and certified via registered structural engineer, mechanical and electrical plans and specifications designed and certified by registered mechanical and electrical engineers, respectively and general layout of plumbing and heating.

**SECTION 23. ENFORCEMENT.**

**SUBD. 1. VIOLATIONS AND PENALTIES.**

**A. Violations.**

1. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine or imprisonment for a term not to exceed ninety (90) days or both.
  
2. In cases where a building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator, in addition to other remedies may institute any proper action or proceedings in the name of the City. The Zoning Administrator shall hereby have the power of a police officer to prevent unlawful erection, construction, repair, conversion, maintenance or use to restrain, correct or abate such violation to prevent any illegal act, conduct, business or use in or about said premises. It shall be the duty of the City Attorney's Office to institute action.

**B. Penalties.**

1. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitute a separate offense.
  
2. Application to City Personnel: The failure of any officer or employee of the City to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
  
3. Equitable Release: In the event of a violation or the threatened violation of any provision of this Ordinance or any provision or condition of a permit issued pursuant to this Ordinance, the City in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

**SECTION 24. SEPARABILITY, SUPREMACY, REPEAL AND EFFECTIVE DATE**

**SUBD. 1. SEPARABILITY.**

Every Section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance, is declared separable from every other Section, provision or part thereof to the extent that if any Section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

**SUBD. 2. SUPREMACY.**

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other City ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions, covenants, relating to the use of land or imposed on lands within the city by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction or covenant or the provision of any private agreement, the provisions of this Ordinance shall prevail.

**SUBD. 3. REPEAL.**

All Ordinances previously in effect pertaining to the regulation of land uses within the City and/or applicable scope and jurisdiction of this Ordinance, to the extent inconsistent with these provisions, are hereby repealed.

**SUBD. 4. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after March 15, 2001 or the date of its passage and publication according to law.

Ordained by the City Council of the City of Zumbrota this 15<sup>th</sup> day of March, 2001.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Administrator

SECTION 25: SUBDIVISION ORDINANCE

CITY OF ZUMBROTA  
ORDINANCE 2001-03

AN ORDINANCE REPEALING ALL ORDINANCES PREVIOUSLY IN EFFECT PERTAINING TO THE SUBDIVISION OR PLATTING OF LAND WITHIN THE CITY, AND REPLACING IT WITH RULES AND REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LANDS, DEFINING CERTAIN TERMS, PROVIDING FOR THE PREPARATION OF PLATS AND THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS, ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF PLATS, PROVIDING FOR AMENDMENTS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATIONS.

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ZUMBROTA:

## **SECTION 25. SUBDIVISION ORDINANCE.**

### **SUBD. 1. OFFICIAL SUBDIVISION ORDINANCE.**

The official Subdivision Ordinance regulates and governs the sub-division or platting of land in the City of Zumbrota, Goodhue County, Minnesota.

### **SUBD. 2. REGULATIONS.**

The City of Zumbrota has adopted a comprehensive plan for the future physical development and improvement of the City pursuant to Minnesota Statutes, MSA 362.555, and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 28; and 462.358.

### **SUBD. 3. SHORT TITLE.**

This ordinance shall be known as the “Subdivision Ordinance of the City of Zumbrota” and is referred to herein as “Subdivision Ordinance.”

### **SUBD. 4 PURPOSE.**

This ordinance is adopted in order to safeguard the best interests of the City and to assist the subdivider in harmonizing the subdivider’s interests with those of the City at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring on an undesirable, disconnected patchwork or pattern and poor circulation of traffic unless its design and arrangement is correlated to a comprehensive plan of the City aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the City and the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this ordinance. It is the purpose of this ordinance to make certain regulations and requirements for the platting of land within the City to provide for health, safety, and the general welfare and to:

1. provide for and guide the orderly, economic and safe development of land and urban services and facilities;
2. encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction;
3. facilitate adequate provision for streets, transportation, City water, City sewer,

storm drainage, schools, parks, playgrounds, and other public services and facilities;

4. assure that a reasonable portion of any proposed subdivision is dedicated to the public or preserved for public use as streets; roads; sewers; electric, gas and water facilities; storm water drainage and holding areas or ponds; and similar utilities and improvements;
5. assure that public improvements are constructed to adequate standards;
6. place the cost of improvements against those benefiting from their construction;
7. secure the rights of the public with respect to public land and waters;
8. assure that new subdivisions are consistent with the Comprehensive Plan and overall development objectives of the City;
9. achieve a more secure tax base;
10. set the minimum requirements necessary to protect the public health, safety, and general welfare.

#### SUBD. 5. APPLICABILITY.

Every division of land for the purpose of lease or sale into two or more lots, parcels or tracts within the incorporated area of the City of Zumbrota or any combination of 2 or more lots which would result in a parcel over 30,000 square feet shall proceed in compliance with this ordinance. It is the purpose of this Title to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes chapters 412, 429, 471, 505 and 58, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.

#### SUBD. 6 EXCEPTIONS.

The provisions of this ordinance shall not apply to:

1. a cemetery or burial plot while used for that purpose;
2. any division of land made by testamentary provision, the laws of descent, or upon court order;
3. a parcel which was the subject of a written agreement to convey, entered into prior to the effective date of this Ordinance.

4. land which the Planning Commission or the Council finds to be unsuitable for land

City of Zumbrota – Zoning & Subdivision Ordinance

subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots;

5. in the case of re-subdivision, this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds, or Registrar of Titles prior to the effective date of this Chapter, unless the area is being re-platted. Nor is it intended by this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by or in conflict with this Chapter, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, contract or deed, the provisions of this Chapter shall control.
6. Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots and the newly created property line will not cause the land or any structure to be in violation of this Ordinance or the Zoning Ordinance, provided Section 6, Minor Subdivision, Waiver of Subdivision Platting Requirements are followed.
7. In the case of a request to divide a base lot upon which a two-family dwelling, townhouse or quadraminium which is part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit with such a structure and the newly created property lines will not cause any of the unit lots or the structures to be in violation of the Ordinance or the Zoning Ordinance.

#### SUBD. 7. JURISDICTION

These regulations governing plats and the subdivision of land shall apply to the area within the corporate limits of the City of Zumbrota.

#### SUBD. 8 COMPLIANCE.

After the adoption of this Ordinance, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision and no building shall be erected in a subdivision unless a subdivision plat has been prepared, approved and acknowledged in the manner prescribed by this Ordinance; and recorded in the appropriate County Register of Deeds Office; and until the improvements required by the City Council relative to subdivision have been constructed or arranged for, as provided herein.

Any owner or agent of the owner of land who conveys a lot or parcel in violation of the foregoing provisions shall forfeit and pay to the City a penalty of not less than One Hundred Dollars (\$100) for each lot or parcel so conveyed. (Pursuant to State Law MSA 462.358 (Sub. 4).

**SUBD. 9 REQUIRED APPROVALS OF SUBDIVISION PLATS.**

Before any plat shall have validity, it shall have been reviewed by the City of Zumbrota Planning Commission, approved by the City Council and recorded in the Goodhue County Recorder's Office.

**SUBD. 10 CONFLICT.**

It is not intended by this Ordinance to annul or interfere with any official regulations or ordinances of the City provided, however, that when there is a difference between minimum standards or dimensions herein and those continued in other official regulations or ordinances of the City, the highest standards shall apply.

**SUBD. 11 SEPARABILITY.**

If any section, subsection, sentence, clause or phase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the remaining portions thereof.

## SECTION 2: DEFINITIONS.

- A. **ACCESS WAY:** A public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.
- B. **ALLEY:** A public right-of-way, other than a street, which is typically 16 feet in width and affords a secondary means of access to abutting property.
- C. **APPLICANT:** The owner of land proposed to be subdivided or the owner's representation. Consent shall be required from the legal owner of the premises.
- D. **ARTERIAL STREET:** A street which provides for the movement of heavy traffic on relatively long trips. It has a secondary function of providing access to abutting land.
- D. **BLOCK:** An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision or by a combination of the above with a river, lake or park.
- E. **BOULEVARD:** A portion of the street right-of-way between the curb line and the property line.
- F. **BUILDING:** Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.
- G. **BUILDING SETBACK LINE:** A line within a lot or other parcel of land so designated on the plat of the proposed subdivision between which and the adjacent boundary of the street upon which the lot abuts the erection of an enclosed structure or fence or portion thereof is prohibited.
- H. **CERTIFICATE OF SURVEY:** A document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and locations of a parcel or parcels of land.
- I. **CITY:** The City of Zumbrota.
- J. **CLUSTER DEVELOPMENT:** A subdivision development planned and constructed so as to group housing units into a relatively tight pattern while providing a unified network of open space and esthetically pleasing areas and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

- K. **COMMON INTEREST COMMUNITY:** A contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. All Common Interest Communities must follow the provisions set forth in Minnesota Statute 515B, as amended.
  
- L. **COLLECTOR STREET:** A street which collects and distributes traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting lands.
  
- M. **CONVEYANCE:** The sale, trading, donation, or offer of sale or other transfer of land.
  
- N. **COMPREHENSIVE PLAN:** A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City and its vicinity. Said plan includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
  
- O. **CONCEPT PLAN:** A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, use, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by this ordinance for review by the City.
  
- P. **CROSSWALK OR PEDESTRIAN WAY:** A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.
  
- Q. **CUL-DE-SAC:** A short street having but one (1) end open to traffic and the other end being permanently terminated to a vehicular turn around.
  
- R. **DESIGN STANDARDS:** The specifications to landowners or subdividers for the preparation of preliminary plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as right-of-way and blocks as set forth in Section 6.
  
- S. **DRAINAGE COURSE:** A water course or surface area for the drainage or conveyance of surface water, including channel, creek, ditch, drain, river, and stream.

- T. EASEMENT: A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, roadways, walkways, bicycle trails, utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, gas lines, pipelines, and cable television lines.
- U. ENGINEER: The person or persons, individual or corporate, designated from time to time by the City Council as the City Engineer.
- V. FINAL PLAT: The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved and properly executed, will be submitted to Goodhue County for recording in public records.
- W. GRADE: The slope of a road, street, or other public way, specified in percentage terms. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the center line of the street.
- X. HALF-STREET: A street having only one-half of its intended roadway width developed to accommodate traffic.
- Y. HIGHWAY: A right-of-way with a minimum of four divided lanes, two in each direction, that allows limited street crossings and no new access to abutting property.
- Z. LOCAL STREET: A street of little or no continuity designed to provide access to abutting properties and leading into collector streets,
- AA. LOT: Previously platted land, excluding outlots, occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.
- BB. LOT, CORNER: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
- CC. LOT, DEPTH: the mean horizontal distance between the street right-of-way line and the opposite rear line of a lot measured in the general direction of the side lot lines.

- DD. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two streets.
- EE. LOT OF RECORD: A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) principal use, together with any accessory buildings or such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Council.
- FF. LOT, WIDTH: The mean horizontal distance between the street right-of-way line and the opposite rear line of a lot measured in the general direction of the side lot lines.
- GG. METES AND BOUNDS DESCRIPTION: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by describing lines or portions thereof.
- HH. MINOR SUBDIVISION: The division of a single parcel, lot, or tract, into two separate parcels, lots, or tracts.
- II. NATURAL WATERWAY: A natural passageway on the surface of the earth so situated and having such a topographical nature that surface or percolating water flows through it from other areas before reaching a final ponding area.
- JJ. OUTLOT: A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended within this plat and for which no building permit shall be issued.
- KK. OWNER: Any individual, firm, association, syndicate, co-partnership, corporations, trust, limited liability corporation, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or commercially used to commence and maintain proceedings under this Chapter.
- LL. PARCEL: A contiguous tract of land, which may consists of un-platted land or one or more platted lots.
- MM. PARKS, PLAYGROUNDS AND PUBLIC OPEN SPACE: Public lands and local open spaces in the City dedicated and owned by the City to be reserved for recreation or conservation purposes.

- NN. PEDESTRIAN WAY: A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others which may be used for the installation of utility lines. Pedestrian ways include sidewalks and trails for bicycle and pedestrian traffic.
- OO. PERCENTAGE OF GRADE ON STREET CENTERLINE: The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.
- PP. PERSON: Any individual, firm association, syndicate or partnership, corporation, trust, or any other legal entity.
- QQ. PLANNING COMMISSION: The Planning Commission of the City of Zumbrota.
- RR. PLANNED UNIT DEVELOPMENT: A tract of land planned and developed as a unit rather than an aggregate of houses or commercial or industrial uses on individual lots.
- SS. PLAT: A map or drawing indicating the subdivision or re-subdivision of land intended to be filed for record.
- TT. PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of the subdivisions to be submitted to the Planning Commission and Council for their consideration, including required data.
- UU. PROTECTIVE COVENANTS: Contracts made between private parties as to the manner in which land may be used, with a view to protecting and preserving the physical, social and economic integrity of any given area.
- VV. PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- WW. RIGHT-OF-WAY: Property dedicated to public use and is intended to be occupied or which is occupied by a street, alley, trail, utility lines, oil or gas pipeline, railroad lines, storm sewer, or other similar use.
- XX. SETBACK: The distance between a building and the relevant property line

nearest thereto.

- YY. STREET: A public or private right-of-way which affords primary access by pedestrians and vehicles to abutting properties or carries traffic from one part of the City to another, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.
- ZZ. STREET, ARTERIAL: Those streets primarily intended to carry larger volumes of traffic from one part of the City to another and are intended to provide for collection and distribution of traffic between highways and collector streets; hence direct access to property is not intended and regulation is critical.
- AAA. STREET, COLLECTOR: A street that carries traffic from local streets to arterial streets and highways. Collector streets primarily provide principal access to residential neighborhoods, including, the principal entrance streets of a residential development and principal streets for circulation within such development and to a lesser degree direct land access.
- BBB. STREET, CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- CCC. STREET, LOCAL STREET: Those streets which are used primarily for access to abutting properties and for local traffic movement.
- DDD. STREET, PRIVATE: A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.
- EEE. STREET WIDTH: The shortest distance between the lines of lots delineating the right-of-way of a street.
- FFF. SUBDIVIDE: The creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.
- GGG. SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.
- HHH. SUBDIVISION: A described tract of land which is to be or has been divided into two or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The

combination of two or more parcels, lots, or tracts which would result in the creation of a lot over 30,000 square feet shall also be considered a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

- III. TANGENT: A straight line which is perpendicular to the radius of a curve at a point on the curve.
  
- JJJ. TRACT: A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.
  
- KKK. TWO FAMILY DWELLING: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
  
- LLL. UNIT LOTS: Lots created from the subdivision of a two-family dwelling or quadraminium having different minimum lot size requirements than the conventional base lot within the zoning district.
  
- MMM. UTILITIES: Public or Private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, etc.; telephone; and cable television service.
  
- NNN. VARIANCE: A relaxation of the terms of this Ordinance where such deviation will not be contrary to the spirit and intent of the Comprehensive Plan and this Ordinance, the public interest and where owing to physical conditions unique to the individual property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulties, unnecessary and undue hardship.
  
- OOO. VERTICAL CURVE: The surface curvature on a street centerline located between lines of different percentage of grades.
  
- PPP. ZONING ORDINANCE: The Zoning Ordinance controlling the use of land, as adopted by the City of Zumbrota, including the Official City Zoning Map.

SECTION 3. PROCEDURES FOR FILING.

SUBD. 1 CONCEPT PLAN.

In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Title and the requirements or limitations imposed by other City ordinances or plans, prior to the development of a preliminary plat, all applicants shall present a concept plan to the City prior to filing a preliminary plat.

- A. CONTENTS OF PLANS: Subdividers shall prepare, for review with the Zoning Administrator, subdivision concept plans which shall contain the following information: tract boundaries, north point, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, proposed general lot layout, and any zoning changes.
- B. INFORMAL CONSIDERATION: Such concept plans will be considered as submitted for informal and confidential discussion between the subdivider and the Zoning Administrator. Submission of a concept plan shall not constitute formal filing of a plat with the Zoning Administrator. The Planning Commission and City Council may also review the concept plan and provide advice, with the subdividers written consent. Any advice, comments or recommendations for modifications made by the Zoning Administrator or the Planning Commission are advisory only and shall not constitute approval or a commitment to approve.
- C. MODIFICATIONS: As far as may be practical on the basis of a concept plan, the Zoning Administrator will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance and will discuss possible plan modifications necessary to secure conformance.

SUBD. 2 PRELIMINARY PLAT.

- A. PROCEDURE FOR SUBMITTAL: Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a preliminary plat shall be approved or denied by the City Council within one-hundred and twenty (120) days from the date of its official and complete submission, unless notice of extension is provided by the City or a time waiver is granted by the applicant.

FILING: Ten (10) copies of the preliminary plat shall be filed with the Zoning Administrator at least twenty (20) days prior to the regular Planning Commission meeting, at which time the plat is to be considered, together with the filing fee and a list compiled by a certified abstractor showing all property owners within three hundred and fifty feet (350') of the outer boundary of the proposed subdivision.

**VARIANCES:** Any necessary applications for variances from the provisions of this or other applicable Code provisions shall be filed with the Planning and Zoning Dept. before the preliminary plat will be considered complete and officially filed.

**FILING FEE:** The filing fee shall be as set by the City Council, to be used for the expenses of the City in connection with the approval or disapproval of said plans.

**REZONING:** If the property must be rezoned for the intended use, an application for rezoning, pursuant to the procedure in the Zoning Code, shall be filed with the preliminary plat.

**B. ACTION BY THE ZONING ADMINISTRATOR:**

Prior to the meeting of the Planning Commission at which the preliminary plat is to be considered, the Zoning Administrator and other appropriate Department Directors shall examine the plat for compliance with this and other ordinances of the City, and shall submit a written report to the Commission.

The Zoning Administrator on behalf of the Planning Commission shall set a date for a public hearing. Notice of such hearing shall be posted and published within the City's Official Newspaper as provided by state law at least ten (10) days prior to the date of the hearing. Such notice shall also be mailed, not less than ten (10) days prior to the hearing, to the following in addition to other individuals or groups as deemed necessary or desirable:

- a. All property owners of record according to the county assessment records within three hundred fifty (350) feet of the property. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- b. The City Engineer.
- c. The Commissioner of the Minnesota Department of Transportation and the Goodhue County Engineer, if the proposed plat abuts or includes T. H. 52, State Trunk Highway 58, State Trunk Highway 60 or County State Aid Roads 6, 10 and 68.
- d. The local gas, telephone, cable and power utility companies having jurisdiction.
- e. If the proposed subdivision is wholly or partially located in the Flood Plain District to the Commissioner of Natural Resources.
- f. To the Watershed Conservation District, if applicable.
- g. To the County Surveyor and County Recorder for preliminary approval.

C. ACTION BY THE PLANNING COMMISSION:

1. The Planning Commission shall consider the preliminary plat together with the reports from City Staff and Consultants, compliance with the City Ordinances and public input. The Planning Commission shall formulate a recommendation concerning the preliminary plat within thirty (30) days, and shall promptly transmit it to the City Council together with one copy of the plan and the staff report, or the Council may take action without a recommendation. Notice of the action taken by the Commission will be forwarded to the applicant within ten (10) days.
2. The City Council or the Planning Commission shall conduct a public hearing to accept public input on the proposed preliminary plat at the first regular meeting after the plan has been filed in accordance with the procedure outlined above and after sufficient published and mailed notice has taken place.
3. In considering the preliminary plat, the Planning Commission shall consider the following factors:
  - a. Consistency with the design standards and other requirements of this Ordinance.
  - b. Consistency with the City's Comprehensive Plan or other development plans.
  - c. Consistency with the Zoning Ordinance.
  - d. The physical characteristics of the site, including but not limited to, topography, erosion and flooding potential and soil limitations, and the suitability thereof for the type of development or use contemplated.
  - e. The proposed development will not create a negative fiscal or environmental impact upon the City.
- D. The Planning Commission and/or City staff shall have the authority to request additional information from the applicant concerning the preliminary plat or to retain expert testimony with the consent and at the expense of the applicant concerning said information to be declared necessary to establish compliance with all pertinent sections of this Ordinance.

E. ACTION BY THE CITY COUNCIL:

The recommendation of the Planning Commission on the preliminary plat shall be considered by the City Council, and the City Council shall approve,

disapprove or conditionally approve the plat within sixty days (60) days receipt of the complete plans and application. If the City Council disapproves said plan, the grounds for any such refusal shall be set forth in the proceedings of the City Council and reported to the applicant. The City Council shall also act on the approval or disapproval of any variances requested by the applicant and the election by the Council of the method of financing and constructing the required public improvements. Notice of the action(s) taken by the City Council shall be forwarded to the applicant within ten (10) days.

- F. **TERM OF APPROVAL:** Approval of the preliminary plat shall be effective for period of twelve (12) months, unless an extension is granted by the City Council. The applicant may file a Final Plat limited to such portion of the preliminary plat as he/she proposes to record and develop at the time, provided that such portion conforms to all requirements of this Chapter. If some portion of the Final Plat has not been submitted for approval within one year, a preliminary plat must again be submitted to the Planning Commission and City Council for approval.
- G. **PRELIMINARY APPROVAL:** Approval of the preliminary plat shall not be construed to be approval of the final plat. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewage disposal, grading, gradients and roadways widths by the Public Works Department, City Engineer and other public officials having jurisdiction prior to the approval of the final plat by the City.
- H. **DRAINAGE:** No plat will be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage to the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage and limit 100 year run off to pre-developed conditions, the preliminary plat of the subdivision may be approved. Plats along the river should show the floodway, 100 year and 500 year floodplain lines on the preliminary plat.

SUBD. 3 DATA REQUIRED FOR PRELIMINARY PLAT:

Any owner or his agent, trustee, or attorney-in-fact (hereinafter called the subdivider") desiring to subdivide a piece of land in the City shall submit to the Zoning Development Director ten large copies of preliminary drawings or prints and one 8 1/2" x 11" reproducible copy, application fee as identified in the City Fee Schedule and written documents containing the following information:

A. IDENTIFICATION AND DESCRIPTION:

1. The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the county, unless the proposed subdivision is an addition to an existing subdivision.
2. The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision.
3. The names, addresses and telephone numbers of all persons, firms and corporations holding interests in said land.
4. An indication as to which lands are registered property or abstract property.
5. The name, address, telephone number and professional license number and seal of the registered land surveyor who made, or under whose supervision was made, the survey of the proposed subdivision.
6. The date of said survey and revision dates for all subsequent submissions.
7. A graphic scale or plat, not less than one inch equal to two hundred feet (1"=200').
8. Existing and proposed covenants, liens or encumbrances.
9. Elevation benchmarks used for the topographic survey and datum on which they are based.
10. Reference to the coordinate system use for the survey.

B. EXISTING CONDITIONS:

1. A vicinity map at a scale acceptable to the Planning Commission showing the relationship of the proposed subdivision to adjacent properties, roads, right-of-ways, and other property and subdivision within two hundred feet (200) of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.
2. All existing survey monuments that have been found.
3. The location, names and widths of all existing streets, roads and easements within the proposed subdivision and adjacent thereto.
4. The approximate boundaries of all areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses.

5. The approximate location of tree cover and general identification thereof.
6. The location and, where ascertainable, sizes of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided.
7. The location of soil test holes, together with data regarding soil bearing qualities, etc., attesting to the suitability of soils for the specific uses proposed in the subdivision.
8. North arrow and scale.
9. Contours existing and proposed, at two-foot intervals for a zero to 5% slope: five-foot intervals for slopes exceeding 5% up to 30%: 10-foot intervals for slopes in excess of 30%; and spot elevations to determine the general slope of the land, and high and low points thereof. Said contours and elevations shall be based upon datum acceptable to the City Engineer.
10. Areas in the plat which have been designated as wetlands and/or floodplains by the Department of Natural Resources.

C. PROPOSED CONDITIONS:

1. The boundaries of all blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block.
2. The total number of proposed lots, their minimum, maximum and average size.
3. The layout of proposed streets showing rights-of-way widths, centerline grades of streets and proposed street names.
4. The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map, as appropriate.
5. Provisions for surface water disposal, ponding, drainage, and flood control.
6. Where the subdivider owns property adjacent to that which is being proposed for subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.
7. Minimum front, side and rear setback lines on each lot. When lots are on a curve, the width of the lot at the building setback line shall be shown.
8. The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
9. Proposed right-of-way widths of alleys, if any, pedestrian ways, trails

drainage easements and utility easements.

10. Preliminary Utility Plan including the proposed sizes and locations of water, sanitary sewer, and storm water.
11. Preliminary Grading and Drainage Plan including proposed temporary and permanent erosion control measures and proposed pad elevations on each lot.

D. SUPPLEMENTAL INFORMATION: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or the City Council.

1. If zoning changes are contemplated, the proposed zoning plan for the area, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
2. Common interest communities such as condominiums, planned communities or cooperatives shall comply with Minn. Stat. 515B.1-103 as may be amended.

SUBD. 4 FINAL PLAT.

A. PROCEDURE FOR SUBMITTAL AND REVIEW: The procedure for approval of the final plat shall be as follows:

1. FILING: The final plat shall be submitted, along with written application for approval of the final plat and fee, as established in the City Fee Schedule, at least ten (10) days prior to a Planning Commission meeting at which consideration is requested. The final plat shall be reviewed separately from the preliminary plat unless the City agrees to review the preliminary and final plats simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise it shall conform to the preliminary plat. If the final plat is not submitted within twelve (12) months, the approval of the preliminary plat shall be considered void unless time has been extended by the City Council.
2. All final plats shall comply with the provisions of Minnesota Statutes and requirements of this ordinance.
3. The applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, or other such evidence as the City Attorney may require showing title or control in the applicant.
4. The applicant shall submit with the final plat, certification to the City that there are no delinquent property taxes, special assessments, interest and City utility fees due upon the parcel of land to which the subdivision application relates.

B. REVIEW OF FINAL PLAT.

1. STAFF REVIEW: The City shall refer copies of the final plat to the Engineer, for review of engineering standards and specifications, and utilities companies. The abstract of title, registered property report or other such evidence shall be submitted to the City Attorney for examination and report. The subdivider shall reimburse the City for the fees of the City Engineer and City Attorney.
2. Review by all other appropriate agencies that have jurisdiction within or adjacent to the final plat. Agencies may include, but not limited to, the Minnesota Pollution Control Agency, Goodhue County Soil and Water Conservation District, Army Corps of Engineers and Mn/DOT.
3. APPROVAL OF THE PLANNING COMMISSION: Approval or disapproval of the final plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the Planning Commission at

which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Commission.

4. **APPROVAL OF THE CITY COUNCIL:** After a review and approval of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission shall be submitted to the Council for approval. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, and parks, or other open space dedicated to public purposes. Pursuant to Minnesota Statute 15.99, as may be amended, an application for a final plat shall be approved or denied by the City Council within sixty (60) days from the date of its official and complete submission unless notice of extension is proved by the City or a time waiver is granted by the applicant. If applicable, procession of the application through required State or Federal agencies shall extend the review and decision-making period an additional sixty (60) days, unless this limitation is waived by the applicant. Failure of the Council to act on the application within sixty (60) days shall be deemed as approval. If disapproved, the ground for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.

No final plat shall be approved that:

- a. Does not conform to the preliminary plat.
  - b. Does not meet the design standards and engineering specifications set forth in this Chapter.
  - c. Does not have the required documents calling for means to finance the public improvements as well as other required data.
5. **RECORDING:** If the final plat is approved by the City Council, the subdivider shall record it with the County Recorder's Office within ninety (90) days after the date of approval; otherwise the approval shall be considered void.

### C. CONTENTS OF FINAL PLAT:

When a final plat is approved, it shall include the following:

1. Name of Plat or Subdivision.
2. Detailed plans and specifications for construction of public utilities including sanitary sewer, municipal and/or community or on-site water supply, drainage and flood control plans- all approved by the City Engineer.
3. Cash escrow or letter of credit, as provided for in Section 5, Subdivision 3 of this Ordinance.
4. Evidence that ground water control is at least five (5) feet below the level of finished grades of plan for solving ground water problems.
5. Any supplemental engineering data required by the City Engineer.
6. Data required under regulation of the M.S.A. 505 - accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths.
7. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the building setback lines shall be shown.
8. All lots and blocks clearly numbered, shown in the center of the block.
9. Location and width of all easements to be dedicated.
10. City, County, or section lines accurately tied to the lines of the subdivision by distances and angles.
11. Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
12. Accurate location of all monuments. A permanent marker shall be deemed to be a steel rod or pipe, extending at least 14 inches below the finished grade. In situations where conditions prohibit the placing of markers in locations prescribed above, offset markers shall be shown on the final plat, together with accurate interior angles, bearing and distances.
13. Certification by a registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all-dimensional and mathematical calculations relating to their location are correct.
14. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, and other public areas.
15. A statement dedicating all easements, streets, alleys, parks and public open spaces and other public areas not previously dedicated.
16. Approval by signature of the chairman and secretary of the Planning Commission, Mayor, City Administrator, City Attorney, and applicable County and State officials.
17. Scale of the plat.

18. Delinquent tax certifications as follows:

No delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_.

Signed: \_\_\_\_\_

County Auditor

19. Certification that current taxes have been paid:

Signed: \_\_\_\_\_

County Treasurer

20 Certification of City approval as follows:

Approved by the City of Zumbrota, Minnesota, this \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

Signed: \_\_\_\_\_

Planning Commission Chair

Attested: \_\_\_\_\_

Planning Commission Secretary

Signed: \_\_\_\_\_

Mayor

Attested: \_\_\_\_\_

City Administrator

21 A section for filing of the Plat and the signature of the Recording Officer:

A written and signed attorney's certificate that proper and clear evidence of title has been presented and examined.

**D. SUPPLEMENTARY DOCUMENTS.**

The following shall also be provided to the City:

1. A mylar copy of the subdivision as approved by the City.
2. A complete set of subdivision development plans containing plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the City requirements. These documents will be prepared by the City for projects following the publicly financed public improvement process.
3. A certified copy of the plat evidencing filing of the plat with the County within ninety (90) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Goodhue County.
4. A complete set of as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City within one hundred and twenty (120) days after the construction is complete and approved by the City.
5. Copies of any protective or restrictive covenants affecting the subdivision or any part thereof.
6. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to the applicant, utility companies, police department, ambulance, fire department, post office and County.
7. A letter of credit of 120% of the engineer's estimate or actual bid if available, for the utility and street improvements and 100% of the

engineer's estimate or actual bid if available, for the site grading and erosion control shall be placed with the City. If the subdivision is financed as a 429 public improvement project, the letter of credit shall also include the first year's assessments. The City may release a portion of the letter of credit as public utility and street improvements are approved by the City Engineer, as grading and erosion control has been certified and signed by the developer's engineer or as the first year's assessments are paid.

8. A disk of the recorded plat in AutoCadd or other approved format for inclusion in the City's base map.

#### SECTION 4. DESIGN STANDARDS.

All plats shall conform to the design standards set forth in this ordinance, except in cases of changes permitted in a planned unit development, by the City Council approval of a waiver of platting requirements, or by specific exceptions designated by this ordinance.

SUBD. 1 MONUMENTS: When finished, all subdivisions must have block corner monuments replaced. Survey error may not be more than 1 in 7500.

- A. Said monuments shall be as approved by the Goodhue County Surveyor's Office for use as judicial monuments and shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to the indicated, each angle point of the boundary perimeter to be so monumented.
- B. Pipes or steel rods shall be placed at each lot corner. All Unites States, Minnesota, and County or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved n precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat.

SUBD. 2 STREET IMPROVEMENTS.

A. STREET LOCATIONS:

- 1. The street layout of every subdivision shall be in conformity with the Comprehensive Plan or circulation element thereof, and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Street networks shall provide ready access for fire and other emergency vehicles, and the Planning Commission may require additional access points if such are found to beneficial or necessary to protect the public safety.
- 2. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion shall be prepared and submitted by the subdivider.
- 3. Reserved strips controlling access to streets are prohibited.
- 4. The arrangement of streets in a subdivision shall either provide for the continuation of existing streets in surrounding areas or conform to a plan for the neighborhood approved or adopted by the City Council to meet a

particular situation where topographical or other conditions make continuance of existing streets impractical.

5. Residential streets or minor streets shall be so arranged as to discourage their use by through traffic. Subdivisions shall be platted to allow for a collector street where deemed desirable by the City. Direct access onto the collector street shall be discouraged.
  6. Where a subdivision abuts on or contains an existing or proposed arterial street: marginal access streets, reverse frontage with screen plantings, non-access reservations along arterial property lines abutting the arterial streets, deep lots or such other treatment as may be necessary for protection of residential properties should be encouraged. Direct frontage and/or access to arterial streets should be avoided.
  7. Street traffic should be designed to flow toward arterial and collector streets. Streets should fit the contours of the land. Street grades, where feasible, shall not be greater than ten (10) percent and not less than 0.5 percent, as defined in Subdivision 2. E. 6.
- B. **STREET ACCESS:** No land situated in the City which as been subdivided or laid out into separate tracts shall be sold for use for dwellings unless such tracts of land shall abut upon a public or private street or public highway. This limitation shall not apply to planned developments approved by the City Council pursuant to the zoning ordinance.

Street access shall not be denied by creation of parcels of land of substandard depth which are held in private ownership.

- C. **CLASSIFICATION OF STREETS:** Classification of streets shall be determined with reference to the Comprehensive Plan and official street maps including highway, arterial, collector and local streets.
1. **CUL-DE-SACS/DEAD END STREETS:** Cul-de-sacs or Dead End Streets designed to have one end permanently closed or in the form of cul-de-sac, (turn-around) shall be provided at the closed end with a turn-around having a minimum right-of-way radius of not less than sixty feet (diameter of 120'). Such streets shall not exceed seven hundred feet (700') in length.
  2. **CURVED STREETS:** The location of all curved streets should be so arranged as to fit the natural topography as closely as possible and to make possible desirable land subdivisions and safe vehicular traffic.
  3. **HALF STREETS:** Half streets shall be prohibited, except where essential to reasonable development of future subdivisions. In cases where the entire right-of-way has been dedicated to the public, but the property of

the owner and subdivider is located on one side of such street, the owner and subdivider shall be required to grade the entire street in accordance with the plans to be approved by the City Engineer, but the owner and subdivider shall only be required to deposit payment for one-half of the engineer's estimated cost for the improvement required. Building permits shall be denied for lots on the side of the street where the property is owned by persons who have not entered into a development agreement with the City for the installation of the improvements required under this ordinance, or Subdivision Boundary Streets: A street lying along the boundary of a subdivision may be dedicated less than the required width if it is practical to require the dedication of the remaining portion when the adjoining property is subdivided. Whenever there exists a dedicated portion of a street in a subdivision adjoining a proposed subdivision, the other portion shall be dedicated on the proposed subdivision to make the street complete. To assure that this occurs, a one foot reserve strip shall be deeded to the City on the subdivision boundary along the street for the purpose of withholding access from the unsubdivided property to said street until such time as the completed street is constructed. The same procedure will be required when a street dead ends without a cul-de-sac at the boundary of any subdivision.

4. LOCAL STREETS: Local Streets shall be designed so their use by through traffic will be discouraged.
5. PRIVATE STREETS: Private Streets may be permitted of narrower width than public streets where connection with a public street is provided and utility and snow storage easements adjacent to the right-of-way are provided of sufficient width to total the width requirements for similar public streets. Public Improvements shall not be approved for any previously existing private street.

#### D. CLASSIFICATION OF ALLEYS

Alleys, which may be permitted within re-platted subdivisions, shall have a minimum width of sixteen (16) feet and shall be improved to the same standards provided for streets generally. Dead-end alleys and alleys with sharp changes in direction are prohibited.

#### E. STREETS

1. CURB RADIUS: The minimum curb radii for thoroughfares, collector streets, local streets and alleys shall be as follows:
  - a. Arterial Streets, Collector and Local Streets - 14.5 feet.  
Where required, curbs and gutters shall be installed as per Minnesota Department of Transportation construction specifications Plate B 6-18.

2. REVERSE CURVES: Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.
3. RESERVE STRIPS: Reserve Strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.
4. STREET ACCESS: Where a subdivision borders upon a railroad or limited access highway right of way, a street may be required approximately parallel to, and at a distance suitable for, the appropriate use of the intervening land as for park purposes in residential districts or for parking, commercial or industrial purposes in appropriate districts. Such distances shall be determined with regard for the requirement of approach grades and possible features grade separations.
5. STREET ALIGNMENT: Connecting street center lines deflecting from each other at any point more than ten degrees shall be connected by a curve of at least one hundred foot radius for collector and local streets, and at least a three hundred foot radius for arterial streets. A tangent at least one hundred feet long shall be introduced between curves on arterial streets.
6. STREET GRADES: Whenever feasible, street grades shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type Or Class	Percent Grade Maximum	Percent Grade Minimum
Arterial	4%	.5%
Collector	5%	.5%
Local	10%	.5%
Marginal Access	10%	
7. All streets shall be graded in accordance with the specifications of the City Engineer. Such grading shall be for the full right-of-way width of the dedicated street
8. STREET INTERSECTIONS: Street intersections shall be as nearly at right angles as is practicable. No street should intersect any other street at less than eighty (80) degrees. Wherever possible, local and collector streets should be designed so as to not intersect with arterial or highways at intersections closer than five hundred (500) feet. In general, provisions shall be made at intervals not exceeding one-half (1/2) mile for through streets (streets running through the subdivision in a fairly direct manner).
9. STREET JOGS: Street jogs with center line offsets of less than one hundred twenty five feet (125') shall be avoided.

10. SURFACING: All streets shall be surfaced for the full roadway or curb to curb width as described in this ordinance. Such surfacing shall consist of a gravel base over a suitable sub-grade and an approved bituminous or concrete surface in accordance with the specifications of the City Engineer. Any ditches required for suitable drainage shall be constructed in the unpaved portion of the street and shall be sodded or seeded. Unsuitable soil lying within one foot of the subgrade shall be removed and replaced with suitable material. The drop from the centerline of the street to the outer edge of the street shall be a minimum of 1/4" per foot of street width.

11. TANGENTS: A tangent at least 100 feet long must be introduced between reverse curves on collector streets and a tangent of at least 50 feet in length must be introduced between reverse curves and vertical curves on all other streets.

F. MINIMUM STREET/ACCESS STANDARDS\*

Class of Street	R/W Width (Feet)*	Curb Width F-F (Feet)*	Grade (%)	Sidewalk Trail Width(Ft)	ROW
Arterial	100	44	.5	6	20/8
Collector	80	40	.5	5	15/8
Local	60	36	.5	5	15/8
Turn-around (Dead end or cul-de-sac)	60' radius	45' radius	.5	5	15/8

\* The Council may require larger or smaller than minimum widths upon recommendation of the Planning and Zoning Commission.

SUBD. 3 PUBLIC UTILITIES.

Where sewer and water systems are installed, the mains shall be of adequate size to accommodate future growth and utilization. Stubs shall be provided to each lot from the utility main to the lot line for future connection. Wherever practical, similar utilities shall be placed in the same general location on streets of the same direction.

A. SANITARY SEWERS: Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the City sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available. Sanitary sewer lines shall be extended to the edges of the development to facilitate future subdivisions.

B. WATER: Where a connection to the City water system is presently available, water distribution facilities including pipe fittings, hydrants, valves, etc., shall

be installed to serve all properties within the subdivision. Water mains shall be a minimum of eight inches (8") in diameter in residential areas and twelve (12") inches in diameter in Commercial/Industrial areas, unless approved by the City Engineer. Where mains larger than eight (8") inches are required to serve future growth, the City may elect to participate in the cost of such water mains. Looping of all water mains shall be required and shall conform to the City's Comprehensive Water Plan, as applicable.

- C. STORM WATER: All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Zumbrota Storm Water Plan, as applicable, and be subject to review and approval of the City Engineer.
- D. ELECTRIC/TELEPHONE/CABLE: All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, cable television lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground. Such lines, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Transformer boxes shall be located so as not to be hazardous to the public. The City Council may waive the requirements of underground services as set forth in this section if, after study and recommendation by the Planning Commission, the City Council establishes that such underground utilities would not be compatible with the planned development or unusual topography, soil or other physical conditions which would make underground installation unreasonable or impractical.

#### SUBD 4. EROSION AND SEDIMENT CONTROL.

Grade and drainage requirements for each plat shall be subject to approval of the City Engineer. The following controls shall be practiced to manage erosion and sediment control:

- A. Where topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. Topsoil shall be restored or provided to a minimum depth of six inches (6") and shall be of a quality at least equal to the soil quality prior to development.
- B. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- C. Erosion and siltation control measures shall be coordinated with the different stages of construction and approved by City Engineer. Appropriate control measures shall be installed prior to development when necessary to control erosion. Silt fences shall be installed in the front of all lots, prior to issuing a building permit. The silt fence shall be installed right behind the curb or if a

sidewalk is in place right behind the sidewalk. If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a Certificate of Occupancy will be issued.

- D. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- E. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

**SUBD. 5 LOT AND BLOCK STANDARDS.**

- A. LOTS: Lots shall be designed to meet the following minimum standards:
  - 1. AREA: The minimum lot area, width and depth shall be sufficient to satisfy zoning ordinance requirements.
  - 2. CORNER LOTS: Corner lots for residential uses shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.
  - 3. DOUBLE FRONTAGE LOTS: Double Frontage Lots (or “through” lots) should be avoided, except where the subdivision abuts a major highway, major road or arterial. In residential, C1a, I1 and I2 developments, a planting screen easement of at least ten (10) feet in width shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.
  - 4. FEATURES: In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, bluffs, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
  - 5. FRONTAGE/ACCESS: Every lot must have the minimum frontage on a City approved street other than an alley, as required by the City Zoning Ordinance, except where permitted under a planned unit development.
  - 6. LOT BOUNDARIES: No lot shall be divided by a boundary line between registered land and abstract property, nor by a boundary line between two owners.
  - 7. LOT CORNERS AT STREET INTERSECTIONS: Curbs at street intersections shall be rounded by an arc, the minimum radius of which shall be fourteen and one-half (14.5) feet or by a straight line not less

than 7 feet in length at approximately 45 degree angles from the lot lines. Lots at corners shall be platted with additional lot width of at least fifteen (15) feet wider to allow appropriate building setbacks from both streets as required by the Zoning Ordinance in effect.

8. **LOT LINE ANGLES:** Side lot lines shall be straight lines running within twenty (20) degrees of perpendicular to the road upon which the lots front. Side lot lines on curved roads should run at or near radially to the curve.
9. **LOT PADS:** The top of the foundation and the garage floor of all structures shall be above the grade of the crown of the street upon which the property fronts. Exceptions to this standard may be approved by the Zoning Administrator for special circumstances such as increased setback, site topography, flooding potential, septic system operation and the like, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area.
10. **LOT REMNANTS:** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
11. **LOTS ALONG THOROUGHFARES:** There shall be no direct vehicular access from residential lots to a major arterial street, and residential lots shall be separated from major arterial streets and railroad rights-of-way by a twenty-five (25) foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the thoroughfares or railroad right-of-way.
12. **RE-SUBDIVISION OF LOTS:** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
13. **SETBACK LINES:** On the Preliminary Plat, setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the City Zoning Ordinance, as may be amended.
14. **TURN-AROUND ACCESS:** Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.
15. **WATERCOURSES:** Lots abutting a watercourse, wetland, ponding area or stream shall have additional depth and width, as required under the provisions of the City Zoning Ordinance.

- B. **BLOCK STANDARDS:** All blocks shall be designed to meet the following minimum standards.
1. **BLOCK ACCESS:** Pedestrian ways or bicycle trails ten (10) feet wide may be required between streets paralleling a block if pedestrian access to schools or other areas of pedestrian destination is deemed desirable by the Planning Commission and City Council.
  2. **ARRANGEMENT:** A block shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad or limited access highway and unless topographical conditions necessitate a single tier of lots.
  3. **BLOCK LENGTH:** In general, intersecting streets, determining block lengths, shall be provided as such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand (1000) feet in length nor be less than four hundred (400) feet in length, except where topography or other conditions may justify a departure from this maximum. In blocks longer than eight hundred feet (800) , pedestrian ways and/or easements through the block may be required near the center of the block.
  4. **BLOCK SHAPE:** Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.
  5. **BLOCK USE:** Blocks intended for commercial, institutional and industrial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

SUDB. 6      PARK/PUBLIC LAND DEDICATION

- A. INTENT AND PURPOSE: The process of dividing land into separate parcels for parks and open space is one of the most important factors in the growth of any community. Once the land has been dedicated to parks and open space, the basic character of the permanent addition to the City has become firmly established. It is, thereof, in the interest of the general public, the developer, and the residents of the community, that parks and open space areas be conceived, designed and developed in accordance with the highest possible standards of excellence.

All parks and open space areas hereafter dedicated shall comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

1. Provide for a variety of activities within the park system, including various cultural and social activities, and active and passive recreation.
2. Establish and promote high quality design standards in the development of the park system.
3. Encourage cooperative planning development and use of park and recreational facilities by the school district and the City so that the City facilities can be useful to the School District and the School District facilities will be available to city residents.
4. To insure that all areas of the City have equal access to parks and open space areas by providing for equal distribution of parks and open spaces throughout all sections of the City relative to user population densities.

B. General Requirements.

1. Where a proposed park, playground, or open space area is proposed to be located in whole or in part in a subdivision, the Planning Commission shall require that such area or areas be shown on plats in accordance with the requirements specified to the City by the developer if the City Council approves such dedication.
2. The Planning Commission shall require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat to insure maximum advantage of natural features, notable waterways, etc.

3. Land to be dedicated for parks and open spaces shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served.

C. Dedication Requirements

1. The City does hereby require that in all plats of subdivisions to be developed for residential, commercial, industrial or other uses, or as a planned unit development which includes residential, commercial and industrial uses, or any combination thereof, a percentage of the property being subdivided shall be dedicated for parks, playgrounds, trails, recreational areas, or public open space. Such percentages shall be in addition to the property dedicated for streets, alleys, drainage ways, pedestrian ways or other public ways. Storm water ponding areas may be incorporated into the park land but shall not be considered a part of the park land dedication. The percentage of public land dedication shall be as follows:

- a. Residential Development (dwelling units per acre)
 

0-2.5	5%
2.6-5.4	6%
5.4-7.3	7%
7.4-12.45	8%
12.45 or greater	10%
- b. PUD per Planning Commission
- c. Industrial 4% for trail dedication
- d. Commercial 4%

2. The City shall have the option of requiring a cash contribution in lieu of the land dedication. The required cash contribution shall be based on the current value of improved land as determined by the City Council. However, for all commercial and industrial zoning classifications, the cash in lieu payment shall be \$1,000 per gross acre of platted lands. The City may elect to accept a combination of land dedication for park use and a cash payment.
3. At the time of Preliminary Plat approval, the Subdivider shall commit to the Park Dedication Policy. Within 30 days after the approval of the Preliminary Plat, the Park Board shall forward their recommendation to the Planning Commission regarding the appropriate park dedication. The Subdivider shall be required to pay said dedication prior to the filing of the Final Plat.
4. Church, school, government buildings and other non-profit organizations who operate and are based within the city limits may be exempt from the requirements specified in this section, by action of the City Council. If the

property that is exempt from park dedication is ever subdivided, replatted or sold and used for other purposes than those mentioned above, it will be subject to the requirements specified in this section.

5. The following zoning classifications shall be used to determine public site and open space requirements for this section:
  - a. Residential - R1, R1a, R2, R3, R4 and RMH
  - b. Commercial/Industrial – C1, C1a, C2, I1 and I2
6. Parks bordered on one (1) or more sides by existing or native rivers, lakes or streams shall ensure:
  - a. Access to the park is provided from an arterial roadway or collector street.
  - b. Pathways that allow emergency motorized vehicle traffic within the park are present.
7. All new parks shall provide access ways, from all practical directions, as determined by the Planning Commission. All access ways shall be in compliance with the American with Disabilities Act.
8. Parking areas shall be established on land adjacent to the required park land area, sized to meet the needs of the planned facilities. Said parking areas shall be dedicated to public use.

E. Exception for Outlots

In subdivisions which include outlots the Subdivider at the Council's discretion may contribute land, cash or any combination thereof for the entire subdivision, including the land within the outlots or for only that land exclusive of the outlots. When such outlots are subdivided, the contribution requirement shall be met in accordance with the existing regulations as applicable unless such contributions have been previously met.

F. Special Fund.

All monies collected from cash contributions shall be placed in a special fund from which only those public uses outlined in Section 5, SUBD. 1 may be realized.

G. Land Dedication.

In such cases where the Subdivider is required to dedicate land area the City Council shall have the right to determine the geographic location and configurations of said dedication.

SUBD. 7 EASEMENTS.

- A. DRAINAGE. Where a subdivision is traversed by a watercourse, there shall be provided a drainage way, channel, outlet, or drainage right-of-way conforming substantially with the lines of such watercourse, together with such further width of construction of both, as will be adequate for storm water run off. All drainage easements shall be so identified on the plat and shall be graded and sodded in accordance with the Ordinance requirements.
  
- B. PUBLIC TRAILS/WALKWAYS. In addition to other open space, dedication of easement to provide connections to public trails will be required where shown on a Comprehensive Plan. Where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet shall be required.
  
- C. UTILITIES. Easements at least ten (10) feet wide, centered on rear and front lot lines, and easements as requested by utility companies, unless the side lot line abuts a public right-of-way or is used for storm or sanitary sewer in which it shall be twenty (20) feet wide, for all utilities. They shall have continuity of alignment from block to block.

SUBD. 8 OTHER.

- A. PLANTING, GATEWAYS, ENTRANCES. Erosion within entrance areas shall be improved with weed free sod or the area shall be controlled with hay bales or riprap to avoid erosion, as approved by the City Engineer. The planting of trees, the type and spacing on public property will be subject to the regulations of the City Council. No planting, gateways, entrances and similar improvements may be made on public property except with permission and approval of the Council.
  
- B. SIDEWALKS/PEDESTRIAN WAYS. In those cases where the City Council deems it appropriate and as designated by the Comprehensive Plan, sidewalks of not less than five (5) feet in width shall be provided. Where a proposed plat abuts or includes an arterial street, sidewalks of not less than five (5) feet in width shall be provided on both sides of the paved surface, unless a trail is included as designated by the Comprehensive Plan. Where the proposed plat abuts or includes a collector street, sidewalks of not less than five feet (5') in width shall be required on one side of the street. In all cases where sidewalks are provided provisions shall be made for handicapped access.
  
- C. SODDING. If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a Certificate of Occupancy will be issued. All drainage swales shall be

graded and sodded.

- D. TREES. One tree having a trunk diameter (measure 12 inches above the ground) of not less than one and one-half inches (1 ½ “) shall be planted in a naturalistic way in the front yard of each lot in the subdivision, except corner lots shall have two (2) trees. They shall be accepted by the City only after one growing season as a live and healthy plant. Trees shall not be allowed to be planted in the boulevard area.
- E. TRUNK AREA CHARGES. All unplatted land, may be charged Water, Sanitary Sewer, and Storm Sewer Trunk Area Charges calculated in the manner set forth in the City of Zumbrota Special Assessment Policies and Procedures for Public Improvements. The charges will be set in the annual fee schedule during the first City Council meeting in January of each year.
- F. ADMINISTRATION FEE. All new plats, developer financed and 429 public improvement projects, may be charged an administration fee of 2.5% of the total construction cost for public improvements for the reimbursement of staff time.

## SECTION 5. REQUIRED IMPROVEMENTS & AGREEMENTS

### SUBD. 1 DEVELOPER’S AGREEMENT.

Before the Council approves a final plat the subdivider/owner/developer shall execute a developer’s agreement for the new subdivision which contains satisfactory assurance that he/she will provide the following improvements at his/her expense. The owner or subdivider, if privately financing the project shall deposit with the City Administrator an amount agreed to in the development agreement, either in cash, a letter of credit, or an indemnity bond, with sureties satisfactory to the City, conditioned upon the payment of all expenses incurred by the City for engineering and legal fees and other expense in connection with the making of such improvement. The Development Agreement shall include:

- A. A provision that no private construction will be made on said plat or no building permit shall be filed for such construction until all improvements required under this Ordinance have been made or arranged for in a manner approved by the City Council.
- B. A listing or schedule of when and what improvements, subject to inspection and approval by the City Engineer shall be required as recommended by the Planning Commission and approved by the City Council.
- C. A certification by the City Administrator or City Engineer that the improvements, agreements and documents meet the minimum requirements of all applicable ordinances.

- D. A provision containing all conditions, if any, imposed by the City Council upon approval of the Final Plat.
- E. A provision outlining the procedure or alternative to be utilized in the financing of required improvements.
- F. A provision requiring all improvements to be inspected by the City Engineer during construction at the expense of the Subdivider. Additionally, the Subdivision Agreement shall also contain a provision for supervision of review of plans by the City Engineer.

#### SUBD. 2 GENERAL IMPROVEMENTS.

- A. Monuments at all lot corners, block corners, angle points, points of curves and streets and at intermediate points as required by the City Engineer.
- B. All streets graded and surfaced in accordance with applicable standard specifications of the City, and subject to inspection and approval by the City Engineer.
- C. Concrete curbs, gutters, drainage, and drainage structures in accordance with standards of the City, and subject to the inspection and approval of the City Engineer.
- D. Street name signs at all street intersections within or abutting the subdivision of a type approved by the City and placed in accordance with the standards of the City. Note the City may elect to order and place the street signs and charge said expense to developer.
- E. Installation of sanitary sewer and water mains including extension of both to the extremities of the property being platted.
- F. Connection of each lot to public sanitary sewer subject to the approval of the City Engineer.
- G. Water mains and service connections, sufficient to serve all lots in the subdivision, stubbed to the property line.
- H. Provisions shall be made for the proper drainage of all streets through the installation of adequately designated culverts, storm sewers, retention ponds, etc. and the installation thereof shall be considered part of the essential street construction requirements.
- I. Provisions shall be made for the installation of sidewalks or trails at locations designated by the City.

- J. Plans for final grading and planting of appropriate ground cover on vacant lots may be required of the subdivider as a condition of City acceptance of the public improvements identified in this section.
- K. Franchised and public utilities including telephone, cable TV, electric, and gas service lines are to be placed underground. Conduits, pipes or cables shall be placed within easements or in rights-of-ways adjacent to streets in such manner as not to conflict with other underground services.

SUBD. 3 FINANCING AND PARTICIPATION BY THE CITY.

- A. Prior to City Council approval of the final plat and as included in the Subdivision Agreement the Subdivider shall be required to provide a financial guarantee to assure installation of all required improvements at his/her expense or shall submit to the City a petition for public improvements with the project expenses to be financed by the City and assessed against the subject property.
- B. The Owner or Subdivider, if privately financing the project shall deposit with the City one of the following:
  - 1. Cash deposit, cash escrow agreement or performance bond with sureties satisfactorily to the City submitted to the City Administrator in an amount of one hundred twenty (120) percent of the total cost as estimated by the City Engineer of such improvements. Improvement costs shall include all construction costs incurred in making such improvements, all expense incurred by the City for engineering, planning, and legal fees, and all other expense in connection with the making of such improvements. The total cost shall include costs of inspection by the City Engineer. The City
  - 2. shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the City for completion of the work in case of default of the Subdivider under such agreement and for any damages sustained on account of any breach thereof.
  - 3. The Subdivider may deposit with the City from a bank or other reputable institution or individual subject to the approval of the City a letter of credit which shall certify:
    - a. That the creditor does guarantee funds in an amount equal to 120 percent of the total cost as estimated by the City Engineer of such improvements. Improvement costs shall include all construction costs incurred in making such improvements, all expense incurred by the City for engineering, planning, and legal fees, and all other expense in connection with the making of such improvements. The total cost

shall include costs of inspection by the City Engineer; and,

- b. That the creditor in the case of failure on the part of the Subdivider to complete the specified improvements within the required time period shall upon written notification by the City immediately and without further action pay to the City such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter; and,
  - c. That this letter of credit shall not be withdrawn, reduced in amount, revised or amended in its terms until approved by the City.
3. Cash deposit, cash escrow agreement, or performance bond equal to or greater than twenty five (25) percent of the estimated cost of improvements with the remaining costs to be assessed to the improved properties at the interest rate specified by the City Council. Improvement costs shall include all construction costs incurred in making such improvements, all expense incurred by the City for engineering, planning, and legal fees, and all other expense in connection with the making of such improvements. The City Council shall have the option to select the type and amount of improvements to be assessed.

C. The City may elect to install any, all, or none of the required improvements subject to a cash escrow agreement or other financial arrangement with the subdivider. The terms of these arrangements shall be specified in the developer's agreement.

SUBD. 4      INSPECTION. All required improvements shall be inspected by the City Engineer during construction at the expense of the subdivider. The contract shall contain a provision for supervision of construction by the City Engineer and shall grant to the Engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed thereunder with an other work being done or contracted by the City in the vicinity.

SUBD 5.      AS-BUILT DRAWINGS. Upon completion of the project, as-built drawings of all improvements shall be filed with the Public Works Superintendent. Such as-built drawings shall show the date of construction and shall be drawn in such a manner and on such materials to meet the standards of the City. As-built drawings must be completed and filed with the Public Works Superintendent within one hundred and twenty (120) days of the completion of such improvements. If as-built drawings are not filed within the time period specified, the City Engineer may be authorized to conduct surveys and complete drawings, with all of the costs pursuant thereto to be paid by the owner, and the City Council may elect to withhold building permits for construction within the subdivision.

SECTION 6 MINOR SUBDIVISIONS/WAIVER OF SUBDIVISION PLATTING REQUIREMENTS

SUBD. 1. APPLICATION.

Minor Subdivisions shall apply to the following applications:

- A. In the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot.
- B. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two lots. To qualify, the parcels of land shall not have been part of a minor subdivision within the last five (5) years.
- C. In the case of a request to divide a base lot upon which a two family dwelling, townhouse, or a quadraminium which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance.

SUBD. 2. CONTENTS AND DATA REQUIRED.

- A. **CERTIFICATE OF SURVEY:** The requested minor division shall be prepared by a registered land surveyor in the form of a Certificate of Survey. Said survey shall contain a legal description for the parcels to be created. Ten (10) copies of the survey shall be submitted to the Zoning Administrator not less than two weeks prior to the next Planning and Zoning meeting.
- B. **PROPERTY DESCRIPTION AND SUBMISSION INFORMATION:** The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in Section 3 of this Ordinance. Exceptions, as stipulated in writing, may be granted by the City Administrator.

SUBD. 3. DESIGN STANDARDS.

- A. The minor subdivision shall conform to all design standards as specified in Section 4 of this Ordinance. Any proposed deviation from said standards shall require the processing of a variance request.

SUBD. 4. FILING. Upon execution of the Council's resolution approving the petition for a minor subdivision, the City Administrator or Zoning Administrator shall be authorized to sign the deed or registered land survey as meeting the requirements of the City. The survey or deed shall be filed and recorded at the Office of the County Recorder within thirty (30) days of approval.

## SECTION 7. PREMATURE SUBDIVISIONS

SUBD. 1      **CONDITIONS ESTABLISHING PREMATURE SUBDIVISIONS.** Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council. A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist.

A. **LACK OF ADEQUATE DRAINAGE.** A condition of inadequate drainage shall be deemed to exist if:

1. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.
2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
3. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
4. Factors to be considered in making these determinations may include, but are not limited to:
  - a. Average rainfall for the area.
  - b. The relation of the land to floodplains.
  - c. The nature of soils and subsoil's and their ability to adequately support surface water runoff and waste disposal systems.
  - d. The slope of the land and its effect on effluents.
  - e. The presence of streams as related to effluent disposal.

B. **LACK OF ADEQUATE WATER SUPPLY.** A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision, if developed to its maximum permissible density, does not have adequate sources of water to serve the proposed subdivision without causing an unreasonable depreciation of existing water supplies for surrounding areas.

C. **LACK OF ADEQUATE STREETS OR HIGHWAY TO SERVE THE SUBDIVISION.** A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:

1. Streets which currently serve the proposed subdivision and/or streets that are proposed to serve the subdivision are of such a width, grade, stability, site distance and surface conditions that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare and, when with due regard to the advice of the county or state, said roads are inadequate for the intended use.
2. The traffic volume generated by the proposed subdivision as calculated by the City Engineer and subject to generally accepted generation computation formulas and design standards would create unreasonable highway congestion at the time of the application or proposed for completion within the next two (2) years.

D. LACK OF ADEQUATE WASTE DISPOSAL SYSTEMS. A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years. Expected wastewater generation rates applicable to a proposed subdivision shall be based on generally accepted generation computation formulas as assigned by the City Engineer.

E. LACK OF ADEQUATE CITY SUPPORT FACILITIES. A proposed subdivision shall be deemed to lack adequate support facilities, such as parks and recreational facilities and police, fire, and ambulance protection and services when said support facilities are reasonably expected to be necessitated by the subdivision and cannot be reasonably provided for within the next five (5) fiscal years.

F. INCONSISTENCY WITH THE COMPREHENSIVE PLAN. A proposed subdivision shall be deemed premature if it is found to be inconsistent with the purposes, objective, and recommendations of the duly adopted Comprehensive Plan of the City of Zumbrota, as may be amended from time to time.

G. INCONSISTENCY WITH ENVIRONMENTAL PROTECTION POLICIES. A proposed subdivision shall be deemed premature if it is found to be inconsistent with environmental protection policies set forth within the city, state and federal rules and regulations, as may be amended.

SUBD. 2 BURDEN OF ESTABLISHING. The burden shall be upon the applicant to show that the proposed subdivision is not premature.

## SECTION 8 VARIANCES/WAIVERS

SUBD. 1. VARIANCES. When necessary, the Council upon recommendation by the Planning Commission may authorize variances to the requirements of this ordinance (not procedural provisions). Such variances shall be requested by the subdivider in writing at the time of the application for preliminary plat approval, and the grounds for such variances shall be stated by the applicant. A variance may be granted only if the Planning Commission and the Council find that all of the following factors pertain thereto:

- A. That there are special circumstances or conditions affecting the property that are not common to all other properties in the area.
- B. That the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other properties of the same vicinity, and that extraordinary hardship would result from strict compliance with these regulations because of special circumstances or conditions affecting the property.
- C. That the granting of a variance will not be detrimental to the public health, safety or public welfare nor injurious to other property in the vicinity of the property involved. In granting a variance, both the Planning Commission and the Council shall make a written record of the findings of fact in connection therewith.
- D. That the special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.

SUBD. 2. WAIVERS. The Council may waive compliance with any of the provisions of this ordinance by adoption of a Resolution specifying which provisions have been waived after review of the application by the Planning Commission in any case.

- A. In which compliance will involve an unnecessary hardship and where failure to comply does not interfere with the purpose of this article; or
- B. Where an improved plat can be achieved by a deviation from the provisions of this chapter.
- C. There is a 4/5 or greater vote (super majority) to approve the waiver(s).

SECTION 9 COMPLIANCE/ENFORCEMENT.

SUBD. 1. COMPLIANCE

- A. **CONDITIONS FOR RECORDING.** No Plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until the Plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.
- B. **BUILDING PERMITS.** No building permits will be issued by the City for the construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Chapter have been fully complied with.

SUBD. 2 VIOLATIONS AND PENALTY.

- A. **SALE OF LOTS FROM UNRECORDED PLATS.** It is unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the Office of the Goodhue County Recorder or waived as provided for in Section 1203.00 of this Ordinance.
- B. **RECEIVING OR RECORDING UNAPPROVED PLATS.** It is unlawful for any person to receive or record in any public office any plans, plats or replats of land laid out in building lots and street rights-of-way, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the City, unless the same shall bear thereon, by endorsement or otherwise, the review of the Planning Commission and the approval of the City Council or waived as provided for in Section 1203 of this Ordinance.
- C. **MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION OR INSPECTION OF IMPROVEMENTS.** It is unlawful for any person, owning an addition or subdivision of land within the City, to represent that any improvements upon any of the street rights-of-way, alley or avenues of said addition or subdivision, or any utility in said addition or subdivision have been constructed according to the plans and specifications approved by the City Council, or have been supervised or inspected by the City, when such improvements have not been so constructed, supervised, or inspected.
- D. **VIOLATION A MISDEMEANOR.** Every person who violates a section, subdivision, paragraph or provision of this ordinance when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is

thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

SECTION 10. VALIDITY.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance shall not affect the application of the provisions to other person or circumstances.

SECTION 11. REPEAL.

All ordinances previously in effect pertaining to the subdivision or platting of land within the City are hereby repealed.

SECTION 12 EFFECTIVE DATE.

This ordinance shall be in full force and effect on March 15, 2001.

## **SECTION 26. ADULT USES.**

### **SUBD. 1. PURPOSE.**

The purpose of this Section of the Zumbrota Zoning Ordinance is to control certain land uses that have a direct and detrimental effect on the character of the City's residential and commercial neighborhoods.

### **SUBD. 2. FINDINGS OF THE CITY COUNCIL**

The City Council of the City of Zumbrota makes the following findings regarding the effect adult-oriented businesses have on the character of the City's neighborhoods. In making the findings, the City Council accepts the recommendations of a staff committee that has studied the experiences of other urban areas in the state and nation where adult-oriented businesses have located.

- A. Adult-oriented businesses 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; students attending schools; and people using public parks and libraries.
- B. Adult-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law-enforcement services.
- C. Adult-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area in which such businesses are located, thereby exacerbating the shortage of affordable and habitable housing for City residents.
- D. The concentration of adult-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 -- other businesses move out of the vicinity and residents flee from the area. Declining real estate values, which can result from the concentration of such businesses, erode the City's tax base and contribute to overall urban blight.
- E. Minnesota Statute §462.357, allows the city to adopt regulations to promote the public health, safety, morals, and general welfare of the community.

### **SUBD. 3 CONCLUSIONS OF THE CITY COUNCIL**

In order to minimize the detrimental effect adult-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 commercial neighborhoods.

#### SUBD. 4 DEFINITIONS

The following words and terms when used in this Section shall have the following meanings unless the context clearly indicated otherwise.

- A. **ADULT USE:** Any of the activities and businesses described below constitute "Adult Oriented Businesses" which are subject to the regulation of this Article.
- B. **ADULT BODY-PAINTING STUDIO:** An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to the body of a patron when such person is nude.
- C. **ADULT BOOK and/or MEDIA STORE:** An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such business is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, or if (1) at least twenty-five percent (25%) of the floor area of the business (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to items, merchandise, or other material distinguished and characterized by an emphasis on the depiction or description of "specified sexual activities" or specified anatomical area".
- D. **ADULT CABERET:** An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age from all or part of the establishment and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction, or description of specified sexual activities or specified anatomical areas as herein defined.
- E. **ADULT COMPANIONSHIP ESTABLISHMENT:** A companionship establishment, hereinafter defined, which excludes minors by age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  - 1. "Companionship Establishment" means a room or rooms used or intended to be used for the purpose of companionship sales, and accessory rooms and facilities used or intended to be used in conjunction with or to accommodate companionship sales.
  - 2. "Companionship sales" means a transaction in which for a fee or gratuity or in anticipation of a fee or gratuity a person provides the service of companionship, association, or fellowship to another person, or provides the service of engaging in or listening to conversation, talk or discussion with another person for the purpose of providing such person with companionship, association, or fellowship, regardless of whether other goods or services are provided and regardless of whether other goods or services are

required to be licensed; but does not include the following services:

- a. The sale of companionship, association or fellowship which is not offered to the public;
  - b. Services provided incidental to the sale of intoxicating liquor or non-intoxicating malt liquor on premises licensed for such purpose;
  - c. Services provided by a charitable or religious organization;
  - d. Services provided by an educational institution, panel or seminar;
  - e. Legal, medical, nursing, psychiatric, or psychological services by a person appropriately licensed to do so or a person possessing a degree relevant to the services being provided from a professionally accredited educational institution.
- F. **ADULT ESTABLISHMENT:** Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in this term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other adult establishments.
- G. **ADULT HOTEL OR MOTEL:** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined.
- H. **ADULT MASSAGE PARLOR, HEALTH CLUB:** A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished and characterized by an emphasis on "specified sexual activities" or specified anatomical areas".
- I. **ADULT MINI-MOTION PICTURE THEATER:**
1. A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined; or
  2. Any business which presents motion pictures, from which minors are excluded from all or part of the establishment, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing,

or relating to specified sexual activities or specified anatomical areas as herein defined, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.

- J. ADULT MODELING STUDIO: An establishment, which excludes minor from all or part of the establishment, whose major business is the provision, to customers, or figure models who are so provided with the intent of providing sexual stimulation to sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- K. ADULT MOTION PICTURE ARCADE: Any place which excludes minors from all or part of the establishment wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis depicting or describing specified sexual activities or specified anatomical areas as herein defined.
- L. ADULT MOTION PICTURE THEATER: A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- M. ADULT NOVELTY BUSINESS: A business, from which minors are excluded from all or part of the establishment, which sells, offers to sell, or displays devices which simulate human genitals or devices which are designed for sexual stimulation.
- N. ADULT SAUNA: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- O. SPECIFIED ANATOMICAL AREAS: Specified anatomical areas are any of the following conditions:
  - 1. Less than completely and opaquely covered;
    - a. human genitals, pubic region, or pubic hair;

- b. buttock; or
- c. any combination of the foregoing; or
- 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- P. SPECIFIED SEXUAL ACTIVITIES: Specified sexual activities are any of the following conditions:
  - 1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
  - 2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
  - 3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
  - 4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
  - 5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
  - 6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
  - 7. Human excretion, urination, menstruation, vaginal or anal irrigation.

**SUBD. 5. LOCATION**

Adult uses shall be restricted to the Agriculture/Estate Residence zoning district as a conditional use (see Section 22, Subd. 10 of the Zoning Ordinance), subject to the following:

- A. Adult use establishments shall be located at least one thousand feet (1000'), as measured in a straight line, from the main public entrance of the adult establishment to the nearest boundary line of the following:
  - 1. An existing adult use,
  - 2. Highway 52,
  - 3. A licensed daycare center,
  - 4. Any school,
  - 5. Any church,
  - 6. Any youth facility,
  - 7. Any hospital,
  - 8. Any nursing home, or
  - 9. Any cemetery.

- B. Adult use establishments shall be located at least five hundred feet (500'), as measured in a straight line, from the main public entrance of the adult establishment to the nearest boundary line of the following:
  - 1. Any PUD District,
  - 2. Public Park, or
  - 3. Property which is zoned or used as residential.(Revised 9.17.2009)

#### SUBD. 6. GENERAL PROVISIONS

Adult uses as defined by this Ordinance shall be subject to the following general provisions.

- A. It shall not sell or dispense non-intoxicating liquors or intoxicating liquors, nor shall it be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
- B. It shall not involve or permit any person to engage in any activity or conduct in or about the establishment which is prohibited by local, state or federal law. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or City Code provisions prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors.
- C. It shall not be conducted in a manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
- D. It shall prominently display at the entrance and located within two feet of the door-opening device of the establishment a sign which states “This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter.” Said sign shall have letters between three-eighths (3/8) inch and two (2) inches in height.
- E. No person under the age of eighteen (18) shall be permitted on the premises, and no person under the age of eighteen (18) shall be permitted access to material displayed or offered for sale or rent by the establishment.
- F. Each adult establishment is a separate use and no two adult establishments shall be located in the same building or upon the same property.
- G. Adult use activities shall be prohibited in establishments where liquor is served.
- H. Adult use activities shall be prohibited at any public show, movie, caravan circus, carnival, theatrical, or other performance or exhibition presented to the general public where minors are permitted.

SUBD. 7 OPERATIONS

- A. No Adult Oriented Business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.
- B. No owner, operator or manager of an adult establishment shall permit or allow any dancer or other live entertainer to perform nude.
- C. An establishment operating as an Adult Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statute §617 other applicable Federal or State Statutes or local ordinances.
- D. All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.
- E. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.
- F. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
- G. Signs for Adult Oriented Businesses shall comply with Section 20 of the Zoning Ordinance. In addition, signs for Adult Oriented Businesses shall not contain representational depictions of an adult nature or graphic descriptions of the adult theme of the operation. Interior signage shall be generic in nature and shall only identify the type of business and shall not be pictorial.

SUBD. 8 CONDITIONAL USE PERMIT APPLICATION

In addition to the requirements outlined in Section 22, Subd. 10 of the Zoning Ordinance, the following requirements also apply:

- A. Additional items to be submitted with the Conditional Use Permit include:
  - 1. The name(s), residence(s), phone number(s) and birthdate(s) of the applicant(s), if an individual; and if a corporation, the names, residences, phone number and birthdates of those owners holding more than five percent (5%) of the outstanding stock of the corporation;
  - 2. The name, address, phone number and birthdate of the manager of such operation, if different than the owners;
  - 3. The premises where the adult use is to be located;
  - 4. The activities and types of business to be conducted;
  - 5. The hours of operation;
  - 6. The provisions made to restrict access by minors;
  - 7. A building plan of the premises detailing all internal operations and activities
- B. All Conditional Use Permits shall be issued for a period of one (1) year.

- C. Holders of a Conditional Use Permit allowing an adult use shall maintain and retain for a period of two (2) years the names, addresses, and ages of all persons engaged, hired, or employed as dancers or performers by the licensee.
- D. Each Conditional Use Permit shall be issued to the applicant only and shall not be transferable to another holder. Each permit shall be issued for the premises described in the application. No license may be transferred to another place without the approval of the City Council.
- E. No Conditional Use Permit allowing an adult use shall be granted to or held by any person:
  - 1. Under twenty-one (21) years of age;
  - 2. Who has been convicted of a felony or of violating any law of this state or local ordinance relating to sex offenses and/or adult uses;  
or
  - 3. Who is not the proprietor of the establishment for the permit is issued.

**SUBD. 9 APPLICATION**

Except as specifically provided in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

**SUBD. 10 PENALTY**

A violation of this Ordinance shall be a misdemeanor under Minnesota Law.

**SECTION 27. COMMUNICATION TOWERS AND ANTENNAS.**

**SUBD. 1. PURPOSE**

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary to:

- A. Maximize the use of existing and approved towers and buildings to accommodate new wireless communications antennas in order to reduce the number of new towers necessary to serve the community,
- B. Ensure antennas and towers are designed, located, and constructed in accordance with all applicable code requirements to avoid potential damage to adjacent properties from failure of the antenna and tower through structural standards and setback requirements,
- C. Require antennas and tower sites to be secured in order to discourage trespassing and vandalism, and
- D. Require tower equipment to be screened from the view of persons located on properties contiguous to the site and/or to be camouflaged in a manner to complement existing structures to minimize adverse visual effects of antennas and towers.

**SUBD. 2. DEFINITIONS**

The following words and terms when used in this Section shall have the following meanings unless the context clearly indicated otherwise.

- A. **ANTENNA:** Equipment used for transmitting or receiving telecommunication, television or radio signals, which is located on the exterior of, or outside of, any building or structure.
- B. **COMMERCIAL RECEIVING and/or TRANSMITTING ANTENNA:** Any antenna erected for the commercial use of the information.
- C. **PRIVATE RECEIVING and/or TRANSMITTING ANTENNA:** Any antenna erected for the non-commercial use of the information.
- D. **COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES:** Licensed commercial wireless telecommunication services including cellular, personal communications service (PCS), specialized mobilized radio (SMR), enhanced specialized

mobilized (ESMR), paging, and similar services that are marketed to the general public.

- E. PROTECTED RESIDENTIAL PROPERTY: Any property in the R1, R1a R2, R3, R4 and RMH zoning districts.
- F. PUBLIC UTILITY: Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication services shall not be considered public utility uses, and are defined separately.
- G. TOWER: Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts built for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade (except amateur radio antennas).

### SUBD. 3 CONDITIONAL USE PERMIT REQUIRED

All applications for building permits for towers and antennas shall require a conditional use permit, based on the procedures set forth and regulated in Section 22 of the Zoning Ordinance. All applications for a conditional use permit shall also include the following supplemental information:

- 1. A report from a qualified and licensed professional engineer which does the following:
  - a. describes the tower height and design including a cross section and elevation;
  - b. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - c. describes the tower's capacity, including the number and type of antennas that it can accommodate; and
- 2. For all wireless service towers, a letter of intent committing the tower owner and his or her 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, so long as there is no negative structural impact upon the tower and there is no disruption to the service provided.

- A. Before the issuance of a building permit, the following supplemental information shall be submitted:

1. Confirmation that the proposed tower complies with the requirements of the Federal Aviation Administration, Federal Communications Commission, and any appropriate state review authority or that the tower is exempt from those regulations; and
2. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the applicable structural and electrical, but not radio frequency, standards as required by the Uniform Building Code.

Landowner acknowledgement. Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the permit, including restoration requirements, and that this requirement shall be applicable to heirs and assignees, shall be attached to all applications for tower permits.

#### SUBD. 4 HEIGHT RESTRICTIONS

- A. Height Determination. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure at the tower's point of attachment and tower must meet the height restrictions of this Section.
- B. Except as otherwise provided in this Subdivision, the maximum heights for towers are as follows:
  1. In all districts and areas of the City, the maximum height of towers shall be no taller than necessary to provide the functions required, as certified by a qualified registered engineer or other qualified professional.
  2. In all protected residential property, the maximum height of any tower, including all antennas and other attachments, shall be thirty (30) feet, except that no tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five (5) feet.
  3. In residential property other than protected residential property, the maximum height of any tower, including all antennas and other attachments, shall not exceed one (1) foot for each two (2) feet the tower is setback from protected residential property

up to a maximum height of seventy-five (75) feet for towers and antennas located on property developed for apartment buildings and one-hundred fifty (150) feet in all other cases, except that no tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five (5) feet.

4. In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed one (1) foot for each one (1) foot the tower is setback from protected residential property, up to a maximum height of one-hundred eighty (180) feet. The Council may allow towers up to two hundred (200) feet high if the applicant can demonstrate that based upon the topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structure and/or through the use of screening, that off-site views of the tower will be minimized.

C. Exceptions. The following are exceptions to the maximum height restrictions for towers:

1. Multi-User Towers. Multi-user towers may exceed the height limitations of this Section by up to twenty (20) feet, provided that if only the antennas of a single wireless communications provider will be attached to the tower at the time of application, the additional twenty (20) feet will not be used but will remain vacant for use by a second wireless communications provider.
2. Amateur Radio Antenna. In accordance with the preemption ruling PRBI of the Federal Communications Commission, towers supporting amateur radio antennas that comply with all other requirements of this Section are exempted from the height limitations of this Section up to a total height of seventy (70) feet, provided that such height is technically necessary to receive and broadcast amateur radio signals.
3. Towers and other antenna devices which are attached to a structure and not freestanding may be located in residential zoned districts under the following conditions:
  - a. the towers and antennas are located upon existing or proposed structure allowed as principal or conditional uses in the underlying zoning district and/or upon public structures; and

- b. the towers and antennas are limited to a height of fifteen (15) feet projecting above the structure. The Council may permit antenna heights of up to twenty-five (25) feet above the structure if the applicant can demonstrate that, by a combination of antenna design, positioning of the structure and/or by screening erected or already in place on the structure, off-site views of the antenna are minimized to accepted levels.
4. Public utility structures, including but not limited to water towers, antennas, light and signals, power and telephone poles, and poles supporting emergency warning devices.

#### SUBD. 5 SETBACKS

Towers shall conform with each of the minimum setback requirements.

- A. Towers up to seventy-five (75) feet shall meet the principal structure setbacks of the underlying zoning district except that towers may be located five (5) feet from the rear property line, provided that the rear property line abuts industrially zoned property and the tower does not encroach upon any easements.
- B. Towers over seventy-five (75) feet shall be set back from the property line not less than the height of the tower, except where a registered engineer or other qualified professional certifies in writing that the collapse of the tower would occur within a lesser distance under all foreseeable circumstances but in no event shall setbacks be less than the setbacks of principal structures in the underlying zoning district
- C. For protected residential property, the required setback for an antenna and tower not rigidly attached to a building, shall be the greater of the height of the antenna and tower or the principal structure setback of the underlying zoning district. Those antennas and towers rigidly attached to a building, and whose base is on the ground, may exceed this required setback by the amount equal to the distance from the point of attachment to the ground.
- D. Towers shall not be located between a principal structure and a public street, with the following exceptions:
  1. In industrial zoning districts, towers may be placed within a side-yard abutting an internal industrial street,

2. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

- E. A tower's setback may be reduced or its location in relation to a public street varied at the sole discretion of the Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, power line support device, or similar structure. The term "integration" may include replacement of an existing structure to include a wireless communications provider, but does not include replication of a structure.

#### SUBD. 6 TOWERS IN RESIDENTIAL ZONING DISTRICTS

Towers in residential zoning districts are subject to the following restrictions:

- A. Towers supporting amateur radio antennas and conforming to all applicable provisions of the City Code shall be allowed only in the rear yard of residentially zoned parcels.
- B. Towers supporting wireless service antennas and conforming to all applicable provisions of the City Code shall be allowed only in the following residentially zoned locations:
1. Church sites;
  2. Park sites, when compatible with the nature of the park;
  3. Non-Protected Residential; and
  4. Government, school, utility, and institutional sites.
- C. Only one (1) tower shall exist at any one (1) time on any one (1) residential parcel, unless additional towers or antennas could be incorporated into existing structures such as a church steeple, light pole, power line support device, or similar structure.

#### SUBD. 7 PERFORMANCE STANDARDS

- B. Co-Location Requirement. All wireless communication towers erected, constructed, or located within the City shall comply with the following requirements:
1. A proposal for a new wireless communications tower shall not be approved unless the Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building, that is greater than seventy-five (75) feet in height, within a one-quarter (1/4) mile search radius for towers less than one-hundred twenty (120) feet in height, or a one-half

(1/2) miles search radius for towers equal to or greater than one-hundred twenty (120) feet in height of the proposed tower 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 registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - b. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified registered engineer or other qualified professional.
  - c. 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 registered engineer or other qualified professional.
  - d. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made, but an agreement could not be reached.
  3. Any proposed wireless communications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is over seventy-five (75) feet in height, but less than one hundred (100) feet. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

C. Proof of Non-Interference. Each application for construction of a wireless telecommunications facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, etc., service enjoyed by adjacent residential and non-residential properties. In the

event that only a preliminary statement is submitted with the application, a final certified statement of non-interference will be provided and approved by the City prior to issuance of a building permit.

- D. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. Security lighting will be allowed around the base of the tower if it does not adversely affect adjacent properties. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- E. Signs and Advertising. No signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.
- F. Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet requirements for accessory structures of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- G. Design Standards. Proposed or modified towers and antennas shall meet the following requirements:
  - 1. Towers and antennas (including antenna cables) shall be designed to blend into the surrounding environment to the maximum extent possible as determined by the City through the use of building materials, colors, texture, screening, landscaping, and other camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities such as the Federal Aviation Administration.
  - 2. The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other means. The design should utilize a monopole design unless an alternative design would blend in better with the surrounding environment. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.
- H. Tower Construction Requirements. All towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the

requirements of the Uniform Building Code, the National Electric Code, the City Code, and other pertinent regulations. The City may employ the services of an independent technical expert to evaluate the application for new communications towers, and the applicant shall pay all reasonable costs of such review and independent analysis.

- I. Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of wireless communications antennas on roofs, walls, and existing towers may be approved by the City, without a conditional use permit, provided the antennas meet the requirements of the City Code, with a Building Permit approved by the appropriate City staff. In addition to the submittal requirements required elsewhere in the City Code, an application for a Building Permit for antennas to be mounted on an existing structure shall be accompanied by the following information:
  1. A site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of the City Code;
  2. A building plan showing the construction of the antennas and the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of the City Code;
  3. Certification by a qualified and licensed professional engineer indicating the existing structure or tower's ability to support the antennas.
  
- J. Existing Antennas and Towers. Antennas and towers in residential districts and in existence as of the effective date of this Section which do not conform or comply with this Section are subject to the following provisions:
  1. Towers may continue in use for the purpose used and existing as of the effective date of this Section, but may not be replaced or structurally altered without complying in all respects with this Section.
  2. If such towers are subsequently damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit for the repair or restoration, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be fifty (50) percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with the Chapter.

- K. Abandoned or Unused Towers or Portions of Towers. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the City. In the event that a tower is not removed within twelve (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. After the facilities are removed, the site shall be restored to its original or an improved state.
- L. Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications.

SUBD. 8 EXEMPTIONS

- A. The following antennas are exempt from the requirements under this Chapter except as otherwise provided in Subparagraph B of this Section:
  - 1. Satellite earth station antennas that are two (2) meters or less in diameter and located or proposed to be located in a Commercial or Industrial District;
  - 2. Antennas designed to receive signals as follows:
    - a. Antennas that are one (1) meter or less in diameter and that are designed to receive direct broadcast satellite service, including direct-to-home satellite services;
    - b. Antennas that are one (1) meter or less in diameter and that are designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
    - c. Antennas designed to receive television broadcast signals.
- B. Antennas exempted under Item 2a, above, are subject to the following requirements:
  - 1. Antennas (including antenna cables) shall be designed to blend into the surrounding environment through the use of appropriate colors, except in instances where the color is dictated by Federal or State authorities such as the Federal Aviation Administration;
  - 2. No lighting, signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except

applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities;

3. Antennas and any guy wires or guy wire anchors shall not be erected within a public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines;
4. Antennas shall meet the setback requirements specified under this Section and, to the extent feasible, placed in a position that is not visible from the street, unless placement in accordance with these requirements would impair reception of an acceptable signal;
5. Antennas shall meet the height limitations in this Section, unless the applicable height limitation would impair reception of an acceptable signal; in which case, antennas shall be limited to the maximum height necessary to obtain an acceptable signal;
6. Antennas shall not be constructed, installed, or maintained so as to create a safety hazard or cause damage to the property of other persons;
7. With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any antenna nor any lines, cable, equipment, or wires or braces in connection with the antenna shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line;
8. Antennas, masts, and supporting cables shall conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association and any other applicable reviewing agencies.

## **Section 28. Energy Projects: Solar, Geothermal & Wind Energy Conversion Systems (WECS)**

### **SUBD. 1. PURPOSE.**

The purpose of this section of the Zumbrota Zoning Ordinance is to regulate and restrict Energy Projects within the City; including Solar, Geothermal and Wind Energy Conversion Systems (WECS), not otherwise subject to siting and oversight by the State of Minnesota.

### **SUBD. 2. DEFINITIONS**

For the purposes of this ordinance, the terms defined in this section have the following meaning:

1. **Closed Loop Ground Source Heat Pump System:** A system which circulates a heat transfer fluid through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.
2. **Energy Project:** Electric generation projects, subsidiary stations of electricity generation, transmission line and distribution systems. These include wind energy conversion systems (WECS), solar energy systems and geothermal/ground source heat pump systems.
3. **Geothermal Project:** Ground source heat pump systems which use the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. Systems include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; a heat pump unit that processes heat for use or disperses heat for cooling and an air distribution system. This includes open and closed loop as well as horizontal and vertical ground source heat pump systems
4. **Horizontal Ground Source Heat Pump System:** A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than 20 feet below the land surface.
5. **Open Loop Ground Source Heat Pump System:** A system using groundwater as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a body of water or into an injection well.
6. **Passive Solar System:** A system which captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
7. **Photovoltaic Solar System:** A system which converts solar light and heat directly into electricity.
8. **Solar Project:** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling,

water heating or electricity generation. Includes both passive and photovoltaic solar systems.

9. Transmission Line: An overhead or underground facility consisting of utility poles, lines, underground conduit, and/or related devices used to carry electricity generally to a location other than the ultimate user, with a nominal voltage greater than 35 kilovolts.

10. Vertical Ground Source Heat Pump System: A closed loop ground source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

11. Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy for energy used either on-site or for distribution into the electrical grid. This does not include ornamental wind devices.

SUBD. 3. PROHIBITED USES. It shall be unlawful to erect, construct in place, or re-erect any Wind Energy Conversion System within any zoning district in the city of Zumbrota. Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Chapter and the City Code. Open loop ground source heat pump systems are prohibited; only closed loop ground source heat pump systems utilizing heat transfer fluid are allowed as a conditional use.

SUBD. 4. CONDITIONAL USES. Within all zoning districts, no structure or land shall be used for a ground source heat pump system except by Conditional Use Permit (CUP) issued in accordance with Section 22, Subdivision 10.

All ground source heat pump system must meet minimum requirements of all applicable Federal, State and Local construction, health and operation codes; including, but not limited to, the MN Building, Electrical, Plumbing and Health Codes. All systems must be certified by Underwriters Laboratories, Inc. (UL).

SUBD. 5. PERMITTED USES Solar energy systems are a permitted use within all zoning districts, subject to all other applicable zoning regulations.

#### SUBD. 6. SOLAR ENERGY SYSTEMS

#### STANDARDS

(1) Exemptions: Passive or building-integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building improvement or element.

(2) Height: Roof mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground mounted systems shall not exceed sixteen (16) feet in height.

(3) Location: All solar energy systems shall comply with the building setback in the applicable zoning district and shall not encroach on any existing easement.

(4) Maximum Area: In all zoning districts solar energy systems shall be limited to twenty-five (25) percent of the rear yard.

(5) Aesthetics: Reflection angles from collector surfaces shall be oriented away from neighboring property windows. The feeder lines of the electrical collection system must be placed underground within the interior of the parcel.

(6) Abandonment: If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained from the City Building Official. Removal shall include the entire structure including transmission equipment.

## SUBD. 7. GROUND SOURCE HEAT PUMP SYSTEMS

### STANDARDS

(1) Systems: Only closed loop ground source heat pump systems utilizing heat transfer fluids are permitted. Open loop ground source heat pump systems are prohibited. Ground source heat pump systems in public waters are also prohibited. All ground source heat pump systems shall be certified by Underwriters Laboratories, Inc. and meet the requirements of the MN State Building Code. A permit from the MN Department of Health must be obtained prior to boring and installing a vertical ground source heat pump system.

(2) Location: All components of a ground source heat pump system including pumps, borings and loops shall comply with the building setback in the applicable zoning district and shall not encroach on any existing easement.

(3) Abandonment: If the ground source heat pump system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained from the City Building Official.

The heat pump and any external mechanical equipment shall be removed. Pipes or coils below ground shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid must be captured and disposed of in accordance with applicable MN Pollution Control agency regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

### Effective Date

This Ordinance shall take effect upon its adoption and publication – 11.18.2010, 12.1.2010.