

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. ZONING**
- 152. SUBDIVISION CONTROL**
- 153. ANTI-BLIGHT REGULATIONS**

CHAPTER 150: GENERAL PROVISIONS

Section

- 150.01 Minnesota Accessibility Code
- 150.02 Contractor's license required
- 150.03 Manufactured homes
- 150.04 Amateur radio support towers
- 150.05 Location of sexually oriented businesses
- 150.06 Compliance with code

§ 150.01 MINNESOTA ACCESSIBILITY CODE.

(A) The Minnesota Accessibility Code, established pursuant to M.S. §§ 326B.01 - 326B.998, as they may be amended from time to time, and as provided for in Minn. Rules Ch. 1341, as it may be amended from time to time, is adopted as the building code for accessibility in this city. M.S. § 326B.16 provides that a city which has not adopted the State Building Code is nevertheless responsible for the enforcement of the Minnesota Accessibility Code, and this section is intended to comply with that requirement.

(B) No building subject to the provisions of the Minnesota Accessibility Code shall be constructed, reconstructed or substantially altered, or undergo a change in use within the city unless the building will comply with the Minnesota Accessibility Code after the construction or alteration is completed or the change in use occurs.

(C) Any person who constructs, reconstructs or substantially alters any building subject to the Minnesota Accessibility Code, or changes the use of any such building shall, before construction or alteration begins, certify to the City Clerk-Administrator that the applicable provisions of the Minnesota Accessibility Code will be complied with.

(D) No person shall be issued a building, zoning or land use permit unless they certify that any structure to be located on the property shall be constructed or reconstructed in compliance with the handicapped accessibility provisions, if they apply to the structure to be constructed, substantially altered or reconstructed.

(E) A violation of this section is a misdemeanor punished as provided for in § 10.99.

General Provisions

§ 150.02 CONTRACTOR'S LICENSE REQUIRED.

No residential building contractor, residential remodeler, or other person who is required to be licensed by the state under the provisions of M.S. §§ 326B.805 – 326B.89, as they may be amended from time to time, and no person employing a residential contractor, who is required to be licensed, shall be issued a building, zoning or land use permit unless that contractor is licensed. Any person applying for a permit who is required to have a state license but who does not have a state license shall be reported to the State Commissioner of Commerce, who may begin an action against the person.

Penalty, see § 10.99

§ 150.03 MANUFACTURED HOMES.

After the date of the adoption of this code, only manufactured homes which comply with the Manufactured Home Building Code established by M.S. § 327.31 may be located in and used as a dwelling within the city. A mobile home, manufactured home, house trailer or other mobile dwelling which does not comply with the Manufactured Home Building Code and which is used as a residence after the date of the adoption of this code is a nonconforming use as defined by M.S. § 462.357, Subd. 1e, as it may be amended from time to time, and this nonconforming use may be continued, including through repair, maintenance, replacement, restoration or improvement but if the nonconformity or occupancy is discontinued for a period of more than one year, or the nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value and no building permit is applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Penalty, see § 10.99

§ 150.04 AMATEUR RADIO SUPPORT TOWERS.

Amateur radio support structures (towers) shall not exceed a height above ground level of 70 feet, unless a conditional use permit has been granted by the City Council. They shall be mounted on the roof of a dwelling or other building or located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

General Provisions

§ 150.05 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

(A) *Findings.* The City Council makes the following findings regarding the effect sexually oriented businesses have on the character of the city's neighborhoods. In making these findings, the City Council accepts the recommendation of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* dated June 6, 1989, a copy of which is adopted by reference and included in Appendix II of Chapter 119 of this code. This § 150.05 shall have no force and effect until the City Council accepts these recommendations by resolution of a majority of its members, using the model resolution contained in Appendix I of Chapter 119 of this code.

(1) Sexually-oriented businesses have an impact on the neighborhoods surrounding them which is distinct from the impact caused by other uses.

(2) Residential and commercial neighborhoods located within close proximity to sexually oriented businesses experience the following negative impacts:

(a) Increased crime rates, particularly in sex-related crimes such as rapes, prostitution, indecent exposure and other lewd and lascivious behavior;

(b) Property values which are either diminished or fail to appreciate at the rate of other comparable properties not located in proximity to sexually oriented businesses;

(c) Increased transiency and decreased stability of ownership;

(d) Deteriorated neighborhood appearance from litter and graffiti;

(e) Sex-related harassment of residents and customers by motorists and pedestrians;

(f) A perception that the area is "unsafe;" and

(g) Difficulty in attracting and retaining customers, employees, and desirable tenants.

(3) The adverse impacts which sexually oriented businesses have on surrounding areas diminish as the distance from the sexually oriented business increases.

(4) The adverse impacts of sexually-oriented businesses are exacerbated when the uses are located near each other.

(5) The presence of liquor establishments in the immediate vicinity of sexually oriented businesses also compounds the adverse impacts on the neighborhood.

(6) Sexually oriented businesses can exert a dehumanizing influence on persons attending places of worship, children attending day care centers or schools, and people using public parks and libraries.

General Provisions

5

(7) Sexually 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 where they are located, thereby exacerbating the shortage of affordable and habitable housing for city residents.

(8) The concentration of sexually oriented businesses in one area can have a substantially detrimental effect on that area 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. The resulting decline in real estate values erodes the city's tax base and contributes to overall urban blight.

(9) Land use regulations are appropriate to minimize the detrimental effects that sexually oriented businesses have on adjacent land uses.

(B) If the city has not adopted zoning regulations for sexually oriented businesses, as defined by § 153.03, then a sexually oriented business may locate only in those areas of the city which the City Council determines that the predominant use of the land is for commercial or industrial purposes.

(C) No person may operate a sexually oriented business on property, any part of which is within the area circumscribed by a circle that has a radius of 250 feet from any of the uses listed below. Distances must be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the boundary lines of the property parcels where the two uses are located. This distance requirement applies to the following uses:

- (1) Property used or zoned for residential uses;
- (2) A day care facility, school, library, park, playground, state or federal wildlife area or preserve, religious institution, or other public recreational facility;
- (3) Premises licensed under Chapter 112, Liquor Regulations; and
- (4) Another sexually-oriented business.

(D) These provisions, along with Ch. 119, are intended to supercede the provisions of M.S. § 617.242, as it may be amended from time to time, and render M.S. § 617.242 inapplicable as authorized by the statute.

§ 150.06 COMPLIANCE WITH CODE.

No person shall erect, alter or replace any structure within the city unless the structure complies with the applicable requirements of this code and the person has obtained a land use permit from the City

Clerk-Administrator certifying compliance with all of the applicable requirements of this code. No person shall use any structure or premises for any purpose other than as permitted by this code, except that lawful nonconforming uses as of the date of the adoption of this code may continue only as provided in M.S.

§ 462.357, Subd. 1e, as it may be amended from time to time.

CHAPTER 151: ZONING

Section

General Provisions

- 151.01 Authorization, intent and purpose
- 151.02 Title
- 151.03 Interpretation of terms
- 151.04 Definitions
- 151.05 Zoning map
- 151.06 Annexed land
- 151.07 Compliance with ordinance
- 151.08 Severability

Zoning Districts

- 151.20 Classification of zoning districts
- 151.21 R-1 Single-Family Residential District
- 151.22 R-2 Multiple-Family Residential District
- 151.23 Manufactured home parks
- 151.24 Manufactured homes
- 151.25 C-1 Central Business District
- 151.26 C-2 Commercial District
- 151.27 I Industrial District
- 151.28 Rural Residential and Agricultural District

Performance Standards

- 151.30 Performance standards
- 151.31 Landscaping requirements

Off-Street Parking and Loading Requirements

- 151.35 Purpose
- 151.36 Required off-street parking
- 151.37 Special off-street parking requirements

Zoning

- 151.38 Off-street loading
- 151.39 Parking and storage of certain vehicles
- 151.40 Requirements and prohibitions
- 151.41 Reductions allowed

Permits and Requirements for Fences, Walls or Hedges

- 151.45 Application
- 151.46 General requirements
- 151.47 Residential regulations
- 151.48 Variance

Administration and Enforcement

- 151.49 Consistency with state law
 - 151.50 Applications
 - 151.51 Public notice and hearings
 - 151.52 Final actions
 - 151.53 Notice of decision
 - 151.54 Land use permit required
 - 151.55 Conditional use permits
 - 151.56 Board of Appeals and Adjustments
 - 151.57 Variances
 - 151.58 Nonconforming uses
 - 151.59 Amendments
 - 151.60 Appeals
 - 151.61 Record of decisions
 - 151.62 Enforcement
 - 151.63 Planning Commission
 - 151.64 Certification of taxes paid
-
- 151.99 Enforcement

GENERAL PROVISIONS

§ 151.01 AUTHORIZATION, INTENT AND PURPOSE.

(A) This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351 et seq. The intent of this chapter is to ensure public health, safety and general welfare in

Zoning

accordance with the adopted development goals, plans and policies as stated hereto. This plan for the city is to ensure that the land uses of the city are properly situated in relation to one another, providing for adequate space for each type of development; to control the density of development in each area of the city so that the property can be adequately serviced by such governmental facilities as streets, schools, recreation and utilities systems; to direct new growth into appropriate areas; to protect existing property by requiring that the development afford adequate light, air and privacy for persons living and working within the city; to improve the quality of the physical environment of the city; to protect and maintain property values, and to preserve and develop the economic base of the city.

(B) This chapter is not in effect until the provisions of § 151.05 are complied with and notice and public hearing is provided as required by M.S. § 462.357 Subd. 3, as it may be amended from time to time.

§ 151.02 TITLE.

This chapter, together with the zoning map required at § 151.05, shall be known as the “City Zoning Ordinance” except as referred to herein, where it shall be known as “this Ordinance” or “this chapter.”

§ 151.03 INTERPRETATIONS OF TERMS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage unless such meaning is clearly contrary to the intent of this chapter and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words “must” and “shall” are mandatory and “may” is permissive. All distances, unless otherwise specified, shall be measured horizontally. For the purpose of this chapter, the terms in § 151.04 have the meanings given them.

§ 151.04 DEFINITION OF TERMS.

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

ACCESSORY APARTMENT. A smaller secondary Dwelling Unit located within or connected to a primary single family residential Structure built as a Single family Dwelling, which secondary Dwelling includes provisions for sleeping, cooking and sanitation independent of the principal Dwelling Unit. This definition includes secondary Dwelling Units that have exterior entrances separate from the principal Dwelling Unit and secondary Dwelling Units that are accessed only through the principal Dwelling Unit. See Zoning Section 703.19 for additional details.

ACCESSORY STRUCTURE OR FACILITY. Any building or improvement located on the same lot

Zoning

as the principal use subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

ACCESSORY USE. A use on the same lot with and incidental and subordinate to the principal use or structure or facility.

ADMINISTRATOR. The City Zoning Administrator.

AGRICULTURAL BUILDING. A Structure on agricultural land as defined in FARM/RURAL of this section, designed, constructed and used to house farm implements, livestock or agricultural produce or products used by the Owner, lessee or sublessee of the building and members of their immediate families, their employees and Persons engaged in the pickup or delivery of agricultural produce or products.

AGRICULTURAL USE. Use of land that consists of the production of horticulture and nursery stock, fruit, vegetables, forage, grains, bees, apiary products and raising domestic farm animals. This Use does not need to be the principal source of income to be considered Agricultural Use.

ANIMALS, DOMESTIC PETS. Dogs, cats, birds and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic, such as bears, lions, wolves, ocelots, and similar animals shall not be considered domestic pets.

ANIMALS, DOMESTIC FARM. Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

APARTMENT. A room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.

AREA, NET DEVELOPABLE. Those lands within a development parcel remaining after the deletion of floodplains, wetlands, slopes greater than 12% and unbuildable easements or rights-of-way.

ATTORNEY. The City Attorney.

Zoning

AUTO OR MOTOR VEHICLE REDUCTION YARD. A Lot or Yard where one or more unlicensed motor Vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, Storage or abandonment. (See also “Junk Yard”).

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

AUTOMOBILE SERVICE STATION – (GAS STATION). A place where any motor fuel, lubricating oil or grease for operating motor Vehicles is offered for sale to the public and deliveries are made directly into motor Vehicles. This definition includes greasing, oiling or sale of automobile accessories on the premises. This definition also includes minor repairs and replacement of parts and motor services to passenger automobiles and trucks not exceeding one and one-half tons capacity. This definition shall not include major repair, rebuilding or reconditioning of engines, motor Vehicles or trailers, collision service, including body, frame or fender straightening or repair; overhaul, painting or paint job, Vehicle steam cleaning or automatic car or Vehicle washing devices.

AUTOMOBILE SERVICE USES. Those Uses catering to the traveling public. These include auto and truck laundry, Drive-In Business, service station, Repair Garage, public garage, motel, Hotel, seasonal produce sales, motor Vehicle sales, trailer sales and rental, boat sales, rental services and Restaurants.

BASEMENT. A portion of a building between floor and ceiling, located partly above and partly below grade, and having one-half or less of its floor to ceiling height below the average grade of the adjoining ground. Earth sheltered houses that meet all other requirements of the Building Code shall not be considered Basements. A crawl space is a BASEMENT.

BOARDING HOUSE. A Building other than a motel or Hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided for three or more unrelated Persons, but not to exceed eight Persons.

BUILDING. Any structure having a roof supported by columns, walls or other means of support for the shelter or enclosure of persons or property.

BUILDING CODE. The Minnesota State Building Code.

BUILDING HEIGHT. The vertical distance between the grade level at the Building line and the uppermost line of the roof. This excludes chimneys, antennas and the like.

Zoning

BUILDING OFFICIAL. The designated authority charged with the administration and enforcement of the State Building Code.

BUILDING SETBACK. The minimum horizontal distance between the Building or Structure and the Lot line, right of way line, bluffline, or high water line.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

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

CARPOR. An automobile shelter having one or more sides open.

CELLAR. The portion of the Building having more than one-half of the clear floor to ceiling height below the average grade of the adjoining ground. Underground Buildings that meet all other requirements of the Building Code shall not be considered CELLARS.

CERTIFICATE OF COMPLIANCE. See § 157.023.

CERTIFICATE OF OCCUPANCY. See § 157.027.

CHANNEL. A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water, including but not limited to streams, rivers, creeks, ditches, drainageways, canals, conduits, culverts, waterways, gulleys, ravines or washes; and including any area adjacent thereto which is required to carry and discharge the regional flood. (See Chapter 152.)

CHANNEL FLOW. That water which is flowing within the limits of a Channel.

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.

CITY. The governmental unit which has adopted this chapter, except where otherwise indicated.

CLUB OR LODGE. A non-profit association or Persons who are bona fide members paying annual dues, Use of premises being restricted to members and their guests.

CLUSTER DEVELOPMENT. A pattern of Subdivision development which places Detached houses, Duplexes or Townhouse units into compact groupings while providing a network of commonly owned or dedicated open space.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of

Zoning

products, goods and services and other activities carried out for financial gain.

COMMERCIAL FOOD PRODUCING FARM OPERATIONS. See FARM/RURAL and § 157.108.

COMPREHENSIVE PLAN. The policies, statements, goals and interrelated plans for private and Public Land and water use, transportation and City facilities, including recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of the City or any portion of the City.

CONDITIONAL USE. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. The city may impose additional conditions in specific instances to protect the health, safety and welfare.

CONDOMINIUM. – An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential Building.

COUNCIL. The Governing Body of the City.

CURB LEVEL. The grade elevation of the curb in front of the center of a Building. Where no curb has been established, the City Engineer shall determine a Curb Level or its equivalent for the purpose of this chapter.

DECIBEL. The unit of sound measured on the “A” weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the Standards on Sound Level Meters of the USA Standards Institute.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to principal use or site and at any point extending more than three feet above ground level.

DEPTH OF LOT. The horizontal distance between the Frontage right-of-way line and rear Lot line. On a Corner Lot, the side with the largest Frontage is its DEPTH, and the side with the lesser Frontage is its Width.

DEPTH OF REAR YARD. The horizontal distance between the rear Building line and the rear Lot line.

DISPOSAL AREA, ON-SITE SEWAGE TREATMENT. See Chapter 52, Sanitary Sewer Disposal Ordinance.

Zoning

DREDGING. The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVE-IN. Any Use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a Building.

DWELLING. A Building or one or more portions thereof occupied exclusively for human habitation, but not including rooms in Hotels, motels, Nursing Homes, Boarding Houses, nor trailers, tents, cabins or trailer coaches. (Also see DWELLING UNIT.)

DWELLING – ATTACHED. A Dwelling which is joined to another Dwelling at one or more sides by a party wall or walls.

DWELLING – DETACHED. A Dwelling which is entirely surrounded by open space on the same Lot.

DWELLING, DUPLEX, TRIPLEX and QUAD. A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping cooking, eating, living and sanitation facilities.

DWELLING, MULTIPLE. A building or portion thereof used for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY. A building used exclusively for occupancy by one family.

DWELLING, TWO-FAMILY. A building used exclusively for occupancy by two families living independently of each other.

DWELLING – SEASONAL. A residential Building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round On-Site Sewage Treatment systems.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING – TOWNHOUSE. A residential Building containing two or more Dwelling Units with at least one common wall, each unit so oriented as to have all exits directly to the out-of-doors.

DWELLING UNIT. Any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or time-share accommodations, such as motel, hotel and resort rooms and cabins.

ENGINEER. The City Engineer.

Zoning

ESSENTIAL SERVICES – GOVERNMENTAL USES, BUILDINGS AND STORAGE. Governmental services such as office Buildings, garages, temporary open space, Open Storage when not the Principal Use, fire and police stations, recreational areas, training centers, correctional facilities or other essential Uses proposed by federal, state, county, local, special districts and school districts, except that schools shall not be permitted under this provision.

ESSENTIAL SERVICES – (PUBLIC UTILITY USES). Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories; but not including Buildings or transmission services.

ESSENTIAL SERVICES – (PUBLIC UTILITY USES, TRANSMISSION SERVICES, BUILDINGS AND STORAGE). Transmission service such as electrical power lines of a voltage of 35 kv or greater, or bulk gas or fuel being transferred from station to station and not intended for enroute consumption or other similar equipment and accessories.

EXTERIOR STORAGE (INCLUDES OPEN STORAGE). The Storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a Building.

EXISTING LOT. A Lot or parcel of land which was of record as a separate Lot or parcel in the office of the County Recorder or Registrar of Titles, on or before 1974.

FAMILY. An individual, or two or more Persons each related by blood, marriage, adoption or foster care arrangement, living together as a single housekeeping unit, or a group of not more than four Persons not so related, maintaining a common household, exclusive of servants.

FARM, RURAL. A Commercial food producing Use on ten or more contiguous acres and is defined under a portion of the State Agricultural Property Tax Law (Green Acres Law) § 273.111 Agricultural Property Tax, subd. 6, to wit: real property shall be considered to be in Agricultural Use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, apiary products.

FARM, SUBURBAN. A Suburban Farm is a non-Commercial food producing Use primarily intended for the use of the residents, and usually on less than ten contiguous acres. Suburban Agricultural Uses may include production of crops such as fruit trees, shrubs, plants, flowers, vegetables and domestic pets.

FEED LOT. The place of housing or feeding of livestock or other animals for food, fur, pleasure or resale purposes in Yards, Lots, pens, Buildings or other areas not normally used for pasture or crops and in which substantial amounts of Manure or related other wastes may originate by reason of such feeding of animals.

Zoning

FENCE. A partition, Structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.

FILL. Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting therefrom.

FINAL PLAT. A drawing or map of an approved Subdivision, meeting all requirements of the Subdivision ordinance (see Chapter 156), and in such form as required by the City for purposes of recording.

FLOOR AREA. The gross area of the main floor of a residential Building measured in square feet and not an attached Garage, breezeway or similar attachment.

FLOOR AREA – GROSS. The sum of the gross area of the various floors of a Building measured in square feet. The Basement Floor Area shall not be included unless such area constitutes a Story.

FLOOR AREA RATIO. The numerical value obtained through dividing the Gross Floor Area of a Building or Buildings by the net area of the Lot or parcel of land on which such Building or Buildings are located.

FLOOR PLAN – GENERAL. A graphic representation of the anticipated use of the Floor Area within a Building or Structure.

FRONTAGE. The boundary of a Lot which abuts a public Street or private road.

GARAGE – PRIVATE. A Detached one-Story Accessory Building, or portion of the principal Building, including a Carport, which is used primarily for the storing of passenger Vehicles, trailers or farm trucks.

GARAGE – REPAIR. A Building or space for the REPAIR or maintenance of motor Vehicles, but not including factory assembly of such Vehicles, auto wrecking establishments or Junk Yards.

GARAGE – STORAGE. Any premises, except those described as a private or public GARAGE used exclusively for the Storage of power-driven Vehicles.

GOVERNING BODY. The City Council of Lake St. Croix Beach.

HOME OCCUPATION. A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use.

HOTEL. A Building having provision for nine or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and where

Zoning

no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a Person in charge.

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

INSTITUTIONAL HOUSING. Housing for students, mentally and physically handicapped and similar housing of a specialized nature.

JUNK VEHICLE. Any of the following: any type of Vehicle requiring a license to operate on any public highway or Street, but without a current license attached thereto. Any type of Vehicle that is not in operable condition. Any type of Vehicle that is partially dismantled and is Used for sale of parts, or source for replacement parts for repair of other Vehicles. Any type of Vehicle that is kept for salvage or scrap of any sort.

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

KENNEL, COMMERCIAL. Any place where four or more of any type of domestic pets, over four months of age, are boarded, bred, trained or offered for sale.

KENNEL, PRIVATE. Any place where three domestic pets, over six months of age, are owned by any member or members of the household.

LAND ALTERATION. The excavation or grading of land involving movement of earth and materials in excess of 50 cubic yards.

LAND RECLAMATION. The reclaiming of land by depositing material so as to elevate the grade. Depositing a total of more than 50 cubic yards of material per Lot or parcel, either by hauling in or regrading the area.

LANDSCAPING. Planting trees, shrubs and turf covers such as grasses and shrubs.

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

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

Zoning

LOT AREA. The AREA of a horizontal plane within the LOT lines.

LOT AREA, MINIMUM PER DWELLING UNIT. The minimum number of square feet or acres of LOT AREA required per Dwelling Unit.

LOT – BUILDABLE. A LOT which meets or exceeds all requirements of the City land Use and development ordinances without the necessity of Variances.

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

LOT DEPTH. The mean horizontal distance between the front and rear lines of a LOT.

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

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

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

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

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

LOT – THROUGH. Any Lot other than a Corner Lot which abuts more than one Street. On a THROUGH LOT, all the Street lines shall be considered the front lines for applying this chapter.

LOT – THROUGH OR DOUBLE FRONTAGE. As defined in Chapter 156, Subdivision Code, and referring to a lake or stream Frontage Lot having a public road as one Lot line and a water body at the opposite Lot line.

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

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

Zoning

MANUFACTURING – GENERAL. All MANUFACTURING, compounding, processing, packaging, treatment or assembly of goods or materials which would involve a risk of offensive or dangerous noise, odor or pollution beyond the Lot on which the Use is located. Such Uses include, but are not limited to the following: sawmill; refineries; Commercial feedlots; acid, cement; explosives; flour, feed and grain milling or Storage; meat packing; slaughter houses; coal or tar asphalt distillation; rendering of fat, grease, lard or tallow; alcoholic beverages; poisons; exterminating agents; glue; lime; gypsum; plaster of paris; tanneries; automobile parts; paper and paper products including Storage; electric power generation facilities; vinegar works; Junk Yards, Auto Reduction Yards; foundry; forge; casting of metal products; rock, stone and cement products.

MANUFACTURING – LIMITED. All compounding, processing, packaging, treatment or assembly of goods and materials, provided such Use will not involve the risk of offensive odors, glare, smoke, dust, noise, vibrations or other pollution extending beyond the Lot on which the Use is located. Such Uses include, but are not limited to the following: lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, general Vehicle Repair (Repair Garage), bodywork and painting, contractor shops and Storage yard, food and non-alcoholic beverages, Signs and displays, printing, publishing, fabricated metal parts, appliances, clothing, textiles and used auto parts.

MANURE. Any solid or liquid containing animal excreta.

MEDICAL USES. Those USES concerned with the diagnosis, treatment and care of human beings. These include: hospitals, dental services, medical services or clinics, nursing or convalescent home, orphan's home, rest home and sanitarium.

MEAN FLOW LEVEL. The average FLOW elevation of a stream or river computed as the mid-point between extreme low and extreme high water.

MINING. The extraction of sand, gravel, rock, soil or other material from the land and the removal thereof from the site. For the purposes of this chapter, MINING shall not include the removal of materials associated with the construction of a Building, the removal of excess materials in accordance with approved plats or utility highway construction, minor agricultural and sod removal.

MOTOR COURTS, MOTOR HOTEL OR MOTEL. A Building or group of Buildings other than a Hotel Used primarily as a temporary residence of a motorist.

MOTOR FREIGHT TERMINAL. A Building or area in which FREIGHT brought by motor truck is transferred and/or stored for movement by motor truck.

Zoning

NOISE – AMBIENT. The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominant source.

NOMINAL FIVE-ACRE PARCEL. A FIVE-ACRE PARCEL not reduced by more than 10% due to road right-of-way dedication.

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

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

NOXIOUS MATTER. Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.

NURSERY – DAY. A Use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay.

NURSERY – LANDSCAPE. A Business growing and selling trees, flowering and decorative plants, and shrubs which may be conducted within a Building or without.

NURSING HOME. A Building with facilities for the care of children, the aged, infirm or place of rest for those suffering bodily disorder.

OFFICE USES. Those Commercial activities that take place in OFFICE Buildings, where goods are not produced, sold or repaired. Including, but not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting and similar USES.

OFFICIAL CONTROL. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which CONTROL the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such OFFICIAL CONTROLS may include, but are not limited to ordinances establishing zoning, Subdivision controls, site plan regulations, sanitary codes, Building Codes, housing codes and Official Maps.

OFFICIAL MAP. A map adopted in accordance with the provisions of M.S. § 462.359, as it may be

Zoning

amended from time to time.

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

OPEN STORAGE. STORAGE of any material outside of a Building.

OWNER. Includes all Persons interested in a property as fee simple OWNER, life estate holder, encumbrancer or otherwise.

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

PEDESTRIAN WAY. A public or private right-of-way across or within a block or tract, to be used by PEDESTRIANS and/or non- motorized Vehicles.

PERFORMANCE STANDARDS. The minimum development STANDARDS as adopted by the City Council and on file in the office of the Building Inspector.

PERSON. Any Person, firm, corporation, association, company, organization, including governmental agencies and political entities.

PLANNING ADVISORY COMMISSION or PLANNING COMMISSION. The duly appointed planning and zoning advisory commission of the City.

PLANNING AGENCY. A Planning Commission or department, however created, or the office of the Planning or Zoning Director or Inspector or the office of any official designated as Such Planning or Zoning Director or Inspector, together with any staff members, employees or consultants of such commission, department, director, inspector or official, and the Planning Commission and its employees or staff.

PLANNED UNIT DEVELOPMENTS. Include all developments having two or more Principal Uses or Structures on a single parcel of land; and may include Townhouses, Apartment projects involving more than one Building, residential Subdivision submitted under cluster zoning provisions, multi-use Structures such as an Apartment Building with retail at ground floor level, Commercial type developments, industrial type developments, mixed residential and Commercial type developments and similar projects.

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

PLANNED UNIT DEVELOPMENT, RESIDENTIAL. A use where the nature of residency is non-

Zoning

transient, and major or primary focus is not service-oriented. For example: residential apartments, manufactured home parks, townhouses and full-fee ownership residences would be considered as Residential Planned Unit Developments. To qualify as a Residential Planned Unit Development, a development must contain at least five dwelling units or sites.

PRINCIPAL STRUCTURE OR USE. One which determines the predominant Use as contrasted to Accessory Use or Structure.

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties which constitutes a restriction of the Use of a particular parcel of property.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school districts.

RACE TRACK. Any area where one or more animals or power driven Vehicles are raced for profit or pleasure.

RECREATION EQUIPMENT. Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 25 feet in length, picnic tables, lawn chairs, barbecue stands and similar equipment or Structures, but not including tree houses, swimming pools, play houses exceeding 25 square feet in Floor Area or sheds utilized for Storage of equipment.

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

RECREATION VEHICLE PARKS. A park, court, campsite, Lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any Recreation Vehicles as defined herein, and upon which said Recreation Vehicles are parked. The term RECREATION VEHICLE PARK shall include all Buildings Used or intended for Use as part of the equipment thereof, whether a charge is made for the use of the park and its facilities or not.

RESEARCH. Medical, chemical, electrical, metalurgical or other scientific RESEARCH and quality control, conducted in accordance with the provisions of this chapter.

RESIDENTIAL DISTRICT. See § 157.043 for permitted Uses.

RESIDENTIAL RENTAL, SHORT-TERM. Any rental or lease of a Dwelling by its Owner to someone other than the Owner for purposes of transient lodging for a fee or other remuneration, with a lease or rental term of less than 30 days, and regardless of whether the Owner resides at the property or not

RESORT. Any Structure or group of Structures containing more than two Dwelling Units or separate living quarters designed or intended to serve as Seasonal or temporary Dwellings on a rental or lease basis for profit with the primary purpose of said Structure or Structures being recreational in nature.

Zoning

Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment and similar Uses normally associated with a RESORT operation.

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

RETAIL BUSINESS USES. Stores and shops selling personal services or goods for final consumption.

ROADSIDE SALES STAND. A Structure Used only for the display and sale of products with no space for customers within the Structure, on a seasonal basis.

RUNWAY. A surface of an airport landing strip.

RUNWAY INSTRUMENT. A Runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

SATELLITE DISH ANTENNA. Any dish antenna having a diameter in excess of 30 inches utilized for the purpose of receiving or transmitting radio, telephone, television, or satellite transmissions or communications

SCREENING. Screening includes earth mounds, berms or ground forms; Fences and walls; Landscaping (plant materials) or landscaped fixtures (such as timbers); Used in combination or singularly, so as to block direct visual access to an object throughout the year.

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

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

SHOPPING CENTER. Any grouping of two or more principal retail Uses whether on a single Lot or on abutting Lots under multiple or single ownership.

SIGN. A display, illustration, Structure or device which directs attention to an object, produce, place, activity, Person, institution, organization or Business. (Also see § 157.091.)

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

STORY. The portion of a Building included between the surface of any floor and the surface of the floor next above. A Basement shall be counted as a STORY and a Cellar shall not be counted as a STORY.

Zoning

STREET. A public right-of-way which affords a primary means of access to abutting property.

STREET – COLLECTOR. A STREET which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

STREET – INTERMEDIATE OR MINOR ARTERIAL. A STREET which serves or is designed to serve heavy flows of traffic and which is Used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

STREET – LOCAL. A STREET intended to serve primarily as an access to abutting properties.

STREET PAVEMENT. The wearing or exposed surface of the roadway Used by vehicular traffic.

STREET WIDTH. The shortest distance between the lines delineating the roadway including shoulders or parking lanes of a Street. On urban designed Streets it is face to face of curbs

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would affect the supporting members of a Building, such as bearing walls, columns, beams, girders or foundations.

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

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

SUBDIVISION. The division of a parcel of land after the effective date of this chapter into two or more Lots or parcels, for the purpose of transfer of ownership or Building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided

SUBSTANDARD BUILDING or SUBSTANDARD STRUCTURE. Any Building or Structure lawfully existing on the effective date of this chapter or any amendment thereto which Building or Structure does not conform with the regulations, including dimensional standards, for the district in which it is located after the effective date of this chapter or such amendment.

SUPPER CLUB. A Building with facilities for the preparation and serving of meals and where meals are regularly served at tables to the general public. The Building must be of sufficient size and design to permit the serving of meals to not less than 50 guests at one time. Intoxicating liquors may be sold on-sale and live entertainment and/or dancing shall be permitted.

TAVERN or BAR. A Building with facilities for the serving of beer, 3.2% malt liquor, wine, set-ups and

Zoning

short order foods.

TRANSPORTATION TERMINAL. Truck, taxi, air, bus, train and mass transit TERMINAL and Storage area, including Motor Freight (solid and liquid) TERMINAL.

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

USE. The purpose or activity for which a premises is designed, arranged or intended or for which it is or may be occupied or maintained.

USE - ACCESSORY. A USE subordinate to and serving the Principal Use or Structure on the same Lot and customarily incidental to such Principal Use.

USE - CONDITIONAL. See CONDITIONAL USE.

USE - NON-CONFORMING. See § 157.005.

USE - OPEN. The USE of land without a Building or including a Building incidental to the OPEN USE.

USE - PRINCIPAL. See PRINCIPAL USE.

USE - SUBSTANDARD. See § 157.005.

VARIANCE. A modification or variation of the strict provisions of this chapter as applied to a specific piece of property in order to provide relief for a property Owner because of undue hardship or practical difficulty imposed upon the property by this chapter. A VARIANCE shall normally be limited to height, bulk, density and Yard requirements. A modification in the allowable Uses within a district shall not be considered a VARIANCE. (See § 157.021(B).)

VEHICLE. A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides and used to transport Persons or property, pull machinery, and shall include without limitation, automobiles, trucks, trailers, motorcycles, snowmobiles, and tractors.

VEHICLE REPAIR. General repair, rebuilding or reconditioning of engines, motor Vehicles or trailers, including body work, framework, welding and major painting services.

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

WAREHOUSING. The Storage, packing and crating of materials or equipment within an enclosed Building or Structure.

Zoning

WATERFRONT USES (RESIDENTIAL). Boat docks and Storage, fish house, fish cleaning, water Recreation Equipment and other Uses normally incidental to a lakeshore residence, provided such Uses are for the exclusive Use of the occupants and non-paying guests.

WHOLESALE. The selling of goods, equipment and materials by bulk to another Person who in turn sells the same to customers.

WIND ENERGY CONVERSION SYSTEM OR WINDMILL. An apparatus capable of converting wind energy into electricity.

YARD. An open space unobstructed from the ground upward with the exception of landscape materials and minor fixtures of a non-structural nature commonly found in a yard.

YARD, FRONT. The area between the front lot line and the front setback line.

YARD, REAR. The area between the rear lot line and the rear setback line.

YARD - REQUIRED. A YARD area which may not be built on or covered by Structures because of the dimensional Setbacks for said Structures within the Zoning District.

YARD, SIDE. A space extending from the front yard to the rear yard along a side lot line measured perpendicularly from the side lot line to the closest point of a structure.

ZONING ADMINISTRATOR. The City Clerk or other person designated by the City Council to administer and enforce the provisions of this chapter.

ZONING DISTRICT. An area or areas within the City in which the regulations and requirements of this chapter are uniform.

§ 151.05 ZONING MAP.

(A) This chapter has no effect until the boundaries of the use districts are delineated on an Official Zoning Map, created pursuant to M.S. § 462.357, Subd. 1, as it may be amended from time to time, which, once it is adopted by ordinance after notice and hearing as provided in M.S. § 462.357, Subd. 3, as it may be amended from time to time, is hereby adopted by reference and declared to be a part of this chapter. This map shall be on permanent file and available for public inspection in the City Office. It shall be the responsibility of the Clerk or other person appointed by the City Council to administer this chapter to maintain and keep the map up to date.

(B) All property within the city shall have the zoning designation shown on the official zoning map.

Zoning

If there is any discrepancy or inconsistency between the official zoning map and any other map, ordinance or source which purports to indicate the zoning of property, the official zoning map shall take precedence. The provisions of this section shall not be interpreted to require the city to zone all properties within the city limits or to prevent zoning of only a portion of the city.

(C) Zoning district boundary lines shown on the official zoning map are intended to follow lot lines, the center lines of streets or alleys, the center lines of street or alleys projected, railroad right-of-way lines, the center of watercourses or the corporate limits of the city, unless otherwise specifically indicated.



§ 151.07 COMPLIANCE WITH ORDINANCE.

(A) No structure or land shall hereafter be used or occupied and no structure shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with the regulations specified in the Zoning Ordinance for the district in which it is located.

(B) The provisions of this chapter shall be minimum requirements. Where the conditions imposed by any provision of this chapter differ from those required by any statute or other ordinance of the city, the regulations which are more restrictive or which impose the higher standard shall prevail.
Penalty, see § 151.99

§151.08 SEVERABILITY.

Every section or subdivision of this chapter is declared separable from every other section or subdivision. If any section or subdivision is held to be invalid by competent authority, no other section or subdivision shall be invalidated by such action or decision.