

# CHAPTER 11

## 11-SUB-ANALYSIS

### LAND USE REGULATIONS (ZONING)

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## CHAPTER 11

### LAND USE REGULATION (ZONING)

#### SECTION 11.01. APPLICATION.

Subd. 1. Intent and Purpose. The intent of this Chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use. This Chapter shall divide the City into use districts and establish regulations in regard to locations, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; 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 promote the character and preserve and enhance the stability of properties and areas within the City; to protect against fire, explosion, noxious fumes and pollution of the environment; to promote a visually pleasing environment throughout the community; to provide for administration of this Chapter; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Board of Appeals, the Planning and Zoning Commission and the Council in relation to this Chapter.

Subd. 2. Standard Requirement. Where the conditions imposed by any provisions of this Chapter are either more or less restrictive than comparable conditions imposed by other City Code provision, rule or regulation of the City, the City Code provision, rule or regulation which imposes the more restrictive condition, standard or requirements shall prevail.

Subd. 3. Minimum Requirements. The provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

Subd. 4. Unlawful Act. It is unlawful for any person to erect, relocate, convert, enlarge, reconstruct or alter any structure or use any structure or land for any purpose or in any manner which is not in conformity with the provisions of this Chapter.

Subd. 5. 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 unlawful. In such case the Council or the Planning and Zoning 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 Council, Planning and Zoning Commission or property owner, upon receipt of the staff study, shall, if appropriate, initiate an amendment to this Chapter to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subd. 6. Authority. This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.365.

**SEC. 11.02. DEFINITIONS.** The following terms, as used in this Chapter, shall have the meanings stated:

1. “Accessory Building or Use” - A subordinate building, structure or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

2. “Mining Use” - Those uses commonly associated with excavating of natural earth-bearing ore or non-metallic or metallic metals. Uses subject to Minnesota Pollution Control Standards.

3. “Alley” - A public right-of-way thirty (30) feet or less in width which affords secondary access to abutting property.

4. “Apartment” - A room or suite of rooms which is designed for, intended for or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

5. “Automobile Repair - Major” - General repair, rebuilding, or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, overall painting or paint job; vehicle steam cleaning.

6. “Automobile Repair - Minor” - Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks.

7. “Basement” - A portion of a building located partially underground by having more than one-half (1/2) its floor to ceiling height below the average land grade.

8. “Boarding House” - A building other than a hotel where, for compensation by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

9. “Building Area” - The portion of a lot remaining after required yards have been provided.

10. “Building” - Any structure having a roof supported by columns or walls used or intended for supporting or sheltering any use or occupancy.

A. “Earth Sheltered” - A building so constructed so that more than fifty (50) percent of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth, and all applicable Building Code Standards are satisfied. Partially completed buildings shall not be considered earth sheltered.

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

12. “Business” - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

13. “Carport” - A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.

14. “Cellar” - That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.

15. “Channel” - A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

16. “Church” - A building together with its accessory building 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.

17. “Club or Lodge” - A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable Federal, State and City laws.

18. “Conditional Use” - An activity or use of the land, which because of special problems of control intrinsic in the use, requires reasonable but special, unusual and extraordinary limitations for the protection of the public welfare and the integrity of the City’s land use plan.

19. “Conditional Use Permit” - A permit, issued by the Council in accordance with the procedures specified in this Chapter, 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.

20. “Condominium” - A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to applicable provisions of Minnesota State Statutes.

21. “Convenience Food Establishments” - An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

22. “Day Care Home” - Restricted to a family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided during part of the day (less than twenty-four (24) hours) with no overnight accommodations or facilities and children are delivered and removed daily. The number to be cared for in one (1) day care home shall not exceed ten (10) not including the family’s own children, and all licenses shall be obtained.

23. “Day Care Center (Group)” - A service provided to the public, in which children of school or pre-school age are cared for during established business hours. No overnight accommodations are provided and children are delivered and removed daily. At least 50 square feet of fenced play area per pupil shall be provided.

24. “Detoxification Facility (Sub-Acute)” – A short term health care and evaluation center designed for the safe, supervised withdrawal from alcohol and drugs, the evaluation of the patient’s involvement and possible dependency on chemical substances and to refer patient to appropriate programs.

25. “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.

26. “Dog Kennel” - Any place where three (3) dogs or more over six (6) months of age are commercially board, bred and/or offered for sale, excluding a veterinary clinic.

27. “Drive-In Establishment” - An establishment which accommodates the patron’s automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

28. “Dwelling” - A building or portion thereof, designated exclusively for residential occupancy, including one family, two family and multiple family dwellings, but not including hotels, motels, and boarding houses.

29. “Dwelling, Manufactured” - A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations; it shall be located on a permanent foundation constructed of block, poured concrete or wood in accordance with the Building Code Standards so that the floor of the structure is no greater than 24” above exterior finished grade; and connected to utilities, and the like. Such unit may be built under the State Mobile Home Code. In addition, such housing must have a shingled roof with a pitch of no less than 2-1/2” to 12” and house type siding including simulated stucco, aluminum lap siding and simulated wood. No such house shall have a width of less than 20 feet at its narrowest point.

30. “Dwelling, Mobile Home” - A detached residential dwelling unit designed for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy

except for minor and incidental unpacking and assembly operations, it shall be located on jacks or other temporary or permanent foundations and connected to utilities, and the like. A travel trailer is not to be considered as a mobile home.

A. “Mobile Home, Independent” - A mobile home which is constructed to utilize a public water and sewer system, for external source of electric service and an external source for heating and shall be equipped with a stool, shower or tub, and laundry facilities.

31. “Dwelling, Multiple (Apartment)” - A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

32. “Dwelling, Single Family” - A detached dwelling unit designed exclusively for occupancy for one (1) family.

A. “Single Family Attached” - Two single family dwellings with a zero lot line on one side sharing a common wall, with the common wall and all jointly owned or jointly utilized facilities including, but not limited to decks, utility lines and driveways being governed under a declaration of covenants and restrictions approved by the City, and filed with the County Recorder.

33. “Dwelling, Two Family” - A dwelling designated exclusively for occupancy by two (2) families living independently of each other.

34. “Dwelling Unit” - A residential building or portion thereof intended for occupancy by a family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

35. “Electronic Signs” – A sign, display or device that changes message copy on the sign by means of light emitting diodes (LED), fiber optics, light bulbs, Liquid Crystal Display, or other illumination devices with the display area.

(Added 4/19/08)

36. “Essential Services” - Gas, electric, steam, sewer, communication or water transmission collection, supply, disposal or distribution systems operated by public utilities, municipal or other governmental agencies.

37. “Family” - One (1) or more persons each related to the other by blood, marriage, adoption or foster care, or a group of not more than five (5) persons not so related maintaining a common household and using common cooking and kitchen facilities.

38. “Floor Area (Business-Commercial)” - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

39. “Garage-Private” - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business or industry is carried on. Such space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers or equipment, provided that not more than onehalf (1/2) of the space is rented to persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented. Private garages parking spaces and carports are to be used for licensed and operable passenger cars and trucks, not to exceed a gross capacity of 9,000 pounds as regulated by the Off-Street Parking provisions of this Chapter.

40. “Garage-Public” - A building or portion of a building except any herein defined as a private garage or as a repair garage used for the storage of motor vehicles or where any such vehicles are kept for remuneration or hire, and in which any sale of gasoline, oil and accessories is only incidental to the principal use.

41. “Grade (Adjacent Ground Elevation)” – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

42. “Home Occupations” - Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business or a repair shop of any kind on the premises, except television, shoe and small appliance repair, and no stock in trade shall be kept or sold except that which is clearly accessory to the principal use. No other than persons residing on the premises shall be employed and no mechanical equipment shall be employed that is not customarily found in the home and no more than one (1) room may be devoted to home occupation use. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, no exterior signs except as allowed in the sign regulations for the zoning district in which such home occupation is located. There shall be no exterior storage of equipment or materials used in the home occupations. No home occupation shall be permitted which results in or generates more traffic than one (1) car for off-street parking at any one given point in time. Permissible home occupations include, but are not limited to the following: Beauty shops; art studio; dressmaking; special offices of clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied by the same; and teaching, with musical, dancing and other instruction limited to one (1) pupil at a time.

43. “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.

44. “Junk Yard” - Land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled or handled, including but not



limited to, scrap metals, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.

45. “Lot (Of Record)” - A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Chapter, 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 building or principal use together with any accessory buildings and such open spaces as required by this Chapter and having its principal frontage upon a street.

46. “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, having not less than the minimum area required by this Chapter for a building site in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approved by the Council.

47. “Lot Area” - The area of a horizontal plane within the lot lines.

48. “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 135 degrees or less.

49. “Lot, Depth. - The shortest horizontal distance between the front lot line and the rear lot line measured from a 90 degree angle from the street right-of-way (chord) within the lot boundaries.

50. “Lot, Frontage” - The front of a lot shall be for the purposes of complying with this Chapter, that boundary abutting a public right-of-way having the least width. The owner of a corner lot may select either street line as the front lot line, providing the resulting setbacks will be compatible with the existing or future setbacks of the adjoining properties subject to approval by the Building Inspector or Zoning Administrator.

51. “Lot, Interior” - A lot, other than a corner lot, including through lots.

52. “Lot Linen - A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

53. “Lot, Through” - A lot fronting on two substantially parallel streets.

54. “Lot Width” - The horizontal distance between the side lot lines measured at the building setback line.

55. “Mobile Home Park, Independent” - An approved mobile home park which has underground utility service to each site and only permits independent mobile homes.

56. “Mobile Home Park, Dependent” - An approved mobile home park which has underground utility service to each site and also restroom and washing facilities as specified by the State of Minnesota.

57. “Motel-Motor Hotel” - A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

58. “Motor Fuel Station” - A place where gasoline (stored only in underground tanks) kerosene, motor oil and lubricants are retailed directly to the public on premises. Motor fuel station may include sale of vehicle related minor accessories and minor auto repair but not automobile major repair.

59. “Motor Freight Terminal (Truck Terminal). - A building in which freight brought by motor truck is assembled and sorted for routing in intra-state and interstate shipment.

60. “Non-Conforming Structure or Use” - Any structure or use which on the effective date of this Chapter does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Chapter.

61. “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.

62. “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.

63. “Open Sales Lot” - Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

64. “Parking Ramp” - An accessory structure designed and used for the storage of motor vehicles at, below and/or above grade.

65. “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 permitted satisfactory ingress for an automobile.

66. “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.

67. “Planned Unit Development” - A tract of land developed as a unit rather than as individual development wherein buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries. The planned unit development must be developed in compliance with the provisions of this Chapter.

68. “Principal Use” - The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.

69. “Public Uses” - Uses owned or operated by municipal, school districts, County, State or other governmental units.

70. “Residential Facility” - Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person’s own home. Residential facilities include, but are not limited to: State institutions under the control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs of schools for handicapped children.

71. “Restaurant” - An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

72. “Senior Citizen Housing” - Multiple dwelling building with open occupancy generally governed by HRA regulations.

73. “Setback. - The minimum horizontal distance between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

74. “Sign Portable” - A sign that is not solidly affixed to the ground, a building or any other structure and is capable of being easily and readily moved whether on wheels, skids or any other type of attachment to facilitate its movement or having thereon a base or method of bracing to facilitate and allow said sign to be easily and conveniently moved and displayed with said sign having no fixed or permanent place and/or location.

75. “Story” - That portion of a building included 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. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

76. “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.

77. “Townhouses” - Structures housing three (3) or more dwelling units of not more than two (2) stories each and contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row house 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.

78. “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 standards of this Chapter or by conditions imposed on particular uses.

79. “Usable Open Space” - A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

80. “Variance” - The waiving by Council action of the literal provisions of this Chapter in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

81. “Warehousing” - The storage of materials or equipment within an enclosed building as a principal use.

82. “Wind Energy Conversion System (WECS)” – Any device such as a wind charger, windmill or wind turbine which converts wind energy to a form of usable energy.

A. “Production Phase WECS” - Professionally designed wind machines that are built in significant numbers on a continuing basis after testing. Wind machines made from professionally designed kits will be considered production phase WECS.

83. “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.

84. “Yard, Front” - A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the principal building.

85. “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 principal building.

86. “Yard, Side” - A yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the lot to the rear yard.

### **SEC. 11.03. GENERAL PROVISIONS.**

#### **Subd. 1. Non-Conforming Buildings, Structures and Uses.**

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

B. Any structure or use lawfully existing upon the effective date of this Chapter shall not be enlarged but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified, or, subsequently amended.

C. Nothing within this Chapter shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. Said value shall be determined by the City Assessor.

D. 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 on the effective date of this Chapter unless such movement shall bring the non-conformance into compliance with the requirements of this Chapter.

E. When a 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.

F. A lawful non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.

G. If at any time a non-conforming building, structure or use shall be destroyed to the extent of more than fifty (50) percent of its fair market value, said value to be determined by the City Assessor, then without further action by the Council, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than fifty (50) percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Building Inspector.

H. Whenever a lawful non-conforming use of a structure or land is discontinued for a period of six (6) months, any future use of said structure or land shall be made to conform with the provisions of this Chapter.

I. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary nonstructural repairs and alterations which do not physically extend or intensify the nonconforming use.

J. 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.

K. Any proposed structure which will, under this Chapter, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Chapter, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Chapter, is not abandoned for a period of more than one hundred twenty (120) days and continued to completion within two (2) years. Such structure and use shall thereafter be a legally non-conforming structure and use.

Subd. 2. Non-Conforming Lots of Record. A lot of record existing upon the effective date of this Chapter in a Residence District, which does not meet the requirements of this Chapter as to area or width may be utilized for single family detached dwelling purposes or two family, duplex dwelling purposes, provided adequate zoning currently exists, and provided the measurements of such area or width are within seventy-five (75) percent of the requirements of this Chapter.

Subd. 3. Dwelling Unit Restriction.

A. No cellar, basement (except multiple family dwellings and dwellings that are of earth sheltered construction as herein defined, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

B. Basements may be used as living quarters or rooms as a portion of residential dwellings in accordance with the Minnesota State Building Code.

C. Tents, play houses or similar structures may be used for play or recreational purposes.

D. Mobile homes and manufactured housing not built under the Uniform Building Code shall be permitted only in an "MH" (Mobile Home Park and Manufactured Housing PUD) District.

Subd. 4. Platted and Unplatted Property.

A. Any person desiring to improve property shall submit to the Building Inspector a certificate of survey by a Registered Land Surveyor of said premises with 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 Code provisions.

B. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.

C. Except in the case of Planned Unit Development, as provided for in this Chapter, not more than one (1) principal building shall be located on a lot. The words “principal building” shall be given their common, ordinary meaning; in case of doubt or on any questions of interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Planning and Zoning Commission and the Board of Appeals.

D. On a through lot (a lot fronting on two (2) substantially parallel streets), the rear lot line shall be defined as the arterial streets, where access is prohibited, and the minimum setback shall be twenty (20) feet for applying the yard and parking regulations of this Chapter.

E. Except in the Central Business District, no building shall be located closer than twenty (20) feet from any street right-of-way.

F. 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 Chapter, 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 shall be included as part of any open space required for other structure.

Source: Ordinance No. 130  
Effective Date: 3-1-88

(Sections 11.04 through 11.09, inclusive, reserved for future expansion.)

**SEC. 11.10. ESTABLISHMENT OF DISTRICTS.** The following zoning classifications are hereby established:

Subd. 1. Residential Districts.

A. R-1 - Single Family Residential District.

1. Purpose. The purpose of the “R-1” Single Family District is to provide for low density single family detached residential dwelling units and directly related, complementary uses.

B. R-2 - One, Two, Three and Four Family Residential District.

1. Purpose. The purpose of the “R-2” Family Residential District is to provide for one, two, three and four density family detached residential dwelling units, and directly related, complementary uses.

C. R-3 - 5-12 Multi-Family Residential District.

1. Purpose. The purpose of the “R-3” Family Residential District is to provide for 5-12 multi-residential dwelling units and directly related, complementary uses.

D. R-4 - Townhouse District.

1. Purpose. The purpose of the “R-4” Residential District is to provide for townhouses or one and two unit dwellings.

E. R-5 - Multi-Family (over 12 units) Residential District.

1. Purpose. The purpose of the “R-5” Residential District is to provide for multiple family structures over twelve (12) units and directly related, complementary uses.

Subd. 2. Business Districts.

A. B-1 - Central Business District.

1. Purpose. The purpose of the “B-1” Central Business District is to provide for the development and redevelopment of high intensity commercial and service activities, gaining economic advantage from a concentration of complementary uses and drawing from and serving customers from the entire market area.

B. B-2 - Community Business District.

1. Purpose. The purpose of the “B-2” Community Business District is to provide for medium intensity retail or service activities on a community and



regional market scale and to provide goods and services to transient motor vehicle traffic. Such districts should be located in areas well served by collectors or arterial street facilities.

Subd. 3. Industrial Districts.

A. I-1 - Light Industrial District.

1. Purpose. The purpose of the “I-1” Light Industrial District is to provide for the establishment of light industrial and manufacturing development and uses which, because of the nature of the product or character of activity, requires isolation from residential or commercial use.

B. I-2 - Heavy Industrial District.

1. Purpose. The purpose of the “I-2” Heavy Industrial District is to provide for the establishment of heavy industrial and manufacturing development and use which, because of the nature of the product or character of activity, requires isolation from residential or commercial use.

Subd. 4. PUD - Planned Unit Development District.

A. Purpose. The purpose of the “PUD” Planned Unit Development District is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approaches to development. This District is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities through conditional use provisions. It is further intended that Planned Unit Developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities and a harmonious selection and efficient distribution of uses.

Subd. 5. MH - Mobile Home Park and Manufactured Housing PUD Districts.

A. Purpose. The purpose for the “MH” Mobile Home Park and Manufactured Housing PUD District is to provide for mobile homes and directly related uses and to provide for manufactured housing as a Planned Unit Development.

Subd. 6. Mining Districts.

A. M-O - Mining Open Space District.

1. Purpose. The Mining Open Space District is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space and/or mining uses.

**SEC. 11.11. ZONING MAP.** The location and boundaries of the districts established by this Chapter are hereby set forth on the Zoning Map entitled “Zoning Map for the

City of Virginia”, dated October 19, 1987, and amended from time to time thereafter. Said Map, on file with the Building Inspector 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, is hereby made a part of this Chapter by reference.

**SEC. 11.12. DISTRICT BOUNDARY LINES.** Zoning district boundary lines of this Chapter follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Chapter.

Subd. 1. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Board of Appeals.

Subd. 2. When any street, alley or other public right-ofway is vacated by official action of the City, the zoning district abutting the center line of said alley or other public right-ofway shall not be affected by such proceeding.

**SEC. 11.13. DISTRICT REGULATIONS.**

Subd. 1. Permitted, Accessory and Conditional Uses. Permitted, accessory and conditional uses for the R-1, R-2, R-3, R4 and R-5 Districts, B-1 and B-2 Districts; and I-1 and I-2 Districts are listed in the following Tables A, B and C. The letter “P” indicates a permitted use and “C” a conditional use. Procedures and standards for granting conditional uses are found in Section 11.50 of this Chapter. All uses are subject to General Performance Standards as provided for in Section 11.40 of this Chapter. Uses listed in the tables are also subject to applicable regulations in Section 11.30, Special Regulations. Additional regulations and clarification of selected uses are also found in Section 11.02 of this Chapter.

**TABLE A - RESIDENTIAL DISTRICTS USES**

**P = Permitted Use**

**C = Conditional Use Permit Required**

USES	R-1	R-2	R-3	R-4	R-5
Single Family Detached Dwelling	P	P	P	P	P
Single Family Attached Dwelling	P	P	P	P	P
Two Family Dwelling		P	P	P	P
Townhouse			C	P	P
Conversion of Single Family Dwelling to no more than 4 Units			P	P	P
Multi-Family (Over 12 units)					
3 - 4 Unit Multi-Family Dwelling	P	P	P	P	P
5-12 Unit Multi-Family Dwelling			P	P	P
Multi-Family (Over 12 units)			P	P	P
Residential Facilities		C	P	P	P
Day-Care Home (Services no more than 10)	P	P	P	P	P
Day-Care Centers (Group) (Services more than 10)	C	C	C	C	C
Senior Citizen Housing			P	P	P
Residential Planned Urban Development	C	C	C	C	C
Public Parks & Playgrounds	P	P	P	P	P
Private Garages, Carports and Off-street Parking (Associated with Residential Use)	P	P	P	P	P
Storage of Recreational Vehicle and Equipment	P	P	P	P	P
Home Occupations		P	P	C	C
Non-Commercial Greenhouse		C	C	C	C
Non-Commercial Recreation Facilities Associated with Residence	P	P	P	C	C
Tool Houses, Sheds, Storage Buildings (Non-Commercial Associated with Residence)	P	P	P	C	C
Boarding or Renting of Rooms to no more than one person		P	P		
Off-Street Loading		C	C	C	C
Essential Services	P	P	P	P	P
Recreational Buildings, Community Centers, Churches and Other Religious Institutions	C	C	C	C	C
Public or Private Educational Institutions	C	C	C	C	C
Governmental and Public Utility Buildings and Structures	C	C	C	C	C

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**TABLE A - RESIDENTIAL DISTRICTS USES (contd.)****P = Permitted Use****C = Conditional Use Permit Required**

<b>USES</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Group Housing-Nursing Homes (Service more than 16)		C	C	C	C
Hospitals, Clinics, Professional or Commercial Offices		C	C	C	C
Retail Sales Associated and Incidental to Hospitals, Clinics, Professional Offices, or to meet the everyday needs of the Building's tenants or residents (1)		C	C	C	C
Funeral Homes Mortuaries		C	C	C	C
Buildings Combining Residential and Non-Residential Uses		C	C	C	C
Off-Site Parking Facilities for Adjacent Commercial Multi-Family Residential		C	C	C	C
Club or Lodge with Food and Drink Incidental		C	C	C	C
Cemeteries, Mausoleums and Crematory		C	C	C	C
Boarding House (No more than 10 persons)		P	P	P	P

**TABLE B - BUSINESS DISTRICTS USES**

**P = Permitted Use  
C = Conditional Use Permit Required**

USES	B-1	B-2
Barbershops, Beauty Parlors	P	P
Self-Service Laundromat & Dry Cleaning Pick-up Station	P	P
Dry Cleaning & Laundry	P	P
Professional & Commercial Offices (Medical, dental, lawyer, real estate, insurance, travel agent, accountant, etc.	P	P
Financial Institutions	P	P
Detached Banking Facility	P	P
Automatic Teller Machines	P	P
Amusement Places (Dance halls, roller rinks, arcades, theaters, health & recreation clubs, bowling alley, etc.	P	P
Personal Services	P	P
Convenience Food (On or off-site consumption such as coffee shops, delicatessens, doughnut shops and ice cream parlors)	P	P
Clubs, Lodges & Restaurants	P	P
Taverns and Off-Sale Liquor (Updated November 15, 2016)	P	P
Plumbing, Heating & Electrical	P	P
Taxi or Bus Terminal	P	C
Car Wash	P	P
Public Garages	P	P
Auto Repair	P	P
Parking Ramp	P	C
Motels/Hotels	P	P
Printing, Newspaper, Communications	P	P
Convenience Grocery Stores	P	P
Grocery, Fruit or Vegetable Stores	P	P
Bakery with Baking for Retail Sales On-Site	P	P
Bicycle Sales & Repair	P	P
Retail Sales of Art, Art Supplies, School and Office Supplies, Books and Stationery	P	P
Camera & Photographic Supplies	P	P
Clothing sales & Tailoring	P	P
Hardware Store	P	P
Florist Shop	P	P
Commercial Greenhouse	P	P
Variety, Notions, Handicraft, Jewelry, Hobby & Craft	P	P

**TABLE B - BUSINESS DISTRICTS USES (contd.)**

**P = Permitted Use**

**C = Conditional Use Permit Required**

USES	B-1	B-2
Drug Store	P	P
Department, Discount and Furniture Stores	P	P
Paint and Wallpaper Sales	P	P
Building Materials	P	P
Auto Accessory	P	P
Major Appliances, Sales & Repair	P	P
Small Appliances, Sales & Repair	P	P
Boat & Marine Sales	P	P
Automobile Dealerships, Motor Vehicle and Recreation Equipment and Accessory Garages	P	P
Gas Stations (Principal or Incidental)	P	P
Implement Sales/Service, Feed Store	P	C
Shopping Center	P	C
Government and Utility Offices	P	P
Essential Services	P	P
Mini-Storage Facilities	C	C
Custom Manufacturing (Optical, arts, crafts, watches, jewelry, dental)	P	P
Multi-Family Housing	C	C
Commercial PUD	C	C
Drive-in or Drive-through Facilities Associated with Banks, Restaurants	P	P
Detoxification Facility	C	C
Open and Outdoor Service, Sales, and Rentals as a Principal or Accessory Use, including sales in or from motorized vehicles, trailers, or wagons (5)	C	C
Off-Street Loading	P	P
Off-Street Parking (Not including semi-trailer truck)	P	P
Building, Structure or Use Accessory to Principal Use	P	P

**TABLE C-INDUSTRIAL DISTRICTS USES**

**P = Permitted Use**

**C = Conditional Use Permit Required**

<b>USES</b>	<b>I-1</b>	<b>I-2</b>
Radio & Television Transmission Towers & Stations	P	P
Research Laboratories	P	P
Trade Schools	P	P
Bus, Railroad, Motor Freight or Trucking Terminals and Maintenance Garage	P	P
Warehouses and wholesaling	P	P
Laboratories	P	P
Essential Services	P	P
Governmental & Public Utility Buildings & Structures	P	P
Open and Outdoor Storage	P	P
Open or Outdoor Service Sale and Rental as an Accessory Use, and including sales in or from motor vehicles, trailers or wagons (2)	P	P
Oil, Gasoline, Liquid Fertilizer, or Other Chemical Storage Tanks (principal or accessory use), Storage Capacity Exceeds 12,000 Gallons	P	P
Junk Yard (open storage), similar uses	C	C
Machine Shops	P	P
Motor Vehicle Minor and/or Major Repair	P	P
Manufacture of Dairy Products, Cold Storage, Distribution, Bottling Plant	P	P
Manufacturing, Assembly, or Treatment of Previously Prepared Products (cloth, leather, paper, plastic, metals, stone, wood, etc.	P	P
Manufacture of Musical Instruments, Novelties and Molded Rubber	P	P
Manufacture or assembly of electrical Appliances, Instruments, etc.	P	P
Manufacture of Pottery, Ceramic Products Using Previously Pulverized Clay & Electric or Gas Kilns	P	P
Manufacture/Repair Electrical Signs, Advertising Devices, etc.	P	P
Manufacture/Repair Light Sheet Metal Products	P	P
Blacksmith, Welding or other Metal Shop	P	P
Commercial and Industrial Laundry Services	P	P

**TABLE C-INDUSTRIAL DISTRICTS USES (contd.)**

**P = Permitted Use**

**C = Conditional Use Permit Required**

<b>USES</b>	<b>I-1</b>	<b>I-2</b>
Foundry Casting; Lightweight, non-ferrous metals or electric foundry not causing noxious fumes or odors	P	P
Manufacturing, Compounding, Assembly, Packaging, Treatment or storage of Products including: Cement, concrete, stone cutting, brick, glass, batteries, ceramic products, mill working, metal polishing and plating, paint, vinegar works, rendering of fats and oils, rubber products, plastic, asphalt and similar uses.	P	
Incineration or reduction of waste material other than customarily incidental to a principal use	C	
Fertilizer, Fuel Briquettes, Chemical Manufacturing	C	
Kilns or other heat processes fired by means other than electricity		C
Creosote Plant		C
Acid Manufacturer		C
Storage, utilization or manufacture of materials or products which could decompose by detonation		C
Refuse and Garbage Disposal		C
Milling, Distillation, and Similar Uses, Grain elevators	C	
Off-Street Parking (including semi-trailer trucks)	P	P
Commercial Building, Structure or use accessory to the principal use	P	P
Crude Oil, Gasoline or other liquid storage tanks incidental to the principal use	P	P
Offices associate with principal use	P	P



**SUBD. 2. MINIMUM GENERAL REQUIREMENTS.**

**RESIDENTIAL DISTRICTS**

USES	Min. Lot Size (sf)	Min. Lot Width	Min. Setback in Feet	Min. Setback in Feet	Min. Setback in Feet	Max. Height (Greater)	Min. Lot Area per Unit	Min. S.F. per Unit
			Front	Rear	Side			
Single Family Detached R-1	6,000	50 <sup>2</sup>	20	25	8	35 <sup>2</sup>	6,000	960
Single Family Detached R-2	5,000	25 <sup>2</sup>	20	25	5	35 <sup>2</sup>	5,000	960
Single Family Attached R-3	5,000	25 <sup>2</sup>	20	25	5	35 <sup>2,3</sup>	5,000	960
Two Family Dwelling R-3	6,000	50 <sup>2</sup>	20	25	5	35 <sup>2,3</sup>	3,000	750
Single Family 3 Units	4,500	50 <sup>2</sup>	20	25	5	35 <sup>2,3</sup>	1,500	750
Converted to Multi-Family 4 Units R-3	6,000	50 <sup>2</sup>	20	25	5	35 <sup>2,3</sup>	1,500	750
Townhouses R-4	5,000	100 <sup>2</sup>	20	25	20	35 <sup>2,3</sup>	1,500	960
Multiple Family 3 Units R-4	4,500	100 <sup>2</sup>	20	25	20	35 <sup>2,3</sup>	1,500	750
Multiple Family 4 units R-4	6,000	100 <sup>2</sup>	20	25	20	35 <sup>2,3</sup>		
Multiple Family to 12 units R-5	18,000	100 <sup>2</sup>	20	25	20	35 <sup>2,3</sup>	1,500	500
Multiple Family over 12 units	21,000	100 <sup>2</sup>	20	25	20	35 <sup>2,3</sup>	1,750	500
Residential Facilities 1-6 served R-1	9,000	75 <sup>2</sup>	30	30(1,2)		25 <sup>2</sup>		
Residential facilities 1-6 served R-2 R-3	7,800	65 <sup>2</sup>	30	30(1,2)		25 <sup>2</sup>		
Residential Facilities 7-16 served R-5	13,000	100 <sup>2</sup>	30	30	40	25 <sup>2</sup>		
Nursing Homes Group Housing Over 16	20,000	100 <sup>2</sup>	30	30	40	35 <sup>2,3</sup>		
Senior Citizen Housing	20,000	100 <sup>2</sup>	30	30	20	35 <sup>2,3</sup>	1,000	500
Club or Lodge with Food, Drink	20,000	100 <sup>2</sup>	30	30	20	35 <sup>2,3</sup>		
Hospitals, Clinics	20,000	100 <sup>2</sup>	30	30	20	35 <sup>2</sup>		
Professional or Leased Offices	20,000	100 <sup>2</sup>	30	30	20	35 <sup>2</sup> or 3 <sup>3</sup> stories		
Recreational, Religious, Institutional			30	30	Lesser of 1-1/2 Xht/50	35 <sup>2</sup> or 3 <sup>3</sup> stories		
Essential Services Government, Public Utilities			30	30	10	25 <sup>2</sup> or 2 1/2 stories		

## RESIDENTIAL DISTRICTS (contd.)

- (1) Side yard abutting a public right-of-way (street) shall be not less than 20' from the right-of-way.
- (2) In a block where a lot fronts on a side street next to a lot which has its side facing the same street, the setback on each lot shall be 20' from the side street.
- (3) Structures in excess of three stories or 35 feet are permitted as conditional uses. For each additional story over three (3) stories, or for each additional ten (10) feet above thirty-five (35) feet, front and side yard setback requirements shall be increased five (5) feet.

## DENSITY AND INTENSITY REGULATIONS

### BUSINESS DISTRICTS

USES	Min. Lot Size (sf)	Min. Lot Width (sf)	Min. Setback in Feet	Min. Setback in Feet	Min. Setback in Feet (1) Side	Max. Height (Greater)
			Front	Rear		
<b>All Uses, Permitted or Conditional in the B-1 District</b>	8,000	75'	30	20	15 <sup>2</sup>	25' or 2 stories
<b>Multiple Family in B-2 District</b>	2,700/Unit	100'	30	20	10 <sup>2</sup>	35' or 3 <sup>3</sup> stories
<b>All Other Uses, Permitted or Conditional in the B-2 District</b>	None	100'	30	20	10 <sup>2</sup>	35' or 3 <sup>3</sup> stories
<b>Motels/Hotels</b>	500/unit					
<b>Accessory Buildings, Uses and Structures</b>	Refer to Section 11.30, Subd. 1					
<b>B-1 District</b>						35' or 3 <sup>3</sup> stories
<b>B-2 District</b>						25' or 2 <sup>3</sup>

- (1) Except in the Business District (B-1), no building shall be located closer than twenty (20) feet from any street right-of-way.
- (2) A side yard that directly abuts a residential use or residential district shall be increased to ten (10) additional feet over the minimum stated
- (3) Structures in excess of 3 stories or over 35 feet are permitted as Conditional Uses. For each additional story over 3 stories or for each additional ten (10) feet above 35 feet, front and side yard setback requirements shall be increased five (5) feet.
- (4) A side yard that directly abuts a residential use or residential district shall be increased ten (10) additional feet over the minimum stated above, and shall be screened and landscaped.
- (5) If abutting a residential use or residential district, the rear property line shall be screened and landscaped.

**DENSITY AND INTENSITY REGULATIONS**

**INDUSTRIAL DISTRICTS**

<b>USES</b>	<b>Min. Lot Size (sf)</b>	<b>Min. Lot Width</b>	<b>Min. Setback in Feet Front</b>	<b>Rear</b>	<b>(1) Side</b>	<b>Max. Height (Greater)</b>
<b>All Uses, Permitted or Conditional in I-1</b>	None	100'	50	40	30	45' or 3 stories
<b>All Uses, Permitted or Conditional in I-2</b>	None	100'	50	50	30	45' or 3 stories
<b>Accessory Buildings, Uses and Structures</b>	Refer to Section 11.30, Subd. 1					45' or 3 stories

- (1) Except in the Central Business District (B-1), no building shall be located closer than twenty (20) feet from any street right-of-way.
- (2) Structures in excess of three (3) stories or 45 feet are permitted as Conditional Uses. For each additional story over three (3) stories or for each additional ten (10) feet above the forty-five feet, front and side yard setback requirements shall be increased five (5) feet, except for public housing for elderly.

Subd. 3. Mobile Home Park (Independent or Dependent).

A. General Provisions.

1. No mobile home for residential purposes shall be permitted on any site within the City unless said site is part of an approved mobile home court or unless it is located on land purchased by the mobile home owner served by utilities as required by State law, and such land has been, prior to the effective date of this Chapter, specially developed and formally platted for the placement of mobile homes.

2. Mobile homes shall not be used for residential purposes in the City if they:

(a) Do not conform to the requirements of the Vehicle Code of the State of Minnesota.

(b) Are in an unsanitary condition or have an exterior in bad repair.

(c) Are structurally unsound and do not protect the inhabitants against all elements.

(d) Do not have adequate sewage facilities as required by the Council in accordance with Pollution Control Agency regulations.

3. All land areas shall be:

(a) Adequately drained.

(b) Landscaped to control dust.

(c) Clean and free from refuse, garbage, rubbish or debris.

4. No tents shall be used for other than recreational purposes in a mobile home park.

5. There shall be no outdoor camping anywhere in a mobile home park.

6. No public address or loudspeaker system shall be permitted in such park.

7. Dogs and animals shall not run at large within the mobile home park.

8. Access to mobile home parks shall be as approved by the City.

9. The operator of every mobile home park shall maintain a registry of the mobile home showing:
- (a) The name and address of each resident mobile home owner.
  - (b) The make, type and license number of each mobile home and automobile.
  - (c) Forwarding address of all mobile units leaving the park.
  - (d) Date of arrival and departure of each mobile home.

10. All structures (storage, cabana or other) shall require a building permit from the Building Inspector.

11. The area beneath a mobile home coach shall be enclosed except that such enclosure must have access for inspection.

12. No more than ten (10) percent of all trailer sites in a dependent mobile park shall be occupied by transient (less than seven days occupancy) coaches.

13. No building, cabana, carport, awning, storage closet, cupboard or other structure shall be permitted on a transient trailer site except plumbing and electrical service connections.

14. Where the mobile home court is dependent, it shall have an adequate central community building with the following features:

- (a) Laundry washing machines, drying areas and machines.
- (b) Showers.
- (c) Public toilets and lavatories. Such building shall have central heating and be maintained in a safe, clean and sanitary condition.

15. In parks exceeding fifty (50) lots, an attendant, caretaker or responsible park employee shall be readily available at all times.

16. A plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions shall be developed.

B. Site Plan Requirements.

1. Legal description and size in acres of the proposed mobile home court.

2. Location and size of all mobile home sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites and all setback dimensions (parking spaces, and mobile home sites, etc.)
3. Detailed landscaping plans and specifications.
4. Location and width of sidewalks.
5. Plan for sanitary sewage disposal, surface drainage, water systems, electrical service and gas service.
6. Location and size of all streets abutting the mobile home park and all driveways from such streets to the mobile home park.
7. Road construction plans and specifications.
8. Plans for any and all structures.
9. Such other information as required or implied by these mobile home court standards or requested by public officials.
10. Name and address of developer or developers.
11. Description of method of disposing of garbage and refuse.
12. Detailed prescription of maintenance procedures and grounds supervision.
13. Details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.

C. Design Standards.

1. Site:
  - (a) Each mobile home site shall contain at least four thousand (4,000) square feet of land for the exclusive use of the occupant:
    - (1) Width: No less than forty (40) feet.
    - (2) Depth: No less than one hundred (100) feet.
  - (b) Each mobile home site shall have frontage on an approved roadway and the corner of each mobile home site shall be marked and each site shall be numbered.

(c) The minimum lot area for a mobile home court shall be forty-eight thousand (48,000) square feet.

2. Setbacks:

(a) No unit shall be parked closer than five (5) feet to its side lot lines nor closer than twenty (20) feet to its front lot line, nor closer than ten (10) feet to its rear lot line.

(b) No unit, off-street parking space or building shall be located within thirty (30) feet of the exterior boundary of any mobile home court.

3. Parking:

(a) Each mobile home site shall have offstreet parking space for two (2) automobiles.

(b) Each mobile home park shall maintain a hard-surfaced off-street parking lot for guests of occupants in the amount of one (1) space for each five (5) coach sites.

(c) Access drives off parking spaces and each site shall be hard-surfaced.

4. Utilities:

(a) All mobile homes shall be connected to a public water and sanitary sewer system when they are available or to a private water and sewer system approved by the State Department of Health when public facilities are not available.

(b) All installations for disposal of surface storm water must be approved by the City Engineer.

(c) All utility connections shall be as approved by the City Engineer and the Department of Public Utilities.

(d) The source of fuel for cooking, heating or other purposes at each mobile home site shall be as approved by the Building Inspector.

(e) All utilities shall be underground; there shall be no overhead wires or supporting poles, except those essential for street or other lighting purposes.

(f) No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related mobile home equipment.

(g) The method of garbage, waste and trash disposal must be approved by the City Engineer.



5. Internal Roads and Streets:

- (a) Roads shall be hard-surfaced as approved by City Engineer.
- (b) All roads shall have a hard-surfaced (mountable, roll type) curb and gutter.
- (c) All streets shall be developed with a roadbed of not less than twenty-four (24) feet in width. If parking is permitted on the streets, then the roadbed shall be at least thirty-six (36) feet in width.

6. Recreation: All mobile home courts shall have at least ten (10) percent of the land areas developed for recreational use developed and maintained at the owner-operator's expense.

7. Landscaping:

- (a) Each site shall be properly landscaped with trees, hedges, grass, fences, windbreaks and the like.
- (b) A compact hedge, redwood fence or landscaped area shall be installed around each mobile home park and be maintained in first class condition at all times as approved.
- (c) All areas shall be landscaped in accordance with landscaping plan approved by the Council.

8. Lighting:

- (a) Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.
- (b) The mobile home park grounds shall be lighted as approved by the City Engineer from sunset to sunrise.

D. Permitted Accessory Uses in an "MH" District.

- 1. Garages, carports, storage sheds, recreational vehicles and equipment, home occupations, essential services.
- 2. Weather shelter, community center swimming pools and other recreational facilities which are operated for the exclusive use by residents and their guests.

Source: Ordinance No. 130  
Effective Date: 3-1-88

(Sections 11.14 through 11.29, inclusive, reserved for future expansion.)

## **SEC. 11.30. SPECIAL REGULATIONS.**

Subd. 1. Accessory Buildings, Uses and Structures. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

### **A. Accessory Buildings, Structures and Uses in Residential Districts.**

1. No accessory buildings, uses or structures shall be erected or located in any required yard other than the rear yard except that:

(a) Detached private garages may be permitted in side yards, provided they comply with all other requirements of this Section, shall be eight (8) feet in R-1 District and five (5) feet in R-2, R-3, R-4 and R-5 District or more from side lot lines, shall not be located closer than five (5) feet from the principal structure, and the side yard does not abut a street right-of-way; and,

(b) Accessory buildings or structures may be located in the side yards of corner lots, provided that the size of the structure does not exceed one hundred fifty (150) square feet and the structure shall be located twenty (20) feet or more from all public right-of-way.

2. Accessory buildings, uses and structures shall not exceed fifty (50) feet in height, shall have setback requirements as in Section 11.11 from all lot lines, shall be six (6) feet or more from any other building or structure on the same lot, and shall not be located within a utility easement. Private garage structures with vehicular access doors facing public alleys shall not be located closer than five (5) feet from the alley right-of-way.

3. For single and two family dwellings, a maximum of two (2) accessory buildings per lot shall be allowed. No accessory structure or structures shall occupy more than thirty (30) percent of a rear yard, nor exceed one thousand (1,000) square feet of total floor area.

4. For townhouses, multi-family structures and non-residential uses, accessory structures shall not occupy more than thirty (30) percent of the rear lot or exceed thirty (30) percent of the gross floor area of the principal use, whichever is the lesser.

5. No permit shall be issued for the construction of more than one (1) detached private garage structure for each dwelling. Each applicant for a building permit to construct any dwelling shall be required to provide off-street parking space for at least one (1) automobile per family to be housed in addition to any garage space to be used. Every single family and two family residential structure hereafter erected shall be so located on the lot so that at least a two (2) car garage, either attached or detached, can be located on said lot. Structures such as air conditioning cooling structures or condensers which generate noise may be located in a side yard except for side yards abutting streets where equipment is fully screened from view.

6. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Virginia opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

(Added 10/25/16)

B. Accessory Structures and Uses in Commercial and Industrial Districts.

1. Accessory building uses and structures shall be six (6) feet or more from any other building or structure on the same lot, and shall not be located within a utility easement.

2. Accessory buildings or structures shall not exceed in area thirty (30) percent of the gross floor area of the principal use.

(a) Accessory buildings, uses or structures may exceed in area thirty (30) percent of the gross floor area of the principal use as a conditional use.

(1) Applicable setbacks are met.

(2) Combined lot coverage of the principal and accessory structures shall not exceed fifty (50) percent.

(3) Location and appearance of the structure is compatible with the surrounding neighborhood.

(4) Accessory buildings, uses or structures shall be erected located in the rear yard, subject to one-half (1/2) the side yard setback requirements and one-half (1/2) of the rear yard setback requirements of the applicable zoning district.

(b) Accessory buildings, uses or structures may be erected or located in side yards as a conditional use.

(1) Applicable side yard setbacks are met.

(2) Accessory buildings, structures or uses shall be located ten (10) feet behind the front building line of the principal structure, or maintain a front yard setback of twenty (20) feet.

(3) Location and appearance of structures is compatible with surrounding neighborhood.

Subd. 2. Yard Encroachments, Not Applicable. The following shall not be considered as encroachments on yard setback requirements: Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, steps, stoops, bay windows and the like; provided they do not project more than four (4) feet into a yard.

Subd. 3. Height Limitations, Not Applicable.

A. The building height limits established in this Chapter for districts shall not apply to the following:

1. Belfries.
2. Chimneys or flues.
3. Church spires, not exceeding twenty (20) feet above roof.
4. Cooling towers.
5. Cupolas and domes which do not contain usable space.
6. Elevator penthouses.
7. Flag poles.
8. Monuments.
9. Parapet walls extending not more than three (3) feet above the limiting height of the building.
10. Water towers.
11. Poles, towers and other structures for essential services.
12. Necessary mechanical and electrical appurtenances.
13. Television and radio antennae (not to exceed seventy-five (75) feet in height above grade).
14. Wind energy conversion systems.

B. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than twenty-five (25) percent of the area of such roof nor exceed ten (10) feet unless otherwise noted.

Subd. 4. Refuse. In all districts, all waste, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Passenger automobiles, station wagons and trucks not currently licensed by the State, or which are, because of mechanical deficiency, incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days, shall be regulated as provided by the laws of the State of Minnesota.

Subd. 5. Outside Storage. In all Residential Districts, all personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following: Laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within a period of twelve (12) months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, offstreet parking of licensed passenger automobiles and pickup trucks.

Subd. 6. Land Reclamation. Under this Chapter, land reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. Land reclamation shall be permitted only by conditional use permit in all Districts. Any lot or parcel upon which four hundred (400) cubic yards or more of fill is to be deposited shall come under the controls of land reclamation. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land, and as conditions thereof, shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress and control of windblown material or hauling of material to or from the site.

Subd. 7. Mining. Except for excavation for construction of a building, the extraction of sand, gravel or other material from the land in the 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 except Mining Open Space District, 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. 8. Soil Processing. The operation of processing sand, gravel or other material mined from the land shall be permitted only by conditional use permit. Such conditional use permit shall include a site plan where the processing is to be done, showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site. Such permit shall be granted for a specified period of time to be determined by the Planning and Zoning Commission based on the type of project and the criteria established for the project by the Commission.”

(Amended 4/20/96)

Subd. 9. Student Housing. Any detached dwelling unit utilized on a rental bases by three (3) or more single high school or college students shall require a conditional use permit. All student housing shall comply with all State, City, County or other regulations affecting the health, safety and convenience of occupants.

Subd. 10. Bulk Storage (Liquid, Gas, Grain, Etc.). Above and below ground storage tanks, bins, elevators and the like shall be regulated in accordance with applicable City, State and Federal regulations, including the applicable Building Codes, State Fire Code and regulations of the Pollution Control Agency. All necessary Federal, State and local permits and approvals shall be obtained. The Council may require that all existing above ground liquid in free

state storage tanks having a capacity of three hundred (300) gallons or more be diked, and suitably sealed, to hold a leakage capacity equal to 115 percent of tank capacity, and also have State Fire Marshal approval. Any existing storage tanks either above or below ground that, in the opinion of the Council, constitutes a hazard to public safety shall be discontinued.

Subd. 11. Relocated Structures.

A. Before any house or other structure is moved onto a vacant lot, a conditional use permit must be secured. No such structure shall be moved by other than a licensed and bonded mover except for accessory buildings less than 250 square feet, which may be moved by the owner if approved by the Building Inspector. Accessory buildings of 500 square feet or less, and less than fifteen (15) feet in height may not require a conditional use permit if, in the judgment of the Building Inspector, its condition and appearance would be compatible with the area and intended use. New and sectional dwellings, whether in whole or in part, may not need a conditional use permit if they comply with the Building Code or other requirements of the Zoning Chapter.

B. The Planning and Zoning Commission shall hold a public hearing according to the provisions of this Chapter on each application to move or relocate a structure to determine its compatibility with the surrounding structures and area of the proposed site of relocation. The Building Inspector shall report to the Planning and Zoning Commission concerning structural soundness of the building; recommended improvements to both the structure and the site, and restoration of the original site. The Building Inspector shall also submit for the Planning and Zoning Commission's review and approval a schedule of estimated costs for the above.

C. The Planning and Zoning Commission shall submit to the Council its recommendation as to the issuance or denial of the conditional use permit, together with recommended conditions (if recommendation is for issuance) including, when applicable, the condition that title to the property and structure cannot be sold or conveyed until the project has been completed and approved by the Building Inspector, a date by which the relocation and all recommended improvements to structure and site, and restoration of original site shall be accomplished; and a signed agreement from the applicant that the conditions, recommended improvements and completion date are accepted.

D. If the Council approves the issuance of a conditional use permit, the applicant shall, before either the conditional use permit or moving permit is issued, deposit with the City Clerk as guarantee to the neighborhood that the recommended improvements will be completed as agreed to by the applicant, a certified check or cashier's check payable to the City of Virginia or in cash in an amount equal to twenty (20) percent of the Building Inspector's estimate of all the costs of relocation, improvement to structure, improvement to the proposed site and restoration of the original site, as prescribed by the Planning and Zoning Commission and concurred with by the Council. Unless the Council grants an extension of the time for completion of the project ten (10) percent of the original amount deposited shall be forfeit for each day that the project remains incomplete past the agreed upon completion date. When the Building Inspector shall certify that the project has been completed, the City Clerk shall return to the applicant, all the monies remaining in the deposit.

E. Before the Building Inspector shall issue a permit to move a structure over any public right-of-way, the applicant shall pay the required fee and complete the application for building moving permit and moving approval form. Requirements shall not apply to construction sheds or temporary construction offices located on the lot for eighteen (18) months or less during a construction project.

Subd. 12. General Fencing, Screening and Landscaping.

A. All fences or walls to be constructed require a building permit.

B. Fences, walks, trees or other obstructions placed upon utility easements are subject to removal if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed ten (10) feet in height.

C. Lot Hedges, Walls and Fences (Height).

Front Yard 3'  
Side or Rear 6'  
Corner lot height 2' (Set in 20')

D. Fences and walls may be erected along property lines provided that adjacent property owners agree and property boundaries can be established and the type of fence will be such as to not require maintenance on the side abutting adjacent property.

E. Fences no higher than three (3) feet above finished grade shall be permitted within required front yards in Residential and Commercial Districts.

F. In Commercial and Residential Districts fences of not higher than 6' above finished grade and walls forty-two (42) inches high or less shall be permitted within rear yards, and that portion of the side yard setback not a part of the front yard.

G. Both sides of the fence must be maintained in respectable condition by the owner of the fence.

H. Barbed wire or electric fences shall not be permitted, used or constructed.

I. Property line fences in any Industrial District shall not exceed eight (8) feet in height except that:

1. Fences erected along a property line in common with a Residential District shall be subject to the provisions herein described in Residential District fences, and,

2. Fences in Industrial Districts which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground, and,

3. Such fence shall not be erected within the landscaped portion of the front yard of any industrial establishment.

Subd. 13. Planned Unit Development In Accordance with the provisions of this Chapter.

(Sections 11.31 through 11.39, inclusive, reserved for future expansion.)



## SEC. 11.40. PERFORMANCE STANDARDS.

Subd. 1. Required Fencing, Screening and Landscaping. The fencing and screening required by this Chapter shall be subject to Section 11.30, Subd. 12, and shall consist of either a fence or a green belt planting strip.

A. A green belt planting strip shall consist of evergreen ground cover and shall be of sufficient width and density to provide an effective screen. This planting strip shall contain no structures or other use. Such planting strip shall not be less than eight (8) feet in height. Earth mounding or berms may be used, but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of shrub shall require the approval of the Planning and Zoning Commission based upon recommendations of the Building Inspector.

B. A required screening fence shall be constructed of masonry, brick, wood or steel. Such fence shall provide a solid screening effect, and shall not be less than six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Planning Commission based upon recommendation of the Building Inspector.

C. Screening shall be provided in the following situations:

1. Residential Districts.

(a) Screening from abutting residential uses shall be provided in the following instances: Public utility buildings and structures; all open, non-residential off-street parking areas of five (5) or more spaces.

(b) Screening from abutting R-1, R-2, R3, R-4 and R-5 Districts shall be provided in the following instances: Professional offices and clinics.

(c) Side-yards can be screened in the following instances: Nursing homes and group housing.

2. Business Districts.

(a) Screening from abutting residential districts shall be provided in the following instances: Public utility buildings and structures, convenience food, car wash, motor fuel station, major auto repair, tire and battery stores and service, open and outdoor storage, service, sales and rentals, greenhouses, and all open off-street parking areas of five (5) or more spaces.

3. Industrial Districts.

(a) Screening from abutting residential districts and view from a public right-of-way shall be provided in the following instances: Open and outdoor storage, service, sales and/or rentals; all open, off-street parking areas of five (5) or more spaces.

Subd. 2. Explosives. No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as are specifically licensed by the Council.

Subd. 3. Radiation and Electrical Emissions. No activities shall be permitted that emit dangerous and radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Subd. 4. Lighting and 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 skyreflected glare, whether 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 the 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. Except for street lighting provided by the public utilities, any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

Subd. 5. Smoke. The emission of smoke- by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

Subd. 6. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

Subd. 7. Odors. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

Subd. 8. Noise. All noise shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15. In instances where it is determined that a proposed land use may generate a level of noise or vibration that will impact on surrounding land uses, the Planning and Zoning Commission and the Council may require that efforts to reduce the potential noise impact be undertaken. These efforts may include screening, landscaping, site planning techniques and restrictions on operating hours.

Subd. 9. Drainage. On request, a drainage plan for the proposed development shall be submitted to the City Engineer for review and approval.

Subd. 10. Required License Obtained. Proof of the issuance of all necessary governmental permits and licenses must be filed with the City. -

Subd. 11. Outside Sales or Storage. In the case of outside storage or sales, the area must be grassed or surfaced to control dust.

Subd. 12. Signs.

A. Residential – R-1, R-2, R-3, R-4 and R-5

1. Type: Identification signs only.
2. Number: One per dwelling.
3. Size: One and one-half square feet for residential identification.
4. Height: Six feet above curb level.
5. Projection into set-back area: Any sign over one and one-half square feet shall be set back at least five feet from any property line.
6. Illumination: Lighting for illuminated signs must be indirect or diffused, but not flashing.
7. LED signs, LCD signs, and/or similar technologies are not allowed in residential district.

B. Business Districts – B-1, B-2, I-1, I-2 and MO

1. Type: Identification, business and outdoor advertising.
2. Number: Business Sign – One per principal entrance plus one for whole shopping center or highway business.
3. Size: 64 square feet.
4. Height: Signs shall not be higher from roof than seven feet to top of sign, and the highest point of any pedestal sign measured from the adjacent ground to the top of the sign shall not exceed twenty-five feet.
5. Projection: To be within three feet of street right-of-way.
6. Illumination: Signs permitted; illuminated and non-flashing.
7. Electronic Signs are allowed with the following standards:
  - a. No scrolling messages allowed in the B-2 district adjacent to the Highway 53 Right-of-Way.
  - b. Only lettering portion of sign shall be animated.
  - c. Any image or message or portion thereof displayed on the sign shall have a minimum duration of fifteen seconds and shall be static display. Transition time must be no longer than two seconds; No black space is allowed in between message changes.
  - d. Electronic signs such as gas prices, time and temperature will not be restricted in time change but must follow all signage regulations set forth in this Chapter.
  - e. Any electronic signs will require the approval of the City Engineering Department.
  - f. No electronic “billboards” will be allowed in any district.
  - g. The maximum brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or of 500 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic dimmer control which produces a distinct

illumination change from a higher allowed illumination level to a lower allowed level for the time period between one half hour before sunset and one half hour after sunrise;

- h. All approved electronic signs shall be made available for usage for Amber Alerts and other Emergency Community Notifications as deemed necessary by the Police Chief.
- i. All graphics and lettering must meet public decency standards.
- j. No electronic signs within 200' of any railroad crossing.
- k. Government entities are exempt from ordinance.
- l. No portable electronic signs
- m. Sign cannot project from building face more than eighteen inches (18")
- n. Electronic signs shall contain a default design that will freeze the design in one position if a malfunction occurs;
- o. Audio speakers or any form of pyrotechnics are prohibited.

C. Performance Standards – All District

1. Any sign installed within 125 feet of a traffic signal shall be non-flashing and may not be of red, green or amber illumination. No sign may be erected that by reason of position, shape or color would interfere with the proper functioning of a traffic sign or signal.

2. Except for a temporary sign, all signs painted on buildings and fences shall be refurbished.

3. "For Rent" and "For Sale" signs may be placed in any front yard, in any District, provided such signs do not exceed 10 square feet in Residential Districts and 32 square feet in other Districts.

4. Signs advertising new home developments may be constructed in any District, providing such sign is not over 300 square feet, is at least 200 feet from any occupied home and is removed within two years.

5. Existing signs that do not comply with these performance standards shall be considered as non-conforming uses. All signs in the City shall be conforming when refurbished.

6. No sign shall overhang the public right-of-way, except traffic control signs.

7. The source of light for any illuminated sign shall not be directed into any street or property used or zoned for residential purposes.

8. There shall be no use of revolving beacons, zip flashers or similar device that would so distract automobile traffic as to constitute a safety hazard.

9. To provide reasonable flexibility in these regulations, the Building Inspector may, subject to the approval of the Commission, approve an application for a sign that exceeds the number, size or height, or signs permitted by these regulations where such exception would not be inconsistent with the intent of regulations.

10. Portable Signs. Any and all portable signs that may be permitted under the general sign provisions of this Chapter shall have a maximum size of 4' x 8' and must conform in use and location with any and all other provisions of this Chapter. A portable sign may be permitted and utilized by any eligible premises and/or occupant for a period not to exceed three (3) weeks total in any six (6) month period. Upon the user's commencement of the utilization of said portable sign, the user shall notify the City Engineering Department of how long the portable sign is to be utilized and when it will be removed. Except for these provisions, no portable signing may be utilized within any district within the City."

(Amended 4/19/08)

Subd. 13. Marquees. Marquees shall be permitted according to construction standards set by the City Engineer.

Subd. 14. Off-Street Parking and Loading.

A. Off-Street Parking Space Requirements. Offstreet parking space shall be provided in connection with the erection or increase by units or dimension of any building or structure in the following amounts:

1. One-family and two family dwellings - One and one-half parking space per family dwelling unit.

2. Multi-family dwellings - 1.5 parking space per family dwelling unit.

3. Hotels - One parking space for each three guests or sleeping rooms and suites, plus two additional spaces for each five employees, plus such additional space as shall be deemed necessary by the Council because of any supplementary parking-generating activities of some hotels such as bars, ballrooms, night club facilities and the like.

4. Tourist Homes, Cabins or Motels - One parking space for each guest or sleeping room or suite, plus one additional space for the owner or manager if resident on the premises.

5. Lodging, Rooming and Boarding Houses - One parking space for each five guests, plus one additional space for the owner or manager if resident on the premises.

6. Private Clubs or Lodges - Parking spaces equal in number to not less than 30% of the active membership thereof, plus one additional space for each two employees.

7. Fraternities, Sororities and Dormitories One parking space for each five active members (attending school), plus one additional space for the housemother or manager, plus one additional space for each two employees.

8. Hospitals, Sanatoriums or Convalescent Homes - One parking space for each four patient beds (excluding bassinets), plus one additional space for each staff or visiting doctor, plus one additional space for each two employees including nurses. Loading and unloading space for hospital ambulances and similar vehicles are not included in the spaces required herein.

9. Medical or Dental Clinics - Three parking spaces per doctor engaged therein, plus one additional space for each two employees.

10. Mortuaries or Funeral Parlors - One parking space for each official vehicle, plus one space for each family resident on the premises, plus additional spaces equal in number to at least 30% of the number of employees (other than resident on the premises), plus such additional space for business visitors as shall be considered necessary by the Council.

11. Welfare Institutions (homes for the aged, orphanages, and the like) - One parking space for each 10 staff or visiting doctors, plus additional spaces equal in number to at least 50% of the number of employees, plus each additional space for business and social visitors as shall be deemed necessary by the Council.

12. Community Centers, Libraries, Museums, Post Offices, Civic Clubs and similar uses - Parking spaces equal in number to at least 30% of the number of employees, plus such additional space for members and business or social visitors as shall be deemed necessary by the Council.

13. Dance Halls - Three additional spaces for each 36 square feet of dance floor area, plus additional spaces equal in number to at least 30% of the number of employees.

14. Bowling Alleys - Two parking spaces for each alley, plus additional spaces equal in number to at least 50% of the number of employees.

15. Parks, Playgrounds, Swimming Pools and similar uses - Parking spaces equal in number to at least 50% of the number of employees, plus such additional space for social and business visitors as shall be deemed necessary by the Council.

16. Theaters - One parking space for each four seats, plus additional spaces equal in number to at least 50% of the number of employees.

17. Auditoriums, Gymnasiums, Stadiums, Sports Arenas or similar uses - One parking space for each six seats, plus additional spaces equal in number to at least 50% of the number of employees. Where individual seats are not provided, each 20 inches of benches or other similar seating shall be considered as one seat for the purposes of determining requirements hereunder.

18. Churches - One parking space for each six seats. Where individual seats are not provided, each 20 inches of benches or other similar seating shall be considered as one seat for the purposes of determining requirements hereunder.

19. Schools - One parking space for each two employees including teachers and administrators, plus sufficient off-street space for the safe and convenient loading and unloading of students, plus such additional facilities for student parking as the Council shall deem necessary.

20. Office, Professional or Public Buildings One parking space for each separate office or suite of offices of a given tenancy, plus one additional space for each four employees including all occupants, and such additional space as the Council shall deem necessary.

21. Railroad Passenger Stations, Bus Depots or other passenger terminal facilities - Such parking space as the Council shall deem to be adequate for employees, for loading and unloading of passengers, and for spectators, visitors and others.

22. Restaurants, Night Clubs, Tearooms, Lunch Counters or the like - One parking space for each four employees plus such additional space for patron parking as the Council shall deem necessary.

23. Roadside Stands, Filling Stations, Repair Shops or other roadside service establishments - One parking space for each two employees, and such additional space for customer-motorists as the Council shall deem necessary in order to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

24. General Business, Commercial and Personal Service Establishments - Such parking facilities as the Council shall deem necessary on the basis of the number of employees and the number of business patrons. Shopping centers shall have five square feet parking space for each one square foot of total floor area.

25. Industrial or Manufacturing Establishments - One parking space for each three employees (based upon the maximum number employed at any one time), plus

such additional space as shall be required for all vehicles used directly or indirectly in the conduct of the enterprise.

26. For any and all uses or structures not specifically provided for in the foregoing enumeration - Such parking space as the Council shall determine to be necessary considering all parking generating factors involved.

B. Change in Requirements. Whenever after the effective date of this Chapter, there is a change in the number of employees or business visitors, or in the lawful use of the premises or in any other unit of measurement specified in Subparagraph A of this Subdivision, and whenever such change creates a need for an increase or decrease of more than 15% of the number of off-street parking spaces as determined by the requirements of this Subdivision, more or less parking spaces shall be provided within a reasonable time on the basis of the adjusted needs, as determined by this Subdivision. In case of unusual hardship arising out of the requirements of this Subparagraph, recourse may be had to the Council.

C. Mixed Uses. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this Subdivision. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

D. Location of Facilities. Special purpose offstreet parking facilities, to the extent required in this Subdivision, may be provided either on the same lot or premises with the parking generator or on any lot or premises a substantial portion of which, at least, is within 800 feet of such parking generator.

E. Design Standards.

1. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. No driveway or curb cuts in any district shall exceed 28 feet throat width and detailed plans shall be submitted to the proper officials for approval of all curb cuts or driveway openings before a permit may be obtained therefor.

2. Parking areas shall be paved with an asphaltic or concrete surfacing, afford adequate drainage and shall have bumper guards where needed.

3. Parking areas shall be used for vehicle parking only with no sales, dead storage, repair work, dismantling or servicing of any kind.

4. If lighting is provided, it shall be arranged to reflect away from any residential area and away from any public street or highway.

F. Off-Street Loading. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundries, dry cleaning establishments or other buildings where large amounts of goods are received or shipped, erected in any district after the effective



date of this Chapter, there shall be provided loading and unloading space to be determined by the Council.

G. Parking Lots in Residential Districts. When in its opinion the best interests of the community will be served thereby, the Council may permit, temporarily or permanently, the use of land in a Residence District, other than a One-Family District, for a parking lot where the land abuts or is across the street from a district other than a Residence District provided that:

1. The lot is to be used only for parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lots, who shall be responsible for its maintenance.
2. No charge is to be made for parking on the lot.
3. The lot is not to be used for sales, repair work or servicing of any kind.
4. Entrance to and exit from the lot are to be located so as to do the least harm to the Residential District.
5. No advertising sign or material is to be located on the lot.
6. All parking is to be kept back of the setback building line by barrier unless otherwise specifically authorized by the Council.
7. The parking lot and that portion of the driveway back of the setback line is to be adequately screened from the street and from adjoining property in a Residence District by a hedge or sightly fence or wall not less than six feet high and not more than eight feet high located back of the setback line. All lighting is to be arranged so that there will be no glare therefrom annoying to the occupants of adjoining property in a Residence District and surfacing of the parking lot is to be smoothly graded, hard-surfaced and adequately drained.
8. Such other conditions as may be deemed necessary by the Council to protect the character of the Residential District.

Source: Ordinance No. 130  
Effective Date: 3-1-88

(Sections 11.41 through 11.49, inclusive, reserved for future expansion.)

**SECTION 11.41 BLIGHTING FACTORS PROHIBITED.**

Subd. 1. Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. The purpose of this ordinance is to protect the character and stability of the properties within the City of Virginia and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.

Subd. 2. Exterior Property Areas: Vacant Properties.

a) Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous conditions, and free from any accumulation of refuse or garbage.

b) Free from noxious weeds and pests. All exterior property areas and vacant areas shall be kept free from species of weeds or plant growth, rodents, vermin or other pests which are noxious or detrimental to the public welfare.

c) Junk automobiles. In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term “junk automobiles” shall include any motor vehicle, part of a motor vehicle, or former motor vehicles stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either (i) unusable or inoperable because of lack of, or defects in component parts; or (ii) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or (iii) beyond repair and therefore not intended for future use as a motor vehicle; or (iv) being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

Subd. 3. Exterior of structures.

a) The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

b) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or substantial amounts of peeling paint.

c) All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

Subd. 4. Interior areas of structures, including residential dwellings.

a) The interior of every structure shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.

b) The interior of every structure shall be maintained free from infestation of noxious insects, rodents and other pests.

c) All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks and defects.

d) The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

Subd. 5. Vacated structures; vacant properties. The owner of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and the owner of any structure which has been vacant for a period of sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Any such structure open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public, and a public nuisance within the meaning of this ordinance. The owner of such vacant property shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Upon failure of the owner to comply, the City may have such structure or vacant property made safe and secure or remove the dangerous condition, and assess the cost to the owner by certifying such cost to the County Auditor as a special assessment against the property involved.

Subd. 6. Enforcement officer. The health and safety officer of the City of Virginia is appointed as the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance.

Subd. 7. Inspection of structures, vacant properties, generally. The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety and welfare of the public. The enforcement officer, or his designated representatives, shall be authorized to inspect any vacant areas and the exterior areas of any structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on that particular premises, a search warrant may be obtained.

Subd. 8. Compliance Order. Whenever the enforcement officer determines that any structure or the premises fail to meet the provisions of this ordinance, the enforcement officer may issue a compliance order setting forth the violations of the ordinance and ordering the owner, occupant, operator or agent to correct such violations. The compliance order shall:

- a) Be in writing;
- b) Describe the location and nature of the violations of this ordinance;
- c) Establish a time for the correction of such violation, which shall be at least ten (10) days;

d) Notify of ability to appeal to the City Council;

e) Be served upon the violator, either the owner, occupant, operator or agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is:

1) Served upon him personally, or

2) Sent by registered or certified mail to that person's address or to the property address.

Subd. 9. Variance and appeals. Appeals of interpretation or requests for a variance shall be made in writing to the City Council, and shall be filed with the City Clerk's Office within three (3) days after receipt of the compliance order. The City Council, in its discretion, may elect to hear appeals or requests for variance when made more than three (3) days after the receipt of the compliance order, but such action by the City Council is completely discretionary, and shall not delay or prevent criminal prosecution or other enforcement actions, unless the City Council grants the appeal or grants the variance prior to the completion of the enforcement activities. The City Council may grant variances in instances where the strict enforcement of this ordinance would cause undue hardship because of circumstances unique to the individual property under consideration and when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance. (Amended 6/26/12)

Subd. 10. Enforcement and Penalties. Violation of any provision of this ordinance, and failure to comply with the notice provided by this ordinance within the time allowed therein shall constitute a misdemeanor. Each day that a violation is allowed to exist shall constitute a separate offense. Further, the provisions of this ordinance may be enforced by injunctive relief.

a) Any weeds or grasses growing upon any lot or land within the City of Virginia in which the weeds or grasses grow to a height greater than six (6) inches, or which have gone or are about to go to seed, are a nuisance. The owner and occupant shall abate or prevent such nuisance on such property, and on the land outside the travelled portion of any street or alley abutting such property.

b) The accumulation of garbage, refuse or other materials upon any lot or parcel of land within the City of Virginia, exclusive of garbage, refuse or other materials placed in any containers for the purpose of garbage disposal is a nuisance. The owner and occupant of such property shall abate or prevent such nuisance upon such property and upon the land outside the travelled portion of any street or alley abutting the property.

c) In the event that any of the nuisances described within this section occur within the City of Virginia, the enforcement officer may give notice to the owner and occupant requiring the owner/occupant to abate the nuisance within ten (10) days of receipt of the notice. Notice shall be served upon the owner/occupant personally, or sent by registered or certified mail to that person's address or to the property address. Owners of property may be determined by any practicable means, including by the records of the County Auditor, which shall be deemed conclusive. If the nuisance is not abated within the time prescribed as set forth in the notice, unless good cause is shown by the owner or occupant for an additional period of time, the City

may cause the weeds and grasses to be cut and removed at the expense of the owner and occupant, and may remove any garbage, refuse or other materials accumulated on such property at the expense of the owner and occupant, and if not paid, the charge for such work shall be a special assessment against the property concerned.

(Amended 6/2/94)

(Sections 11.42 through 11.49, inclusive, reserved for future expansion.)

**SEC. 11.50. ADMINISTRATION AND ENFORCEMENT.**

Subd. 1. Administrative Officer.

A. This Chapter shall be administered and enforced by the Building Inspector who shall be appointed by the Council.

B. Duties of the Building Inspector. The Building Inspector shall enforce this Chapter through the proper legal channels and in addition therefore and in furtherance of said authority he shall:

1. Determine that all building permits comply with the terms of this Chapter.

2. Maintain permanent and current records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefor.

3. Receive, file and forward all applications for appeal, variances, conditional uses and other matters to the designated official bodies.

4. Institute in the name of the City of Virginia any appropriate actions or proceeding against a violator as provided by law.

5. Schedule public hearings for the Planning and Zoning Commission.

Subd. 2. The Planning and Zoning Commission. The Planning and Zoning Commission is hereby established by City Charter, Chapter 6, Sections 29, 30 and 36 and vested with such administrative authority as is hereinafter provided. The Planning and Zoning Commission shall have power to recommend to the Council adjustments and exceptions in and to any of the provisions of this Chapter to the extent herein provided.

Subd. 3. The Board of Appeals.

A. There is hereby established a Board of Appeals which shall consist of all the members of the Council.

B. Powers and Duties of the Board. The Board shall have the power and duty of hearing and deciding, appeals or requests in the following cases:

1. Appeals where it is alleged that there is any error in any order, requirement, decision or determination made by the Planning and Zoning Commission in the enforcement of this Chapter.

2. Requests for variances from the literal provisions of this Chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. In granting a variance, the Planning and

Zoning Commission and the Council, on appeal may impose conditions to insure compliance and to protect adjacent properties.

Subd. 4. Appeals.

A. Authority. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Planning and Zoning Commission in the enforcement of this Chapter.

B. Procedure.

1. An appeal may be taken to the Board of Appeals by any person or by any officer, department, board or commission of the City affected by a decision of the Planning and Zoning Commission. Such appeal shall be taken within 45 days of the action complained of by filing with the Planning and Zoning Commission and with the City Clerk a notice of appeal, specifying the grounds thereof. The Planning and Zoning Commission shall forthwith transmit to the Board of Appeals all of the papers constituting the record which the action appealed from was taken.

2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planning and Zoning Commission certifies to the Board of Appeals after the notice of appeal has been filed that by reasons of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application on notice to the Planning and Zoning Commission and on due cause shown.

3. A public hearing shall be set, advertised and conducted by the Board of Appeals shall render a decision on the appeal.

4. Within 30 days following the close of the public hearing, the Board of Appeals shall render a decision on the appeal.

Subd. 5. Amendments.

A. Authority. This Chapter and the Zoning District Map may be amended from time to time by resolution duly enacted by the Council provided, however, that no such amendment shall be enacted except in accordance with the procedures of this Section, and in compliance with the City Charter.

That said Zoning District Map is hereby and herewith amended as follows:

Lots 13 and 14, College PlazaI-2 (Heavy Industrial)

Lots 15 and 16, College PlazaR-5 (Multi-Family Residential)

Unplatted Lands - East 706' of the  
Southeast Quarter of the Northwest

Quarter (SE 1/4 of NW 1/4) of Section  
7, Township 58 North, Range 17  
West, lying south of the southerly  
right-of-way of the Great Northern  
Railroad right-of-way

I-1 (Light Industrial)

Lots 9 and 10, Block 2,  
Olcott Addition

B-1 (Central Business District)

B. Initiation. Proposed changes or amendments may be initiated by the Council, by the Planning and Zoning Commission or by any one or more owners of real estate in the City so as to effect real estate of such owner or owners.

C. Procedure.

1. When any proposed change or amendment is initiated by the Council, they shall transmit their proposal to the Planning and Zoning Commission for a public hearing and report thereon.

2. When any proposed change or amendment is initiated by an owner or owners of real estate in the City, an application for such amendment, addressed to the Council, shall be filed in quintuplicate with the City Clerk. A non-refundable application fee, established from time to time by the Council to cover administrative costs, shall accompany the application. The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning and Zoning Commission, but shall, in all instances, contain the following information:

- (a) The applicant's name and address;
- (b) The precise wording of any proposed amendment to the text of this Chapter; and,
- (c) In the event that the proposed amendment would change the zoning classification of any property:
  - (1) A legal description and street address of the property proposed to be reclassified;
  - (2) The name and address of the owner or owners of the said property;
  - (3) The present zoning classification and existing uses of the property proposed to be reclassified;
  - (4) The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and,



(5) A map drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses.

(6) A public hearing shall be set, advertised and conducted by the Planning and Zoning Commission in accordance with Subdivision 8 of this Section.

(7) Within 30 days following the conclusion of the public hearing, the Planning and Zoning Commission shall transmit to the Council its recommendation in the form of a written report. Such report shall be accompanied by finding of fact specifying the reasons for the recommendation.

(8) Within thirty (30) days of the receipt of the report of the Planning and Zoning Commission, the Council shall refuse, or by ordinance duly enacted, adopt the proposed amendment.

(9) A certified copy of the ordinance amendment shall be filed with the St. Louis County Recorder.

Subd. 6. Conditional Use Permit.

A. An application for a conditional use permit shall be submitted in duplicate to the City Clerk. A nonrefundable fee, as established from time to time by the Council to cover administrative costs and costs of hearing, shall accompany each application.

B. Purpose. The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion, in determining the suitability of a certain designated use upon the general welfare, public health and safety.

C. Standards for Granting Conditional Use Permit. In making this determination, whether or not the conditional use is to be allowed, the City shall consider:

1. If the establishment or operation of the proposed conditional use will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2. Compatibility With Surrounding Area. The architectural appearance and functional plan of the building and site shall reflect the building character of the area and shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. The proposed development shall be compatible with existing and planned use of the area and conflicts should not be created between the proposed use and existing and intended future uses of the surrounding area.

3. Traffic Control. The traffic generated by a use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic generated shall not raise traffic volumes beyond the capacity of the surrounding streets. Vehicular access points shall be limited, shall create a minimum of conflict with through

traffic movements and shall be subject to the approval of the City Engineer. Vehicular drive up ingress lanes shall be large enough to accommodate peak auto use on the same lot without requiring the stopping or waiting of vehicles on public right-of-way. Ingress lanes shall be from the least heavily travelled street whenever possible.

4. Availability and Adequacy of Public Services. Public services including but not limited to sewer, water, gas, electricity, police and fire protection, should be available at an adequate level and capable of servicing the proposed land use. In addition, adequate access, drainage and any other necessary support facilities shall be provided. The Planning and Zoning Commission and the Council may impose any necessary conditions or restrictions upon the proposed land use to insure that an overloading of City systems does not occur and that inordinate demand on public services does not jeopardize or limit existing and projected public service demands.

5. All such other or further factors as the City shall deem a requisite or consideration in determining the effect of such use on the general welfare, public health and safety.

D. The Planning and Zoning Commission may impose conditions upon the conditional use, if, in its opinion, specific circumstances of a request justify those additional controls to protect the health, safety and welfare of the neighborhood and general public.

E. Reconsideration. Whenever an application for a conditional use permit has been considered and denied by the Planning and Zoning Commission and the Council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Planning and Zoning Commission or the Council for at least six (6) months from the date of its denial and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or the Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by vote of the Council.

F. Lapse of Conditional Use Permit by Non-Use. Whenever, within one (1) year after granting a conditional use permit, the work has not been substantially completed, 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. Such extension shall be requested in writing and filed with the City Clerk at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permits. Such petition shall be presented to the Planning and Zoning Commission for a recommendation and to the Council for a decision.

G. Procedure.

1. A public hearing shall be set, advertised and conducted by the Planning and Zoning Commission in accordance with Subdivision 8 of this Section.

2. Within thirty (30) days following the close of the public hearing, the Planning and Zoning Commission shall submit its recommendation to the Council for its official action.

3. The Council shall act on the application within forty-five (45) days after receiving the recommendations of the Planning Commission.

#### H. Performance Bond.

1. Except in the case of non-income producing residential property, upon approval of a conditional use permit, the City shall be provided with a surety bond, cash escrow, certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the Codes of the City.

2. The security shall be in the amount of the City Engineer's or the Building Inspector's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled upon the discretion of the City Engineer and Building Inspector.

3. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and Codes of the City has been issued by the Building Inspector.

4. Failure to comply with the conditions of the conditional use permit and/or the Codes of the City shall result in forfeiture of the security.

I. A certified copy of the conditional use permit shall be filed with the St. Louis County Recorder.

#### Subd. 7. Variances.

A. Authority. Except as otherwise expressly provided in Subdivision 2 of this Section, the Planning and Zoning Commission may recommend such variances to the Council from the provisions of this Chapter as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in this Subdivision, and then only when the Planning and Zoning Commission has made findings of fact as hereinafter required.

#### B. Procedures.

1. An application for a variance shall be submitted to the Building Inspector. The application shall contain the following information, as well as such additional information as may be prescribed by rules of the Planning and Zoning Commission:

(a) The particular requirements of this Chapter which prevent the proposed use or construction;

(b) The characteristics of the subject property which prevent compliance with the said requirements of this Chapter;

(c) The minimum reduction of the requirements of this Chapter which would be necessary to permit the proposed use or construction; and,

(d) The particular hardship which would result if said particular requirements of this Chapter were applied to the subject property.

2. Within thirty (30) days the Planning and Zoning Commission shall recommend granting or denying the variance to the Council. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications and shall remain a part of the permanent records of the Planning and Zoning Commission. The findings of fact shall specify the reasons for recommending, granting or denying the variance. The terms of relief recommended shall be specifically set forth in a conclusion or statement separate from the findings of fact. A decision rendered in accordance with the terms of this Subdivision which recommends granting a variance shall be stayed until the next regularly scheduled meeting of the Council. During that time, the Council shall have authority to reverse the decision of the Planning and Zoning Commission.

(Amended 8/13/91)

#### C. Conditions For Variance.

1. A variance shall be permitted only if it is established that it is in harmony with the general purpose and intent of this Chapter, and that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Chapter. In its consideration of the standards of practical difficulties or particular hardship, the Planning and Zoning Commission shall require evidence that:

(a) The property in question cannot be put to reasonable use if used under the conditions allowed by the regulations governing the district in which it is located;

(b) The plight of the owner is due to unique circumstances not applicable to adjacent landholdings within the same district; and,

(c) The variance, if granted, will not alter the essential character of the locality.

2. A variance may be granted only if the evidence, in the judgment of the Planning and Zoning Commission, sustains each of the three (3) conditions, enumerated in Item 1 of this Subparagraph, or if the Planning and Zoning Commission finds that a variance would be the means of achieving energy efficiency in new and existing construction, including earth sheltering techniques or solar energy systems, such a variance may be granted notwithstanding the provisions of Item 1 of this Subparagraph. Economic considerations alone shall not constitute an undue hardship if reasonable use exists under the terms of this Chapter.

3. Variance from the provisions of this Chapter shall be recommended by the Planning and Zoning Commission only in accordance with the provisions of Subparagraphs A and B above, and may be recommended only in the following instances, and in no others:

(a) To vary the applicable lot area, lot width and lot depth requirements; provided, however, that the minimum lot area per dwelling unit requirements for multiple family dwellings shall not be varied so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of the minimum lot area requirements.

(b) To vary the applicable bulk regulations, including maximum height, lot coverage and floor area ratio, and minimum yard requirements.

(c) To vary the applicable off-street loading requirements.

(d) To vary the regulations relating to restoration of damaged or destroyed non-conforming structures.

(e) To vary the applicable off-street parking requirements.

4. Specific conditions and safeguards may be imposed upon the premises benefitted by a variance as considered necessary to prevent injurious effects upon other property in the neighborhood or upon public facilities and services. Violations of such conditions and safeguards shall be a violation of this Chapter.

5. No variance permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. The applicant may petition the Planning and Zoning Commission for extension of time in which to complete the work. Such extensions shall be requested in writing and filed with the City Clerk at least thirty (30) days before the expiration of the original variance. There shall be no charge for the filing of such petition. Such petition shall be presented to the Planning and Zoning Commission for a recommendation and to the Council for a decision. The extension shall be valid for an additional six (6) months.

D. A certified copy of the variance shall be filed with the St. Louis County Recorder.

Subd. 8. Public Hearing.

A. Setting of Hearing. For all requests brought before the Planning and Zoning Commission for which a public hearing is required by this Chapter, the body in charge of conducting the hearing shall select a reasonable time and place for the public hearing on the request. They may direct the City Clerk to schedule hearings at the next Planning and Zoning Commission meeting if an application is received at least fifteen (15) days before the regular meeting.

B. Notice of Hearing. Notice of public hearings shall be given not more than thirty (30) days and not less than ten (10) days before the hearing by publication at least once in the official newspaper of the City. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard, and the address or location of the property to which the request applies.

1. In addition to the general notice to the public, separate notice by letter, ten (10) days before the hearing, shall be required for all property owners residing within three hundred and fifty (350) feet of the area, where a request concerning property will be the subject of the hearing. Such notices shall be sent by the City Clerk and addresses taken from current City records shall be deemed sufficient for such notification.

2. (deleted by provision adopted 3/14/89).

C. Conduct of Hearing. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney.

Subd. 9. Administrative Fees.

A. To defray administrative costs of processing of requests for conditional uses' amendments, variances or appeals, a base fee of \$50.00 per application shall be paid by all applicants.

B. In order to defray the additional cost of processing applications (amendments, conditional uses, variances, appeals) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.

1. "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing or reproduction of materials.

2. "Staff and/or Consulting Time" shall include any time spent in either researching for or actual production of materials.

3. Fees shall be payable at the time applications are filed with the City Clerk and are not refundable. No application for zoning or subdivision action or other City permit shall be granted or approved until all fee statement balances are paid in full.

Subd. 10. Permit Required. It is unlawful for any person to erect, alter, wreck, or move any building and/or sign or part thereof without first securing a building permit where the cost thereof is more than \$500.00. Hereafter, no permit is valid when: (1) the permit exceeds six (6) months; (2) a neighbor who signs a variance moves prior to fulfillment of permit; (3) the building is sold before fulfillment of permit; or (4) Charter changes. Application for a building permit shall be made to the City Engineer. Applications for any kind of building permit, special use permit, or any other kind of application shall contain such information as may be deemed necessary for the proper enforcement of the City Code.

(Amended 11/8/92)

Source: Ordinance No. 130  
Effective Date: 3-1-88

Subd. 11. Permit Fees

A. The fee for such permit shall be equivalent to 1/2 mill (.0005) of the valuation of the structure, addition or alteration when equal to or less than \$15,000.00; where the valuation is greater than \$15,000.00 the fee shall be determined as set forth within the most current and adopted edition of the Uniform Building Code Building Permit Fee Schedule. There shall be a minimum fee in the amount of \$15.00. The building permit shall be issued only after it is determined that the building plans, together with the application, comply with the terms of this Chapter of the City Code.

B. In the event that a building permit is desired for a use not specifically provided for or the conditions governing its construction and use cannot be clearly ascertained from the provisions of this Chapter or the intent of this Chapter is not clear in its application to a particular building or use, the application shall be referred to the Planning and Zoning Commission which shall determine whether the permit shall be granted or denied.

C. Other Inspection and Plan Review Fees: Plan review fees, inspection fees and other fees shall be charged and collected as determined by the most current and adopted edition of the Uniform Building Code.

(Amended 7/15/91)

(Sections 11.52 through 11.59, inclusive, reserved for future expansion.)



**SEC. 11.51. ESTABLISHMENT OF DEDICATED PARK AREA.**

Subd. 1. Purpose and Intent. This Section is adopted for the purpose of:

A. Dedicating the area known as Southside Park which includes Pepelnjak Park, the existing park building, tennis courts, playground equipment and three softball fields.

B. The area to be dedicated is located in a portion of Section 17, Township 58, Range 17, which includes all areas west of the D.M. & I.R. Railroad right-of-way, east of Sixth Avenue, north of Highway 53, south of the existing park and south of Anderson's Third Addition.

C. There shall be a sixty-six foot (66') exclusion from the dedicated area on the southern border for purposes of allowing the City to place a frontage road.

D. The exact boundaries and legal description of this dedicated park area shall be subject to a survey which shall become a part of this ordinance.

(Adopted 3/8/94)

**SEC. 11.60. PLANNED UNIT DEVELOPMENT.**

Subd. 1. Purpose and Intent. This Section is adopted for the purposes of: -

A. Recognizing the economic and cultural advantages that will accrue to the residents of a planned community.

B. Providing an optional procedure for an area where designation of a single use zoning district and/or application of standard zoning requirements may be too rigid for practical application.

C. Encouraging the use of contemporary land planning principles and coordinated community design.

Subd. 2. Definitions. The language set forth in the text of this Section shall be interpreted in accordance with the following:

A. This Section shall have no effect upon other developments or district requirements as set forth in this Chapter.

B. The minimum area required for a Planned Unit Development shall be one acre.

C. Planned Unit Developments shall be excluded from requirements of this Chapter and specifically approved as a DUD. Such exclusions shall only be granted for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the developer.

D. The granting of a PUD permit does not alter in any manner the existing Zoning District Classification except that building permits shall not be issued which are not in conformity with the approved PUD permit unless it is amended, cancelled or modified by other provisions of this Section.

E. Wherever a question arises concerning the interpretation of any provision of this Section, it shall be the duty of the Planning Commission and the City Attorney to ascertain all facts and forward a recommendation to the Council for a determination.

Subd. 3. Procedure. The procedures for obtaining approval of the Preliminary Development Plan of a PUD shall be as follows:

A. Preliminary Discussion. Prior to filing a petition, any person may request a meeting with the Planning Commission or City Engineer to discuss the feasibility of a PUD.

B. Petition. The petition for a PUD shall be on a form provided by the City and shall include all of the following information:

1. Signature(s) of owner(s) and developer(s).
2. All data normally required by the City for a rezoning application.
3. All information and plans comprising a "Preliminary Development Plan" as described herein.

C. Processing of Petition. The petition for a "Preliminary Development Plan" of a PUD shall be processed by the City in the same manner in which Rezoning Petitions are processed as described in this Chapter.

D. Fees. The fee for a PUD shall be the same as the fee charged for a rezoning.

Subd. 4. Preliminary Development Plan. The preliminary development plan of a PUD shall include the following information:

A. An overall plan indicating the proposed use of all areas of the site including the density, type and number of stories of all dwelling units, size and use of proposed commercial areas, recreation areas, walkway locations, public streets and similar features.

B. A staging plan indicating the proposed sequence and timing of development of all areas of the site. This shall include number of dwelling units, commercial structures, public streets, utilities, and recreation areas.

C. A detailed plan of first phase development indicating buildings, parking areas, driveways and similar detail, on a site plan and including architectural elevation drawings of all buildings.

Subd. 5. Final Development Plan.

A. Procedure. The “Final Development Plan” may be approved in phases along with the progression of development. The Final Development Plan shall be reviewed by the Planning Commission with final determination by the Council. A public hearing shall not be required provided the Final Development plan is in substantial conformance with the Preliminary Plan. Any major change as determined by the Council shall require a public hearing.

B. The Final Development Plan for any phase of development shall include the following:

1. A Final Plat, if required, adopted in accordance with this Chapter.
2. A Final Site Plan showing all structures, parking areas, driveways, recreational improvements, walkways, and similar detail on a scaled and dimensioned drawing.
3. A Landscape Plan showing the location, species and size of all plant materials. Landscape information shall be located on a grading plan.
4. A Utility Plan showing the location and size of all utilities and easements. The utility plan shall include sanitary sewer, water, storm sewer and drainage, electricity and gas. NOTE: May be omitted if plat is required for PUD.
5. Building Plans shall be submitted in detail and in accordance with the State Building Code.
6. Covenants, Agreements or Contracts governing the use or maintenance of the development shall be filed with the City. Where such information is lacking, the City may require a bond or similar guarantee to insure that areas held common by persons residing in the development will be developed and maintained.

Subd. 6. General Provisions.

A. Residential Unit Densities shall be determined as a part of the approval of the PUD. Final determination on density shall be made when the Final Development Plan for each phase is approved. In determining densities, the City shall be guided by the City’s Comprehensive Plan, this Chapter, the proposed PUD, the zoning of the property and adjoining area and similar planning information.

B. Site coverage of all buildings on a PUD site shall not exceed 30% of the net land area (site area excluding public street).

C. Uses approved and permitted under a PUD shall only include uses permitted in Residential Districts in the City and those commercial uses specifically approved as a part of the approval of a PUD.

D. Upon approval of a Preliminary Development Plan, a PUD may not be altered, revised or withdrawn without the approval of the Council. Said approval shall have the same effect as the zoning of the property.

E. All approved Preliminary Development Plans shall be so designated on the Zoning Map as it is revised from time to time. The Map shall be related by number or other means to an approved Preliminary or Final Development Plan of a PUD on file with the City. Said plans shall be available for the general public to review.

F. Enforcement of the provisions of this PUD Section shall be the same as for other provisions of this Chapter.

Source: Ordinance No. 111

Effective Date: 6-8-76

(Sections 11.61 through 11.98, inclusive, reserved for future expansion.)

**SEC. 11.99. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he 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.

Source: City Code  
Effective Date: 3-1-88