

SPECIFIC REGULATIONS

§ 152.265 COMPLIANCE.

Except as hereinafter provided, no building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.266 BUILDING REGULATIONS.

No building or other structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or, to have narrower or smaller rear yards, front yards, side yards or other open spaces than therein required; or in any other manner contrary to the provisions of this chapter.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.267 AREA REQUIREMENTS.

(A) No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with this chapter shall be included as a part of a yard, open space or off-street parking or loading space similarly required for any other building, except as modified hereinafter.

(B) No yard or lot existing before the enactment of this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the enactment of this chapter shall meet at least the minimum requirements established by this chapter.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.268 MINIMUM REQUIREMENTS.

(A) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, convenience, comfort, prosperity or general welfare.

(B) Whenever the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.
(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.269 PLATTED AND UNPLATTED PROPERTY.

(A) Any person desiring to improve property shall submit to the Building Official a plot plan of the premises and 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 ensure 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.
(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.270 DWELLING ON ANY LOT OF RECORD.

A lot of record existing upon the effective date of this chapter in a residential district, which does not meet the requirements of this chapter as to area or width may be utilized for single-family detached dwelling purposes; provided, the measurements of the area or width are within 70% of the requirements of this chapter, yard and other open space requirements shall be in conformance with this chapter; except that, side yard setback requirements are permitted to have a width of not less than five feet.
(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.271 HEIGHT LIMITATIONS NOT APPLICABLE.

The height limitations stipulated in this chapter shall not apply to the following:

(A) Essential service structures, architectural features and the like;

(B) Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, smoke stacks, flag poles, radio and television

towers, mast and aerials; also parapet walls extending not more than three feet above the limiting height of the building;

(C) Elevator penthouses (elevator machinery loft), monitors and scenery lofts, provided no linear dimension of any such structure exceeds 50% of the corresponding street lot line frontage. Fire hose or cooling towers, elevators, gas holders or other structures incorporated into a principal structure where a manufacturing process requires a greater height shall be excepted; and

(D) No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25% of the area of the roof, nor exceed ten feet unless otherwise noted. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.272 YARD AND FRONTAGE LIMITATIONS NOT APPLICABLE.

(A) The yard and frontage limitations stipulated elsewhere in this chapter shall not apply to the following: in any district where front yards are required and where 40% or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have front yards that are greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.

(B) Where the varying average front yard setback has been so established, no variance action shall be required for structure placement. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.273 YARD SPACE, GENERAL.

(A) Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified in this section.

(B) The required yard space for any building, structure or use shall be contained on the same lot as the building, structure or use and the required yard space shall fall entirely in a district or districts in which the principal use is permitted.

(C) Any required yard space shall be open from 30 inches above the ground to the sky, except as specified elsewhere in this chapter. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.274 PLACEMENT OF SINGLE- AND TWO-FAMILY RESIDENTIAL STRUCTURES ON LARGE LOTS.

In any residential district where a single- or two-family structure is to be developed on large lots which could later be re-subdivided and still meet the dimensional and area requirements for another lot

for the district in which it is situated, it is desirable, but not mandatory, for the structure to be placed in a manner which would permit the later re-subdivision.
(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.275 YARD SPACE ENCROACHMENTS; PROJECTIONS INTO YARDS.

(A) *General.* The following projections may be permitted into any front, rear or exterior side yard adjoining a street lot line:

(1) Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two feet, six inches;

(2) Fire escapes to a distance of not more than four feet, six inches;

(3) Landings, patios, porches and other similar structures, no more than 20% of the setback; provided, the structure has its floor no higher than the entrance floor of the building;

(4) Bay windows and chimneys to a distance of not more than three feet; provided that, the features do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located;

(5) Canopies to a distance of not more than four feet, six inches; and

(6) Balconies, in residential districts, to a distance of not more than eight feet; provided that, the balconies do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located.

(B) *Interior side yards.* Subject to the limitations for features projecting into front yards, the features may also project into required yards adjoining interior side lot lines; provided that, the distance shall not exceed one-fifth of the required least width of the side yard and not more than three feet in any case.
(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.276 YARD SPACE EXCEPTION, STEEP SLOPES.

In any residential district where natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along the line, of a degree or percent of slope that it is not practicable to provide a driveway with a grade 12% or less to a private garage conforming to the requirements of this chapter, the garage may be located within the front yard, but not in any case closer than 12 feet to the street line.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.277 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot; provided that, yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.278 HOUSING PROJECTS UTILIZING THE "ZERO LOT LINE" CONCEPT.

Every development proposal in a R-2 or R-3 Residential District which is designed so as to place the principal structure abutting a side property line in order to have only one open side yard, must file with the Zoning Administrator a signed copy of the covenant assuring access through the adjacent yard for purposes of repairs and general maintenance. The covenant is mandatory and the issuance of any certificate of zoning compliance shall be contingent on the filing.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.279 ACCESSORY BUILDINGS.

(A) In case an accessory building is attached to the principal building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this chapter applicable to the principal building. An accessory building, unless attached to and made part of the principal building, shall not be closer than six feet to the principal building.

(B) A detached accessory building used as a private garage enclosure may not be over one story, not over 15 feet in height, and may occupy up to 30% of the area of any side or rear yard, but shall not be placed in any front yard (closer than the building line setback from the street line) in any zoning district.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.280 FENCES IN RESIDENTIAL DISTRICTS.

In any residential district, fences for decorative screening or confinement purposes may be constructed on any lot. All fences constructed shall follow the regulations of this chapter.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.281 DETERMINATION OF YARD REQUIREMENTS.

Before issuing any permit, a determination shall be made by the Zoning Administrator as to what constitutes the rear yard and the side yard. After the determination has been made, no future permits on

the premises shall be issued which are not in full compliance with the determination. As to premises on which there are existing structures, the determination shall also be made with reference to applications for permits.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.282 DWELLING UNIT RESTRICTION.

No cellar, basement, garage, tent or accessory building shall, at any time, be used as an independent residence or dwelling unit.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.283 SOLAR ENERGY SYSTEMS.

Solar energy systems and solar and earth-sheltered structures shall be a permitted use in all districts; provided, the system is in compliance with minimum lot requirements, setbacks and the State Building Code.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.284 USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

(A) 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 Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable based upon criteria outlined below 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 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 the use is not compatible for development within the city.

(B) The Council or Planning Commission shall consider possible adverse effects to the proposed amendment or conditional use. Its judgment shall be based upon (but not limited to) the following factors:

(1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official comprehensive land use plan;

(2) The proposed site is or will be compatible with present and future land uses of the area;

(3) The proposed use conforms with all performance standards contained herein;

(4) The proposed use will not tend to or actually depreciate the area which it is proposed; and

(5) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.

(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.285 ESSENTIAL SERVICES.

(A) (1) The purpose of this section is to provide for the installation of essential services such as telephone lines, pipelines, electric transmission lines and substations in a manner that the health, safety and welfare of the city will not be adversely affected.

(2) Essential services should also be installed in cognizance of existing and projected demands for the services.

(B) All underground telephone lines, pipelines for local distribution, underground electric transmission lines and overhead electric transmission lines and substations less than 33 KV, when installed in any public right-of-way in any zoning district, shall require a special permit approved by the Zoning Administrator.

(C) All underground telephone lines, pipelines for local distribution, underground electric transmission lines and overhead electric transmission lines less than 33 KV, which are intended to serve more than one parcel and are proposed to be installed at locations other than in public right-of-way, shall require a special permit issued by the city after approval by the Zoning Administrator. Approval by the Zoning Administrator shall be based upon the information furnished in the following procedural requirements.

(1) Prior to the installation of any of the previous essential services, the owner of the service shall file with the Zoning Administrator all maps and other pertinent information as deemed necessary for an engineering review of the proposed project.

(2) The Zoning Administrator shall transmit the map and accompanying information to a registered engineer for review and recommendations regarding the project's relationship to the comprehensive plan and/or city code provisions and parts thereof.

(3) The Engineer shall report in writing to the Zoning Administrator his or her findings as to the compliance of the proposed project with the comprehensive plan and city code provisions.

(4) In considering applications for the placement of essential services, as required in this section, the aforesaid city staff shall consider the effect of the proposed project upon the health, safety and general welfare of the city, as existing and as anticipated and the effect of the proposed project upon the comprehensive plan.

(5) Upon receiving the approval of an acceptable engineering review, the Zoning Administrator shall issue a special permit for the installation and operation of the applicant's essential services. If the Engineer's report recommends the denial of the permit causing the Zoning Administrator to deny its issuance, the applicant may appeal the decision to the Board of Appeals and Adjustments under the rules and procedures as set forth in §§ 152.565 through 152.568.

(D) All transmission pipelines (i.e., pipelines not required for local distributing network) and overhead transmission and substation lines in excess of 33 KV shall be a conditional use in all districts subject to the following procedural requirements.

(1) Prior to the installation of any of the previous essential services, the owner of the service shall file with the Zoning Administrator, all maps and other pertinent information as deemed necessary for the Planning Commission to review the proposed project.

(2) The Zoning Administrator shall transmit the map and accompanying information to the Planning Commission for its review and recommendations regarding the project's relationship to the comprehensive plan and parts thereof. As part of this review, there shall be a written report from the Engineer.

(3) The Planning Commission shall hold the necessary public hearings as prescribed by this chapter for conditional use.

(4) The Planning Commission shall report in writing to the Council its findings as to compliance of the proposed project with the comprehensive plan.

(5) In considering the applications for the placement of essential services, as required by this section, the Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed project upon the health, safety and general welfare of the city, existing and anticipated; and the effect of the proposed project upon the comprehensive plan.
(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.286 OPT-OUT OF M.S. § 462.3593.

Pursuant to authority granted by M.S. § 462.3593, Subd. 9, the city opts-out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.
(Ord. 155, 2nd Series, passed 8-2-2016)

INDUSTRIAL PERFORMANCE STANDARDS

§ 152.300 GENERAL.

(A) All uses shall comply with the requirements of this subchapter.

(B) In order to determine whether a proposed use will conform to the requirements of this chapter, the Council may also obtain the services of a qualified consultant or the Council may request the assistance of the responsible regulatory agency.

(C) Costs for services shall be borne by the applicant.
(Ord. 125, 2nd Series, passed 12-15-2003)

§ 152.301 FIRE PROTECTION.

Fire protection and fighting equipment acceptable to the Uniform Fire Code and the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is conducted.
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.302 ELECTRICAL DISTURBANCE.

No activity shall cause continuous or repetitive electrical disturbance adversely affecting the operation of other electrical equipment in the vicinity.
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.303 NOISE.

Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.304 SMOKE.

The maximum amount of smoke emission permissible shall be determined by use of standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.305 VIBRATIONS.

Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.306 ODORS.

In any district, no malodorous gas or matter shall be permitted which is so objectionable as to damage property interests on any neighboring lot.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.307 AIR POLLUTION.

No pollution of air by flyash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.308 GLARE.

Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.309 EROSIONS.

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

§ 152.310 WATER POLLUTION.

Water pollution shall be subject to the standards established by the State Pollution Control Agency (MPCA).

(Ord. 125, 2nd Series, passed 12-15-2003)