

§ 150.03 GENERAL PROVISIONS.

(A) *Purpose.* To provide regulations that apply to all areas of the city regardless of the specific zones.

(B) *Lots, dwellings, living arrangements.*

(1) Except for as provided for otherwise herein, each lot is eligible for one dwelling only.

(2) A lot or parcel may be subdivided to more lots if this chapter and Chapter 151 are complied with.

(3) Boarding rooms are considered in the category of people simply living, sharing rent, etc. This use will not be regulated by this chapter.

(4) Efficiency apartments, where allowed as a conditional use, must be determined as a finding to comply with the definition herein as opposed to a duplex.

(5) No cellar, basement or accessory building shall be used as a permanent dwelling.

(6) All dwellings must be at least 20 feet in width and on a permanent foundation unless in a manufactured home park or the AH District.

(7) Tents and camper trailers not in established campgrounds may be used as temporary dwelling for up to 21 days per year by permit only. The Zoning Administrator shall issue a permit upon showing of adequate provision for garbage and wastewater collection.

(C) *Non-conforming uses, structures, and lots of record.*

(1) Any legal non-conforming use or structure may be continued if the non-conforming feature(s) are not intensified, except as provided in this chapter.

(2) Needed maintenance and safety provisions are not considered as intensification. Also, the addition of new space that is structurally conforming to enable legal non-conforming use to keep operating at basically the same level is not considered as intensification.

(3) If a non-conforming use is transformed to an allowable use or discontinued, further use of the property shall conform to this chapter. If a non-conforming structure or nonconforming portion thereof is removed, further building shall conform to this chapter.

(4) Legal non-conforming lots of record will be allowed as building sites without variances from lot size if the use is permitted and if the lot has been in separate same ownership will have to combine as needed to meet applicable current minimum lot size requirements. This exception is for lot size only.

(5) Non-conforming structures can be added to if the addition does not create further nonconformity.

(D) *Accessory structures.*

(1) All accessory private garages, either attached or detached, shall be comparable in design, material, general character and be architecturally harmonious to the principal structure.

(2) No accessory use such as air conditioning, condensers or generators which create noise may be located in a side yard except for side yards abutting streets where equipment is fully screened from view.

(3) On lots less than 10,000 square feet in area, accessory buildings shall be at least five feet away from other buildings.

(4) On all lots that are 10,000 square feet and more in area, all accessory buildings shall be at least ten feet away from other buildings.

(5) Accessory structures are not to occupy more than 30% of the required rear or side yard.

(6) When granting a conditional use permit for a private garage over 1,200 square feet in floor area or for a second private garage on the lot, in addition to the normal considerations, the garage's use shall be verified as being accessory and attached to the permit as a condition.

(E) *Drainage plans.* In the case of all development, except single family dwellings, a drainage plan shall be submitted to the city engineer for review and a written approval is required.

(F) *Fences.*

(1) Fences may be placed with zero property line setback provided no damage results to abutting property and provided the abutting property side is at least equal in appearance and materials to the installer's side.

(2) No fence in any district may be higher than 42 inches as measured from the street's centerline if it is within the minimum setback distance on the street side(s) of the lot or if it is within five feet of an alley right-of-way.

(3) The maximum height allowed in other areas is six feet except for industrial and business areas where it can be eight feet if set back ten feet from property lines where the adjoining use is residential.

(G) *Traffic visibility.* On corner lots in all districts, no structure or planting in excess of 30 inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected property lines of two intersecting streets, thence 30 feet along one property line, thence diagonally to a point 30 feet from the point of beginning.

(H) *Glare.* Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(I) *Emissions.* Smoke, dust, odor, noise, electrical and radiation emissions in excess of what is normal in residential uses is not allowed in the residential zones. In all other zones, emissions shall be regulated by applicable state and federal regulations.

(J) *Refuse, junk, waste material.*

- (1) The placing of junk or refuse in yards is not permitted except in the I2 Zone.
- (2) Inoperable vehicles are considered as junk.
- (3) All waste material shall be disposed of in compliance with local, state and federal regulations.

(K) *Exterior storage.* All materials and equipment except as provided for in this chapter shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

- (1) Clothes line poles and wires.
- (2) Stationary recreational equipment.
- (3) Storage of one self-propelled recreational vehicle per dwelling.
- (4) Construction and landscaping materials currently being used on the premises.
- (5) Off-street parking of passenger vehicles and trucks not exceeding gross capacity of 12,000 pounds as an accessory use.

(L) *Setback and height exemptions.*

(1) The following shall not be considered as encroachments on required yard setbacks, except for ordinary high water setback requirements which shall adhere to the shoreland regulations.

(a) Chimney, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like provided they do not project more than two feet into a required yard.

(b) Terraces, steps, uncovered porches, stoops, landings or similar features in front or rear yards provided they don't extend above the entrance floor level of the building or more than six feet into the required yard.

(c) Laundry drying and recreational equipment, arbors, trellises, air conditioning or heating equipment in rear yards to a point no closer than five feet from any lot line.

(d) One detached storage shed not exceeding eight feet in height nor 100 square feet in area in the rear yard to a point no closer than five feet from any lot line.

(e) Ornamental structures, whose purpose and intent is of a purely decorative nature and does not act as a wall or enclosure, block vision or light, shall be considered a permitted encroachment on yard setback requirements as long as such structures are located entirely upon the private property of the applicant.

(f) For signs, see division (P).

(g) For fences, see division (F).

(2) Where adjacent structures within the same block have front yard setbacks less than those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and

the setback of the adjacent structure.

(3) (a) For height, the building height limits established herein for districts shall not apply to the following:

1. Belfries;
2. Chimneys or flues;
3. Church spires;
4. Cooling towers;
5. Cupolas and domes which do not contain usable space;
6. Elevator penthouse;
7. Flag poles;
8. Monuments;
9. Parapet walls extending not more than three feet above the limiting height of the building;
10. Water towers;
11. Poles, towers and other structures for essential services;
12. Television and radio antennas not exceeding 20 feet above roof.

(b) No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25% of the area of such roof nor exceed ten feet unless otherwise noted.

(M) *Manufactured home parks and campgrounds.* All manufactured home parks and campgrounds will be designed and constructed in accordance with the standards as set by the Minnesota Department of Health.

(N) *Parking and loading.*

(1) Multi-family residential developments shall have at least one off-street parking stall per dwelling unit, in addition to what off-street parking is necessary for operations.

(2) All uses other than single-family dwellings shall have enough off-street parking and loading areas for the traffic generated by the use except for the B4, Central Business District zone.

(3) Off-street parking and loading are not required in the B4, Central Business District zone but no activities associated with the use other than customer parking and temporary loading shall take place in the public road right-of-way.

(4) Necessary parking and loading levels as will be determined through the conditional use process and be attached as a condition to the conditional use permit.

(O) *Land alteration.* When a conditional use permit is required, these shall be included:

(1) A finished grade plan which has been determined will not adversely affect other land.

(2) An operation plan showing materials to be moved, traffic movement, erosion control and all associated activities.

(P) *Signs.*

(1) Signs, unless specifically noted otherwise will be exempt from setback requirements of this chapter except from setback requirements from ordinary high water lines.

(2) No sign shall be permitted on rocks or trees.

(3) No sign will be permitted that gives off an intermittent or rotation beam of light.

(4) Signs shall be kept in a reasonable state of repair.

(5) No sign shall be allowed that obstructs driver's vision needed for safe driving or that detracts from the visibility of traffic control devices.

(6) Directional signs in road rights-of-way are regulated by the appropriate road authorization.

(7) Day signs can be placed in road rights-of-way, including sidewalks but they shall not be placed on any driving surface nor shall they inhibit normal pedestrian movement. They shall only be displayed while the use is open for business.

(8) Temporary signs must be removed within seven days of the end of the event.

(9) Unless otherwise noted, only one sign of each type will be allowed per lot.

(Q) *Home occupations.*

(1) *Level 1 - permitted use standards.*

(a) Maximum floor use area: 1,000 square feet (except with uses such as day care where the whole dwelling may be used as a home);

(b) No more than one person, other than the members of the family occupying the dwelling shall be employed in conjunction with the home occupation;

(c) No extra traffic generated over an estimated four vehicle trips per day;

(d) No noise, vibration, glare, fumes, odors, or electrical interference detectable off premises;

(e) There shall be no change in the dwelling unit or premises, or other visible evidence of the conduct of such home occupation (including signs other than the district allows as a permitted use);

(f) No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, garbage) so that the combined total use for the dwelling and home occupation purposes exceeds the average for the residences in the neighborhood; and

(g) No special or hazardous wastes generated.

(h) Note: level 1 home occupation does not have automatic right to expand to level 2 home occupation.

(2) *Level 2 - conditional use standards.*

(a) Level 2 category has a higher intensity of use than those indicated in level 1 permitted standards.

(b) Previous investments will not be used as a reason to override these standards or other valid concerns of conditional uses contained in this chapter.

(c) In considering conditional uses for home occupations (level 2), the outside appearance will be set and added as a condition.

(d) Subsequent non-compliance with any conditions will be cause for discontinuance of the conditional use permit.

(e) Additional conditions may include lighting, hours, buffers, setbacks, service road, signage, platting or other conditions deemed suitable.

(f) Level 2 uses are defined as those uses that don't qualify as level 1 but that:

1. Use less than 2,000 square feet of floor space (except with uses such as day care where the whole dwelling may be used as a home);

2. Employ less than four employees at the site at the same time (other than the occupants of the dwellings);

3. Produce extra traffic generation not more than 12 vehicle trips per day;

4. Produce no noise, vibration, glare, fume, odor or electrical interference detectable off the premises that can't be mitigated with special conditions;

5. Shall cause no increase in the use of any one or more utilities (water, sewer, electricity, garbage) that strain the utility's provision of services;

6. Produce no special or hazardous wastes that require special treatment; and

7. Need no more signage other than allowed in the district's conditional use section.

(3) *Accessory building.* A home occupation may be carried out in an accessory building, with all applicable standards for the designated home occupation level.

(4) *Non-conforming home occupations.* All non-conforming home occupations legally existing prior to the adoption of this chapter shall be allowed to continue, but shall not be allowed to expand, be rebuilt, relocated, replaced or altered without being brought into compliance with all the

requirements of this division.

(R) *Sewer and water regulations.*

(1) All new construction and development shall be served by city water and sanitary sewer unless determined by the City Council to be in an area not feasible to extend services.

(2) All existing uses and all new uses in the AH Zone that are allowed to have private sewage treatment or water facilities shall do so in compliance with the regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(3) No stormwater run-off (including sump pumps in dwellings) shall be connected to the city sanitary sewer system.
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