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CHAPTER 7A
GENERAL ZONING REGULATIONS

ARTICLE I
TITLE, INTERPRETATION AND ENACTMENT

SECTION 7A-100. TITLE. This Chapter shall be known and may be cited as the “Zoning Ordinance of the City of Columbus, Minnesota.”

[§ 7A-100 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-110. PROVISION OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, and the general welfare. Where the requirements of this Ordinance are at variance or in any other way conflict with the requirements of any other lawfully-adopted rules, regulations, Ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern.

SECTION 7A-120. SEVERABILITY CLAUSE. Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7A-130. REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE. All Ordinances or parts of Ordinances or parts of the City Code in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

[§ 7A-130, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-140 PERMITS AND ZONING ACTIONS, EFFECTIVE REGULATIONS. Applications for administrative permits, building permits, and zoning actions shall be reviewed according to the regulations in effect in this Ordinance on the date that the application was received and considered complete.

[§ 7A-140, added by Ord. No. 04-04A, effective June 3, 2004.]

ARTICLE II
DEFINITIONS

SECTION 7A-200. APPLICATION AND INTERPRETATION.

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted and defined as set forth in this Article.
- B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

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C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

1. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
2. The masculine includes the feminine.
3. The present tense includes the past and future tense, the singular number includes the plural.
4. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
5. The words “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied.”
6. The word “Lot” includes the words “plot,” “parcel,” and “tract.”

SECTION 7A-201. WORDS AND PHRASES DEFINED. Definitions. The definitions contained in this Section shall apply to all land use, zoning and subdivision regulations in the City Code.

1. **“Accessory Use” or “Accessory Structure”** – A use or Building on the same Lot with, and of a nature customarily incidental and subordinate to, the Principal Use or Structure.

[§ 7A-201 1 amended by Ord. No. 04-04, effective July 22, 2004.]

2. **“Agriculture/Agricultural Use”** - The use of land for farming, dairying, pasturage, agriculture, horticulture, aquaculture, apiculture, floriculture, viticulture, animal and poultry husbandry that is not a Feedlot, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:

- (a) The operation of any such Accessory Uses shall be secondary to that of normal agricultural activities;
- (b) The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any Residential Zoning District;
- (c) Agriculture does not include the operation or maintenance of an animal agriculture commercial stockyard or Feedlot. Such uses are defined and regulated as a Feedlot.

[§ 7A-201 2., amended by Ord. No. 89-1, effective July 21, 1989 and by Ord. No. 99-6, effective December 3, 1999.]

3. **“Agricultural Preserves”** – The land dedicated to encourage the maintenance of farming according to the Metropolitan Agricultural Preserves Ace. Minn. Stat. Chapter 473H.

[§ 7A-201 3., amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 89-17, effective December 8, 1989, amended by Ord. No. 09-03, effective March 5, 2009.]

3.A. **“Agricultural Use Zoning Permit”** – A document issued by the Zoning Administrator authorizing the use of Lots, Structures, and Buildings for Agricultural Use.

[§ 7A-201 3.A added by Ord. No. 02-01, effective May 16, 2002.]

4. **“Alteration”** - Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing wall, columns, beams, or girders.

4.A. **“Animal”** – Any mammal, canine, feline, reptile, amphibian, fish, or bird.

[§ 7A-201 4.A, added by Ord. No. 96-7 effective Aug. 29, 1996, amended by Ord. No. 12-03, effective May 17, 2012.]

4.B. **“Animal, Domestic”** – Any animal of a species commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.

[§ 7A-201 4.B, formerly § 7A-201A 4.A, added by Ord. No. 91-2, effective June 12, 1992, amended by Ord. No. 12-03, effective May 17, 2012.]

4.C. **“Animal, Farm”** – Any animal of a species commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry

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(chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, llamas, ostriches, emus, burros, donkeys, and other animals associated with a farm, ranch, or stable.

[§ 7A-201 4.C added by Ord. No. 12-03, effective May 17, 2012.]

4.D. “Animal, Non-Domestic” – Any animal of a species commonly considered to be naturally wild and not naturally trained or domesticated, or of a species commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- (a) Any member of the large cat family (family felidae), including lions, tigers, cougars, bobcats, leopards, and jaguars.
- (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
- (d) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- (e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.
- (f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this definition, including but not limited to bears, deer, monkeys, and game fish.

[§ 7A-201 4.C added by Ord. No. 12-03, effective May 17, 2012.]

4.E. “Animal Unit” – A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this rule, the following equivalents shall apply:

<u>ANIMAL</u>	<u>UNITS</u>
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 horse	1.0
1 swine weighing over 55 lbs.	.4
1 swine weighing under 55 lbs.	.05
1 duck	.2
1 sheep	.1
1 turkey	.018
1 chicken	.01

For other animals, the number of animal units shall be the average weight of the type of animal divided by 1,000 lbs.

[§ 7A-201 4.E, formerly § 7A-201 6., which was added to Chapter 7A, by Ord. No. 99-6, effective December 3, 1999, amended by Ord. No. 12-03, effective May 17, 2012.]

4.F. “Antenna” – Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.*[§ 7A-201 4.C added by Ord. No. 12-03, effective May 17, 2012.]*

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5. **“Apron”** – is the connection between a Driveway and a public right-of-way. The minimum design requirements for Aprons are shown and described in Illustration No. 4, Appendix “A” to this Chapter 7A.

[§ 7A-201 6., added to Chapter 7A, by Ord. No. 12-03, effective May 17, 2012.]

6. **“Automotive, Mobile Home, Travel Trailer, Farm Implement, and Construction Machinery Sales”** - The sale or rental of new or used motor vehicles, Mobile Homes, Travel Trailers, Farm Implements, and Construction Machinery, but not including major repair work except warranty and incidental repair of same to be displayed and sold on the Premises.

[§ 7A-201 6, formerly § 7A-201 5, amended by Ord. No. 12-03, effective May 17, 2012.]

7. **“Basement”** - A portion of the Building partly underground but having less than half its clear height below the average Grade of the adjoining ground.

8. **“Block”** - A tract of land bounded by Streets, or a combination of Streets and public parks, Cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

9. **“Council”** - The City Council of the City of Columbus. **“City Council”** is a synonymous term.

[§ 7A-201 9., formerly § 7A-201A 8., amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 07-02, effective March 1, 2007.]

9A. **“Board of Adjustment and Appeals”** - The board which has the responsibility for hearing and deciding appeals arising under the Zoning regulations contained in Chapters 7A and 7B. If the City Council has not appointed a separate Board of Adjustments and Appeals, then the City Council shall sit as the Board of Adjustments and Appeals and shall be the final arbiter of Zoning matters arising under this Code. The Board of Adjustments and Appeals shall have the powers and authority set forth in Minn. Stat. § 462.357 and § 462.359, as amended.

[§ 7A-201 9A, formerly § 7A-201A 8.A, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 89-17, effective December 8, 1989.]

[§ 7A-201 9A amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

9A-1. **“Broadcast Buildings”** - Broadcast Buildings means buildings containing audio, video and satellite transmitting and receiving equipment and other related equipment and parts, including standby power generators and vehicles, used or useful for or in connection with continuous or stand-by use of Broadcast Tower or Accessory Equipment and Structures, and the use and operation of equipment contained in such Broadcast Buildings.

[§ 7A-201 9A-1, formerly § 7A-201A 8.A-1, added by Ord. No. 96-11, effective Feb. 13, 1998.]

9A-2. **“Broadcast Tower”** - Broadcast Tower means any tower, or towers, described in the original Conditional Use Permit issued hereunder to the property owner, greater than 150 feet in height above ground level used for continuous or stand-by broadcasting, transmitting, receiving or relaying of radio frequency signals.

[§ 7A-201 9A-2, formerly § 7A-201A 8.A-2 added by Ord. No. 96-11, effective Feb. 13, 1998.]

9B. **“Buildable Area”** is that portion of any Lot lying within the applicable setbacks which is not less than 5,000 square feet in area and which meets all of the following standards:

- (a) The depth to width ratio of the area does not exceed 2:1 and is not less than 1:2.
- (b) The area is contiguous with the Front Setback, or the area is connected to the Frontage by a contiguous Driveway, the design of which conforms to the Driveway Design Requirements contained in Section 7A-803 (C).
- (c) No part of the area lies within the 100-Year Flood Plain.
- (d) The lowest floor elevation of any building shall be at least three (3) feet above the highest High Water Table as determined by comparison of data from the various test holes and soil borings on the Lot. The lowest floor elevation may be reduced in cases where the home is built on a substantial slope to meet or exceed the minimum

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specifications of this Section consistent with Illustration No. 6, Appendix “A,” to this Chapter 7A, and in accordance with Section 1300.6100 of the State Building Code. Such construction must comply with the following technical standards:

- (i) Drain tile must be on the outside of the foundation and at a minimum four percent (4%) slope to daylight;
- (ii) Drain tile must have a minimum four inch diameter;
- (iii) Drain tile outlet to daylight must be a minimum of 20 feet from the foundation;
- (iv) Geotextile fabric shall be MnDOT 3733 Type 1;
- (v) Geotextile filter fabric must completely cover the rock;
- (vi) Drainage rock shall be round river rock, washed and free of fine particles;
- (vii) Drainage rock must completely surround the drain tile with four inches of rock below the pipe and a minimum of one foot above and on each side of the pipe;
- (viii) Walkout door must have a minimum three foot separation to mottled soil;
- (ix) A four percent slope grade must extend a minimum of 50 feet from the foundation.

[§ 7A-201 9.B, formerly § 7A-201A 8.B, amended by Ord. No. 97-3, effective June 13, 1997.]

(e) Any fill material used to elevate the area to meet the requirements of (a), (b), (c), or (d) above must be tested by a Minnesota Registered Engineer with credentials in soils engineering.

(f) If the Lot is to be used for a single family Dwelling of not more than four (4) bedrooms (in any Zoning District), the area must be large enough and correctly configured to accommodate the proposed house and Garage. If the proposed Dwelling exceeds four (4) bedrooms, the Buildable Area shall be increased above 5,000 square feet by 2,000 square feet for each such additional bedroom. If the proposed use includes construction of Accessory Buildings, the Buildable Area shall be increased above 5,000 square feet by two times (2x) the square footage of each Accessory Building.

(g) In addition to the Buildable Area required by this Section, the building must be large enough and correctly configured to accommodate the Soil Treatment Area designed to support individual on-site sewage disposal systems required by Chapter 14 of this City Code.

[§ 7A-201 9.B, formerly § 7A-201A 8.B, added by Ord. No. 89-15, effective December 29, 1989, Ord. No. 90-3, effective March 23, 1990, Ord. No. 96-6, effective Jan. 30, 1997, Ord. No. 91-2, effective June 12, 1992, and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

[NOTE on § 7A-201A 8.B: In adopting Ordinance No. 91-2, the Town Board of Supervisors made findings that can be found in the ordinance history file.]

9C. **“Buildable Area, Future”** - A Future Buildable Area is any area of a Lot which meets all of the requirements for a Buildable Area, as described at paragraph 8B, above, except as to the elevation above the High Water Table. For an area to qualify as a Future Buildable Area, the entire area must be not less than two (2) feet above the High Water Table as determined by comparison of data from the various test holes and soil borings on the Lot. A Future Buildable Area may be created by filling and compaction. If a Future Buildable Area is created for subdivision approval purposes, the City may require that the sites be guaranteed in the Development Contract.

[§ 7A-201 9.C, formerly § 7A-201A 8.C, added by Ord. No. 91-2, effective June 12, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

10. **“Building”** - Any Structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind and includes any Structure.

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11. **“Building, Accessory”** - A subordinate Building detached from, but located on the same Lot as the Principal Building, the use of which is incidental and accessory to that of the Principal Building or use. The term shall be liberally construed to include Pole Building construction, slab construction, and footing-foundation construction.

[§ 7A-201 11., formerly § 7A-201A 10., amended by Ord. No. 89-1, effective July 21, 1989.]

11A. **“Building, Attached”** – Any structure abutting or affixed to another structure, sharing a common wall(s) and a common footing(s).

[§ 7A-201 11A added by Ord. No. 04-04A, effective June 3, 2004]

12. **“Building, Heights of”** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the Building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

13. **“Building, Principal”** - A Building in which is conducted the main or Principal Use of the Lot on which said Building is situated.

14. **“Building Setback Line”** - The line, established by this Ordinance, beyond which a Building shall not extend unless varied according to procedures in this Ordinance. Also called a “Building line.”

15. **“Business, General”** - Commercial uses which generally require locations on or near major Arterials and/or their intersections, and which tend, in addition to serving day-to-day needs of the neighborhood, to also supply the more durable and permanent needs of the whole community.

16. **“Business Services”** - Any profit-making activity which renders service primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in businesses and homes.

17. **“Cellar”** - A portion of the Building partly underground, but having half or more of its clear height below the average Grade of the adjoining ground.

18. **“Cemetery”** - Land used or intended to be used for the burial of the human or animal dead and dedicated for Cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such Cemetery for which perpetual care and maintenance is provided.

19. **“Channel”** - A natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

20. **“Characteristics of Use”** - The use which is characteristic of the Principal Use of any area of land, a Building or Structure.

20.A. **“Church”** - Any organization, church, congregation, parish, diocese, ecclesiastical society, cathedral, synod, presbytery, conference, consociation, synagogue, mosque, or mission, formed and operating under MINN. STAT. chapter 315 or incorporated and operating under MINN. STAT. chapter 317A.

[§ 7A-201 20A., formerly § 7A-201A 19.A, amended by Ord. No. 96-3, effective Sept. 19, 1996.]

21. **“Clinic”** - A Building used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but which Building does not provide board, room or regular hospital care and services.

22. **“Club”** - A Building or portion thereof or Premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

22.A. **“Commercial Wireless Telecommunication Services”** - Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS),

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specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services.

[§7A-201 22.A, formerly § 7A-201A 21.A added by Ord. No. 96-7, effective Aug. 29, 1996.]

22.B. “Commercial Breeder” – A person involved in the breeding and selling of dogs, which activity is referred to as “Commercial Breeding.”

[§ 7A-201 22.B. added by Ord. No.12-03, effective May 17, 2012.]

22.C. “Commercial Boarding” – The boarding of dogs in a Dog Kennel for a fee.

Commercial Boarding shall not include the temporary boarding of dogs or other domestic animals which are in treatment or post-surgical care in a veterinary clinic or animal hospital.

[§ 7A-201 22.C. added by Ord. No.12-03, effective May 17, 2012.]

23. “Comprehensive Plan” - A plan or any portion thereof, recommended by the Planning Commission and adopted by the City Council showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, parks, schools and transportation and other community facilities. “Comprehensive Land Use Plan” is synonymous with “Comprehensive Plan.”

[§ 7A-201 23., formerly § 7A-201A 22. amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 07-02, effective March 1, 2007.]

24. “Conditional Use” - A special use permitted within a District other than a principally permitted use, requiring a Conditional Use Permit and approval of the City Council.

[§ 7A-201 24., formerly § 7A-201A 23., amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 07-02, effective March 1, 2007.]

25. “Conditional Use Permit” - A permit issued by the City Clerk upon approval by the City Council to allow a use other than a principally permitted use to be established within the District.

[§ 7A-201 25., formerly § 7A-201A 24., amended by Ord. No. 89-1, effective July 21, 1989.]

[§ 7A-201 25 amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No., 07-02, effective March 1, 2007.]

26. “Cul-de-Sac” - See Street.

26.A. “Day Care” - Any child care service regulated under MINN. STAT. chapter 256H.

[§ 7A-201 26.A, formerly § 7A-201A 25.A amended by Ord. No. 96-3, effective Sept. 19, 1996.]

26.B. “Dog Kennel” – A residential or commercial facility in which four (4) or more dogs are kept.

[§ 7A-201 26.B. added by Ord. No.12-03, effective May 17, 2012.]

26.C. “Dog Kennel, Commercial” – A Dog Kennel located in commercial and industrial zoning districts allowing the boarding, breeding, training, and grooming of dogs for a fee.

Boarding includes the temporary day time care of dogs and overnight care of dogs.

[§ 7A-201 26.C. added by Ord. No.12-03, effective May 17, 2012.]

26.D. “Dog Kennel, Residential” – A Dog Kennel in which a maximum of ten (10) dogs are kept. The number of dogs allowed is based upon the number of acres on which the Dog Kennel is located. Breeding, training and showing are allowed in a Residential Dog Kennel, but not Commercial Boarding.

[§ 7A-201 26.D. added by Ord. No.12-03, effective May 17, 2012.]

26.E. “Dog Kennel Permit” – The formal authorization to operate a Dog Kennel. A Residential Dog Kennel requires an Interim Use Permit. A Commercial Dog Kennel requires either a Conditional Use Permit or Interim Use Permit, depending upon the particular zoning district requirements.

[§ 7A-201 26.E. added by Ord. No.12-03, effective May 17, 2012.]

27. “Density” - A unit of measurement; the number of Dwelling Units per acre of land.

(a) **Gross Density** - The number of Dwelling Units per acre of total land to be developed including Public Right-of-Way Frontage Street only.

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(b) **Net Density** - The number of Dwelling Units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding Public Right-of-Way.

28. **“District”** - A part of the city wherein restrictions of this Ordinance are uniform.

[§ 7A-201.28 amended by Ord. No. 07-02, effective March 1, 2007.]

29. **“Driveway”** - A private access to a Lot, access to the buildable area on a Lot, or access to a use located on such Lot from a public street or private street in such districts where private streets are allowed.

[§ 7A-201 29, formerly § 7A-201A 28., amended by Ord. No. 91-2, effective June 12, 1992, amended by Ord No. 08-03, effective April 17, 2008.]

30. **“Dwelling”** - A fixed Structure or Building, containing one (1) or more Dwelling Units.

31. **“Dwelling, Single Family”** - See Dwelling Unit.

[§ 7A-201 31 amended by Ord. No. 04-04A, effective June 3, 2004]

32. **“Dwelling Unit”** – A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses, or tourist homes. There are three (3) principal types:

“Single-family detached” – A freestanding residential structure designed for or occupied by one (1) family only.

“Single-family attached” – A residential building containing two (2) or more dwelling units with one (1) common wall.

a. **“Duplex”** - A residential building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, and each unit oriented as to have all exits open to the outside.

b. **“Townhouse”** - A residential building containing two (2) or more dwelling units of not more than two (2) stories, each sharing one (1) common wall or in close proximity of each other, such structures to be of the town or row house type with separate housekeeping and cooking facilities for each, and each unit oriented as to have all exits open to the outside.

c. **“Single-family accessory”** - A residential use, when authorized, which is accessory and incidental to a residential or commercial principal use, designed for one (1) individual or one (1) family, with or without separate housekeeping facilities, cooking facilities, and separate exit in a residential principal structure, but with separate housekeeping facilities, cooking facilities, and separate exit in a commercial principal structure.

[§ 7A-201 32, formerly Chapter 7, Article II, § 201, amended by Ord. No. 82-3, effective September 8, 1982; and Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004.]

33. **“Easement”** - An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

34. **“Essential Services”** - The erection, construction, Alteration, or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include Buildings, which are necessary for the furnishing of such services.

34.A. **“Expansion, Replacement and Modification of Conditional Use”** - The Expansion, Replacement and Modification of Conditional Uses means expansion, replacement, modification or addition of a Broadcast Tower, if such Broadcast Tower was described in the original

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Conditional Use Permit issued hereunder to the property owner, as well as the expansion, replacement, modification or addition of Broadcast Buildings, and Related Broadcast Uses provided that said expansion, replacement, modification or addition does not result in a failure to satisfy any of the required standards under Section 7A-835.

[§ 7A-201 34.A, formerly § 7A-201A 33.A, added by Ord. No. 96-11, effective Feb. 13, 1998.]

35. **“Family”** - One or more persons occupying a single Dwelling Unit, provided that unless all members are related by blood, adoption, or marriage, no such Family shall contain over five (5) persons living together as a single economic housekeeping unit.

[§ 7A-201 35., formerly § 7A-201A 34., amended by Ord. No. 89-1, effective July 21, 1989.]

36. **“Farm”** - An area consisting of ten (10) or more acres used for agricultural operations including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry.

37. **“Feedlot”** - a lot or building, or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered Feedlots. Fish farms [aquaculture] shall not be considered Feedlots.

[§ 7A-201 37., added by Ord. No. 99-6, effective December 3, 1999.]

38. **“Fence”** - A structure, including entrance and exit gates, designed and constructed for enclosure or screening. Fences six (6) feet in height or less are permitted in each zoning district, except where specifically restricted.

[§ 7A-201 38., formerly § 7A-201A 36., amended by Ord. No. 89-1, effective July 21, 1989.]

[§ 7A-201 38 amended by Ord. No. 04-04, effective July 22, 2004.]

38A. **“100-Year Flood Plain”** - The areas adjoining a water course which have been or hereafter may be covered by a “regional flood” as defined in Minn. Rules, Part 6120.5000, Subpart 21, as amended. The boundary of the 100-Year Flood Plain shall be determined by reference to the Flood Insurance Rate Maps promulgated by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, Federal Insurance Administration, U.S. Department of Housing and Urban Development, Community Panel Numbers 270005-0050A and 270005-0100A, effective January 16, 1980.

[§ 7A-201 38.A, (formerly § 7A-201A 36.A, added by Ord. No. 89-15, effective December 29, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 09-03, effective March 5, 2009.)]

39. **“Floor Area, Gross”** - The sum, in square feet, of the floor areas of all roofed portions of a Building, as measured from the interior faces of the exterior walls. It includes the total of all space on all floors of a Building. It does not include porches, garages, or space in a Basement or Cellar when said Basement or Cellar space is used for storage or other such incidental uses. The Gross Floor Area is generally applied in residential use.

40. **“Floor Area, Net”** - The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts, and rooms, storage spaces, display windows, fitting rooms, etc., in a non-residential Building. The net area is used in calculating parking requirements.

41. **“Floor Area, Usable”** - Same as Gross Floor Area.

42. **“Floor Area Ratio”** - The floor area of the Building divided by the area of the Lot on which such Building is located.

43. **“Food Processing”** - The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

44. **“Frontage, front, rear”** - “Frontage” is the width of a Lot measured on the line separating it from a Public Street or right-of-way. “Front” is the end of the Building or end of the Lot which most closely faces the Frontage. “Rear” is the opposite of front.

[§ 7A-201 44., formerly § 7A-201A. 42, amended by Ord. No. 89-1, effective July 21, 1989.]

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45. **“Garage, Private”** - An Accessory Building, or an accessory portion of the Principal Building, that is stick-built with a concrete floor and used for storing or parking of automobiles, Recreational Vehicles and/or boats of the occupants of the Premises and wherein not more than one (1) space is rented for parking to a person not resident on the Premises.

[§ 7A-201 45, amended by Ord. No. 13-01, effective January 31, 2013.]

46. **“Garage, Public”** - A Principal or Accessory Building other than a Private or Storage Garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

[§ 7A-201 46., formerly § 701-A.44, amended by Ord. No. 89-1, effective July 21, 1989.]

47. **“Garage, Storage”** - Any Building or Premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

48. **“Grade”** - The average level of the finished surface of ground adjacent to the exterior walls of the Building.

48A. **“High Water Table”** - The highest in elevation of any of the following:

- (a) Water in a test hole;
- (b) Mottled soil;
- (c) The elevation which is 1.0 feet below that portion of the 100-Year Flood Plain which lies within a 1,000 foot radius of the site being tested or evaluated; or,
- (d) The high water mark of that portion of a lake, stream or wetland which lies within a 1,000 foot radius of the site being tested or evaluated.

[§ 7A-201 48.A, formerly § 7A-201A 46.A: added by Ord. No. 89-15, effective December 29, 1989; amended by Ord. No. 90-5, effective August 17, 1990.]

49. **“Home Occupation”** - An occupation or business or activity intended to generate a profit and conducted in a Dwelling Unit, provided that:

- (a) No persons other than members of the Family who reside on the Premises shall be engaged in such occupation;
- (b) The use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty percent (20%) of floor area of the Dwelling Unit shall be used in the conduct of the Home Occupation, and not more than 300 square feet of any garage or Accessory Building shall be used in the conduct of the Home Occupation;
- (c) There shall be no change in the outside appearance of the Building or Premises, or other visible evidence of the conduct of such Home Occupation other than one (1) sign not exceeding two (2) square feet in area, with a vertical length of not more than four times the horizontal width, non-illuminated, and mounted flat against the wall of the Principal Building;
- (d) No traffic shall be generated by such Home Occupation in greater volume than would normally be expected to a residence in a residential neighborhood, and the Driveway shall be designed accordingly;
- (e) Parking lots shall not exceed four (4) stalls and shall not be located within twenty (20) feet of any Lot line. Parking lots shall be located along the side of or at the rear of the Dwelling Unit;
- (f) No equipment, activity, or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the Lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the Premises, or cause fluctuations in line voltage off the Premises.
- (g) No outside storage is permitted.

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[§ 7A-201 49., amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 92-1, effective June 12, 1992 and amended by Ord. No. 00-06, effective August 17, 2000, amended by Ord. No. 08-03, effective April 17, 2008.]

50. **“Hotel or Motel and Apartment Hotel”** - A Building in which lodging and boarding are provided and offered to the public for compensation. As such it is open to the public in contra-distinction to a rooming house, boarding house, lodging house, or dormitory which is herein separately defined.

51. **“Institution”** - Building(s) and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

52. **“Junk”** - Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered Junk. Common examples of Junk include wrecked vehicles, scrap metal, scrap paper and rags, rubber tires, scrap plastic, and scrap glass.

[§ 7A-201 52., formerly § 7A-201A 50., amended by Ord. No. 89-1, effective July 21, 1989.]

53. **“Junk Buildings, Junk Shops, Junk Yards”** - Any land, property, Structure, Building or combination of the same, on or in which Junk is stored or processed.

[§ 7A-201 53., formerly § 7A-201A 51., amended by Ord. No. 89-1, effective July 21, 1989.]

54. **“Kennel”** - Any Premises where four (4) or more animals over six (6) months of age are housed, groomed, bred, boarded, trained, or sold and which may offer provisions for minor medical treatment.

54.A. **“Lighting Fixtures, Outdoor”** – Any type of fixed or movable lighting equipment that is designed or used for illumination outdoors. The term includes billboard lighting, building lighting, parking lot lighting, streetlights, searchlights, and other lighting used for advertising purposes and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles, lighting required for the safe operation of aircraft, or lighting installed for the illumination of flagpoles.

55. **“Loading Space, Off-Street”** - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required Off-Street Parking Spaces are filled. Required Off-Street Loading Space is not to be included as Off-Street Parking Space in computation of required Off-Street Parking Space. All Off-Street Loading Spaces shall be located totally outside of any Street or Alley right-of-way.

56. **“Lot”** - For the purposes of this Ordinance, a Lot is a parcel of land of sufficient size to meet minimum Zoning requirements for use, coverage, and area, and to provide such Yards and other open spaces as are herein required. Such Lot shall have Frontage on an improved Public Street, or on an approved private Street, and shall be defined as: An area, parcel, tract, or portion of land which is separate from other parcels of land, and has been legally described:

- (a) As an individual parcel by metes and bounds description in a recorded instrument of conveyance; or,
- (b) By recorded plat; or
- (c) By government survey; or
- (d) By Auditor’s Subdivision, or by Auditor’s property tax identification number (unless such Auditor’s property tax identification number is assigned to two or more noncontiguous and nonconterminous parcels of land).

The words “Lot,” “area,” “parcel,” and “tract” are synonymous and may be used interchangeably. For the purposes of this chapter, a “single Lot” or a “single parcel” or a “parcel of record” or a “Lot of record” shall be the whole parcel that is identified by at least one of the above definitions of “Lot.”

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[§ 7A-201 56., formerly § 7-201A 54., amended by Ord. No. 89-1, effective July 21, 1989.]

57. **“Lot Area”** – The area of any lot shall be determined inclusive of the frontage street right-of-way only if said frontage street is a city road, and exclusive of all areas lying within the right-of-way of a county, state, or federal road.

[§ 7A-201 57., formerly § 7A-201A 55., amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

58. **“Lot Coverage”** - The ratio of enclosed ground floor area of all Buildings on a Lot to the horizontally projected area of the Lot, expressed as a percentage.

59. **“Lot Frontage”** - The front of a Lot shall be construed to be the portion nearest the Street. For the purpose of determining Yard requirements on corner Lots and through Lots, all sides of a Lot adjacent to Streets shall be considered Frontage, and Yards shall be provided as indicated under “Yards” in this Section.

60. **“Lot Line, Front”** - Lot line(s) bounding a Lot as follows: Interior Lot - The line separating the Lot from the Street. Corner or Through Lot - The line separating the Lot from either Street.

61. **“Lot Line, Rear”** - The boundary of a Lot which is more distant from and is, or is more nearly parallel to the Front Lot Line. In the case of a triangular or irregular-shaped Lot, an imaginary line between the side Lot lines parallel to the Front Lot Line, ten (10) feet long, lying farthest from the Front Lot Line. On a corner Lot, the Rear Lot Line shall be opposite the Front Lot Line of least dimension.

62. **“Lot Line, Side”** - Any boundary of a Lot which is not a Front Lot Line or Rear Lot Line.

63. **“Lot, Measurement of”** - A Lot shall be measured as follows:

(a) **Depth** - The distance between the mid-points of straight lines connecting the foremost points of the Side Lot Lines in front and the rearmost points of the Side Lot Lines in the rear.

(b) **Width** - The distance between straight lines connecting front and Rear Lot Lines at each side of the Lot, measured at the Building Setback Line.

[§ 7A-201 63., formerly § 7A-201A 61., amended by Ord. No. 89-1, effective July 21, 1989.]

64. **“Lot Types”** - Terminology used in this Ordinance with reference to different types of Lots is as follows:

(a) **Corner Lot** - A Lot located at the intersection of two (2) or more Streets. A Lot abutting on a curved Street or Streets shall be considered a Corner Lot if tangent projections of the Front Lot Lines drawn perpendicular at the Side Lot Lines meet at an interior angle of less than 135 degrees in front of the Lot.

(b) **Interior Lot** - A Lot with only one Frontage on a Street.

(c) **Through Lot** - A Lot other than a Corner Lot with Frontage on more than one (1) Street. Through Lots abutting (2) two Streets may be referred to as double Frontage Lots.

(d) **Reversed Frontage Lot** - A Lot which Frontage is at right angles to the general pattern in the area. A Reversed Frontage Lot may also be a Corner Lot.

64.A. **“Lumen”** – A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this ordinance, the lumen-output values are the initial lumen-output rating of the lamp.

64.B. **“Luminaire”** – A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

64.C. **“Luminaire, Cutoff”** – A luminaire in which 2.5 percent or less of the lamp lumens are emitted above a horizontal plane through the luminaire’s lowest part and ten percent or less of the lamp lumens are emitted at a vertical angle 80 degrees above the luminaire’s lowest point.

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65. **“Maintenance and Storage Facilities”** - Land, Buildings, and Structures devoted primarily to the maintenance and storage of construction equipment and material.

66. **“Manufacturing”** - Manufacturing, processing, assembling, storing, testing, and similar industrial uses which may possibly generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not in excess of the performance standards in this Ordinance and not beyond the District boundary.

66.A. **“Mottled Soil”** - The presence of chemical oxidation and reduction activity, appearing as splotchy patches of red, brown, orange, or gray, or any combination thereof in the soil.

[§ 7A-201 66.A formerly § 7A-201A 64.A, added by Ord. No. 89-15, effective December 29, 1989.]

66.B. **“Municipal Buildings and Facilities”** – City owned buildings and facilities including but not limited to administrative buildings, public works buildings and facilities, public safety buildings and facilities, and public utilities including but not limited to City owned sanitary sewer, storm sewer, water mains, pumping facilities, treatment facilities, ponds, structures, buildings, and related appurtenances.

[§ 7A-201 66.B, added by Ord. No. 07-03, effective July 26, 2007.]

67. **“Nonconforming Use”** - A Building, Structure, site plan, setback, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the new regulations of the District in which it is situated.

68. **“Nursery, Plant Materials”** - Land, Buildings, Structures, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the Premises including products used for gardening and landscaping.

69. **“Open Space”** - A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include along with the natural environmental features, water areas, swimming pools, tennis courts, and other Recreational Facilities that the Planning Commission deems permissible. Streets, parking areas, Structures for habitation, and the like shall not be included in Open Space area calculations.

70. **“Ordinance”** - Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any Ordinance. The term “this Ordinance” shall be a synonymous term with “this Chapter” and with “Chapter 7A.”

[§ 7A-201 70., formerly § 7A-201A 68., amended by Ord. No. 89-1, effective July 21, 1989.]

71. **“Parking Space, Off-Street”** - For the purposes of this Ordinance, an Off-Street Parking Space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a Public Street or Alley and maneuvering room, but shall be located totally off Public Right-of-Way.

72. **“Parking Stall”** - The area required for parking one (1) automobile, with its attendant maneuvering room. The area required for a parked car is to be ten (10) feet wide and twenty-two (22) feet long.

73. **“Performance Bond or Surety Bond”** - An agreement by a subdivider or developer of the city for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider’s agreement or guaranteeing the performance of the conditions of a Conditional Use Permit.

[§ 7A-201 73 amended by Ord. No. 07-02, effective March 1, 2007.]

74. **“Personal Services”** - Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

74.A. **“Pole Barn or Pole Building”** - These terms are synonymous and shall be liberally interpreted to include any Building constructed without foundation and supported by poles.

[§ 7A-201 74.A, formerly § 7A-201A 72.A, amended by Ord. No. 89-1, effective July 21, 1989.]

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74.B. **“Preschool”** - Any nursery school or preschool regulated under MINN. STAT. chapter 256H.

[§7A-201 74.B, formerly § 7A-201A 72.B, amended by Ord. No. 96-3, effective Sept. 19, 1996.]

75. **“Premises”** - One or more Lots which are in the same ownership and are contiguous or separate only by a road or waterbody, including all Buildings, Structures, and improvements.

76. **“Principal Building”** - The Building in which the Principal Use of the Lot is conducted.

77. **“Principal Use”** - The primary use to which the Premises are devoted, and the main purpose for which the Premises exist.

78. **“Professional activities”** - The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

79. **“Prohibited Use”** - A use not listed as a permitted use, Interim Use or a Conditional Use is deemed prohibited for a certain District and is not to be allowed to locate in said District except as specified under nonconformities.

[§ 7A-201 79., formerly § A-7A-201A 77., amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 02-01, effective May 17, 2002.]

80. **“Public Right-of-Way”** - A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a transportation facility.

81. **“Public Service Facility”** - The erection, construction, alteration, operation, or maintenance of Buildings, power plants, or substations, water treatment plants, or pumping stations, sewage disposal, or pumping plants and other similar public service Structures by a Public Utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water and sewage services.

82. **“Public Uses”** - Public parks, schools, administrative and cultural Buildings and Structures, not including public land or Buildings devoted solely to the storage and maintenance of equipment and materials, and public services facilities.

83. **“Public Utility”** - Any person, firm, or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, cable communications, water or sewage system to the public under public regulations.

[§ 7A-201 83., formerly § 7A-201A 81., amended by Ord. No. 89-1, effective July 21, 1989.]

84. **“Quasi-Public Use”** - Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

85. **“Recreational Equipment, Major”** - Equipment which must be hauled on a trailer with two (2) or more wheels or which has two (2) or more wheels attached, or which is self-propelled with wheels, including boats, trailers, and Recreational Vehicles.

86. **“Recreational Facilities”** - Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and extent of uses. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

87. **“Recreational Vehicle (RV)”** - A vehicle primarily designed as a temporary living quarters for recreation, camping or travel, either with its own motor power or mounted on or towed by another powered vehicle.

87.A. **“Related Broadcast Uses”** - Related Broadcast Uses means all anchors and guy wires necessary to stabilize a Broadcast Tower or Accessory Equipment and Structures, as well as access roads and vehicular parking areas serving the use of a Broadcast Tower, Accessory Equipment and Structures, Buildings and outside storage of materials and refuse.

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[§ 7A-201 87.A, formerly § 7A-201A 85.A, added by Ord. No. 96-11, effective Feb. 13, 1998.]

88. **“Replacement Cost”** - The sum of money which would be required to re-erect a Structure identical to the one in question.

88.A. **“Required Yard”** – A portion of the front yard, side yards, or rear yard which is required by setbacks.

[§ 7A-201 88.A, added by Ord. No. 02-01, effective May 17, 2002.]

89. **“Research Activities”** - Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

[§ 7A-201 89., formerly § 7A-201A 87., amended by Ord. No. 89-1, effective July 21, 1989.]

90. **“Residential Zone Business”** - Any occupation or business which is clearly accessory to and incidental to the principal residential use of property in the Rural Residential District and, which exceeds the limitations of a Home Occupation as defined in subsection 49 of this Section, is subject to the following:

(a) An Interim Use Permit (Section 7A-530 through 7A-532) is required for a Residential Zone Business.

(b) The property on which a Residential Zone Business is proposed must be in conformance with all minimum dimensional standards required in Section 7A-801.

(c) A Residential Zone Business must conform with the performance standards prescribed in Section 7A-806.

[§ 7A-201 90., formerly § 7A-201A 47.B), amended by Ord. No. 89-1, effective July 21, 1989 and Ord No. 00-06, effective August 17, 2001, amended by Ord. No. 08-03, effective April 17, 2008.]

91. **“Roadside Stand”** - A temporary Structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest, to the motoring public.

91.A. **“School”** - Any elementary school, middle school and/or secondary school with building(s), equipment, courses of study, class schedules, enrollment of students in grades K through 12 or any portion thereof, and staff, meeting the standards established by the state board of education.

[§ 7A-201 91.A, formerly § 7A-201A 88.A, amended by Ord. 96-3, effective Sept. 19, 1996.]

92. **“Screening”** - A Structure erected or vegetation planted for concealing an area from view.

93. **“Seat”** - For purposes of determining the number of Off-Street Parking Spaces for certain uses, the number of Seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

94. **“Service Station, Automobile”** - Any land, Building, Structure or Premises used for the sale at retail of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles, or for installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles, Public Garages, and the open storage of rental vehicles or trailers.

95. **“Setback”** – the minimum horizontal distance between a building and public right-of-way or private street easement, lot line, ordinary high water mark or bluff line. Distances are to be measured from the most outwardly extended portion of the structure, except as may be specifically provided for in this ordinance.

[§ 7A-201 95., added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 08-03, effective April 17, 2008.]

95.A. **“Setback Line”** – a line established by the Zoning Ordinance, generally parallel with and measured from the Lot Line, edge of the public right-of-way, or edge of a private street easement, defining the limits of a Required Yard, in which no Building or structure can exist, with the exception of signs and fences, and in cases where they may be specifically provided for in this ordinance.

[§ 7A-201 95.A, formerly § 7A-201A 94., amended by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 08-03, effective April 17, 2008.]

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96. **“Slaughterhouse”** – Any Premises which is used for killing, butchering, or processing of more than one Animal Unit per month, except under the following circumstances:

- (a) When no persons other than residents of the Premises, their relatives and bona fide guests will consume any portion of the animal;
- (b) Butchering or slaughtering of animals for which a hunting or fishing license is required, during the season for those animals or within five days following the end of the season, when such animals are killed by a person holding a valid hunting or fishing license for the animal killed;
- (c) Upon a Premises in Agricultural Use, the killing, butchering, or processing of animals raised on the Premises for a period of not less than three months prior to the killing.

[§ 7A-201 96. added by Ord. No. 01-03, effective May 17, 2001.]

97. **“Sewers, On-site”** - A septic tank and drainfield or similar installation on an individual Lot which utilizes an equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

98. **“Sidewalk”** - That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

99. **“State”** - The State of Minnesota.

100. **“Story”** - That part of a Building between the surface of a floor and the ceiling immediately above; or if there is a floor above; the portion of a Building between the surface of any floor and the surface of the floor next above. A Basement shall be counted as a Story and a Cellar shall not be counted as a Story.

101. **“Street”** - A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term “Street” also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place and other such terms.

The recommended usage is:

- highway or street in urban areas.
- highway or road in rural areas.

(a) **Alley** - A Street intended to provide access to the rear or side of Lots or to Buildings in urban areas and not intended for the purpose of through vehicular traffic.

(b) **Arterial** - A system of Streets and roads which form an integrated network of continuous routes primarily for through traffic. The “Arterial” system is stratified into “major” and “minor” categories:

(i) **Major** - Serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connects major population centers in rural areas; or serves major population centers in rural areas; or serves major centers of activity and highest traffic volume corridors with the longest trip desires in urban areas.

(ii) **Minor** - Links other cities, large towns and traffic generators, and provides a substantial amount of interstate and intercounty service in rural areas or interconnects and augments with the principal Arterials to provide service to trips of moderate length for intra-community continuity in urban areas.

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- (c) **Collector** - A system of Streets and roads which generally serve travel of primarily intra-area and intra-county importance with approximately equal emphasis to traffic circulation and land access service.
 - (d) **Cul-de-Sac** - A local Street open at one end only and with a special provision for vehicles turning around.
 - (e) **Dead-end** - A local Street open at one end only and without a special provision for vehicles turning around.
 - (f) **Frontage** - A local Street or road auxiliary to and located on the side of an Arterial for service to abutting property and adjacent areas, and for control of access. (Sometimes also called a “marginal access Street.”)
 - (g) **Highway** - A term applied to Streets and roads that are under the jurisdiction of the Minnesota State Highway Commission.
 - (h) **Local** - A system of Streets and roads which primarily provides land access service and access to higher order systems.
 - (i) **Loop** - A Local Street with both terminal points on the same Street of origin.
 - (j) **Partial** - A dedicated right-of-way providing only a portion of the required Street width, usually along the edge of a subdivision or tract of land.
 - (k) **Perimeter** - Any existing Street to which the parcel of land to be subdivided abuts on only one (1) side.
 - (l) **Private** - A Local Street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.
 - (m) **Public** - A Street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.
102. **“Structure”** - Anything constructed or erected with a fixed location on or in the ground; or attached to something having a fixed location on the ground. Among other things, Structures include Buildings, walls, decks, swimming pools, and tennis courts.
[§ 7A-201 102., formerly § 7A-201A 98., amended by Ord. No. 89-1, effective July 21, 1989.]
103. **“Supply Yard”** - A commercial establishment storing and offering for sale Building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.
104. **“Swimming Pool, Private”** - A swimming pool used exclusively by the residents and guests of a single household, a multi-family development, a community, the members and guests of a Club, or the patrons of a Motel or Hotel; an Accessory Use without paying an additional charge for admission.
- 104.A. **“Tower”** - Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. This definition shall not apply to any radio tower which is used for commercial broadcasting purposes and is more than 150 feet in height.
[§ 7A-201 104.A, formerly § 7A-201A 100.A, added by Ord. No. 96-7, effective Aug. 29, 1996.]
105. **“Travel Trailer”** - A vehicle or other portable Structure designed to move on the Highway, not under its own power, and designed or used as a temporary Dwelling.
106. **“Truck Transfer”** - A facility primarily for the purpose of parking, storing, switching, or maintaining cargo trucks; any truckyard or trucking use not otherwise categorized as a Truck Terminal.

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107. **“Truck Terminal”** - A facility, including a warehouse for temporary storage, where the primary activity is, and is intended to be, the transfer of cargo to trucks from other forms of transportation, to other forms of transportation from trucks, or from trucks to trucks.

[§ 7A-201 107., formerly § 7A-201A 104. and 105. , added by Ord. No. 99-7, effective December 3, 1999.]

108. **“Use”** - The specific purposes for which land or a Building is designated, arranged, intended, or for which it is or may be occupied or maintained.

109. **“Variance”** - A modification of the strict terms of the relevant regulations of this Ordinance where such modification will not be contrary to the general purposes and intent of the Ordinance or inconsistent with the Comprehensive Plan and where, owing to conditions unique to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in a practical difficulty.

[§ 7A-201 109 amended by Ord. No. 11-04, effective June 30, 2011.]

110. **“Veterinary Animal Hospital or Clinic”** - A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the Premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

111. **“Vicinity Map”** - A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

112. **“Walkway”** - A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a Street or not.

113. **“Yard”** - An Open Space other than a court on a Lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

114. **“Yard, Front”** - A Yard across the full width of the Lot extending from the Front Lot Line of the Principal Building to the front of the Lot. On Corner Lots, the Front Yard shall face the shortest street dimension of the Lot, except that if the Lot is square or almost square, then the Front Yard may face either Street.

115. **“Yard, Rear”** - A Yard extending the full width of the Lot between a Principal Building and the Rear Lot Line or lines.

[§ 7A-201 115., amended by Ord. No. 89-1, effective July 21, 1989.]

116. **“Yard, Side”** - A Yard between the Principal Building and Side Lot Line, and extending from the Front Yard line to the Rear Yard line.

117. **“Zoning”** - The division of an area into Districts and the public regulation of the character and intensity of the use of the land and of the Buildings and Structures which may be located thereon, in accordance with a Comprehensive Plan.

118. **“Zoning Administrator”** - The person appointed by the City Council to facilitate and coordinate all proceedings arising under Chapters 7A and 7B of this City Code, to make zoning inspections, to recommend zoning enforcement actions to the City Council, to aid the Planning Commission with its responsibilities, and to make recommendations to the City Council for changes to this Code. The Zoning Administrator shall be an ex officio, nonvoting member of the Planning Commission.

[7A-201 117, formerly § 7A-201A 112., amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 07-02, effective March 1, 2007.]

110. **“Zoning Ordinance”** - A legal tool for accomplishing the objectives of the Comprehensive Land Use Plan. It is an effective regulatory measure designed to encourage high standards of development and to foster the most efficient use of land.

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111. **“Zoning Permit”** - A document issued by the Zoning Administrator authorizing the use of Lots, Structures, uses of land and Buildings, and the characteristics of the uses.

[§ 7A-201 120., formerly § 7A-201A 114., amended by Ord. No. 89-1, effective July 21, 1989.]

[§ 7A-201, added by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 07-02, March 1, 2007, amended by Ord. No. 11-04, effective June 30, 2011, amended by Ord. No. 12-03, effective May 17, 2012, amended by Ord. 13-01, effective January 31, 2013, amended by Ord. No. 15-03, effective November 5, 2015.]

ARTICLE III **ENFORCEMENT**

SECTION 7A-300. ZONING APPROVAL REQUIRED. No Building or other Structure shall be erected, moved, added to, or structurally altered; nor shall any Building, Structure, or land be established or changed in use without zoning approval issued by the Zoning Administrator. Zoning approval shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Administrator receives a written order from the City Council deciding an appeal, Conditional Use or Variance, or approving as provided by this Ordinance. A property survey is required if a building or other structure is placed within thirty (30) feet of the property line.

[§ 7A-300, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-301. AGRICULTURAL USE ZONING PERMITS AND BUILDING PERMITS; CONTENTS OF APPLICATION. No Building or other Structure for Agricultural Use shall be erected, moved, added to, or structurally altered without an Agricultural Use Zoning Permit. The application for an Agricultural Use Zoning Permit shall be made and signed by the owner or applicant attesting to the truth and exactness of all information supplied by the application. Each application shall clearly state that the permit shall expire and be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2-1/2) years except for where the completion date is extended to five (5) years. The following information is the minimum required:

- A. Name, address, and phone number(s) of applicant.
- B. Accurate legal description of property and a survey of the Lot, whether platted or metes-and-bounds description, in the form required for surveys shown in Appendix B to this Chapter 7A.
- C. Existing and proposed Use.
- D. Zoning District.
- E. Plans in duplicate drawn to scale on the survey, showing the actual dimensions and shape of the Lot to be built upon; the exact size and location of existing Buildings on the Lot, if any; the exact size, location, and elevation of the existing Buildable Area(s) or Future Buildable Area(s); the exact size, location, and elevation of the proposed Driveway(s); the location and dimensions of the proposed Building(s) or Alteration; and the elevations of the footings and lowest floor above the High Water Table.
- F. Building Heights.
- G. Number of Off-Street Parking Spaces or loading berths.
- H. Number of Dwelling Units.
 1. The survey shall also show the location and elevation of the high water mark of all wetlands or other line of demarcation between any wetlands and uplands and the setback line, if any, from the high water mark on the Lot so that a determination can be

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made that the proposed development will be in compliance with Chapter 7C of this City Code and in compliance with the Minnesota Wetlands Conservation Act of 1991.

2. The application must be accompanied by either a certificate of exemption or an approved wetlands replacement plan issued pursuant to Chapter 7C of this City Code. The application will not be accepted if it is not accompanied by the appropriate wetlands documentation.

I. Any development must comply with State law regarding the creation of impervious surfaces of one acre or more, on site water retention facilities must be provided in accordance with Minnesota Statutes.

J. If development is proposed which will require a Storm Water Management Plan under the provisions of Chapter 7D of this City Code, then a copy of the survey, altered to show the Storm Water Management Plan, shall be submitted with the application.

K. The survey shall also show the location of the Mature Trees and Wooded Areas, if any, on the Lot and shall be accompanied by a tree protection plan so that a determination can be made that the proposed development will be in compliance with the tree protection provisions of Chapter 20 of this City Code. (See City Code § 20-202 for definitions of “Mature Trees” and “Wooded Areas.”)

L. Any other matters which may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

[§ 7A-301, amended by Ord. No. 89-1, effective July 21, 1989, Ord. No. 89-15, effective December 29, 1989, Ord. No. 90-3, effective March 23, 1990, Ord. No. 92-2, effective April 17, 1992, Ord. No. 91-2, effective June 12, 1992, Ord. No. 94-5, effective January 12, 1996, Ord. No. 93-1, effective February 2, 1996, and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-302. APPROVAL OF AGRICULTURAL USE ZONING PERMIT. The Zoning Administrator may issue an Agricultural Use Zoning Permit where the application clearly shows that the proposed use is fully compatible with the Zoning. Doubtful cases must be considered by the City Council.

[§ 7A-302, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-303. EXPIRATION OF THE AGRICULTURAL USE ZONING PERMIT. As stated in § 7A-301, if work has not begun one year from the date of issuance of the Agricultural Use Zoning Permit, that permit shall expire and be revoked by the Zoning Administrator. If same work has not been substantially completed within two and one-half (2-1/2) years from the date of issuance of the Agricultural Use Zoning Permit that permit shall expire and be revoked by the Zoning Administrator. In each case, written notice shall be given to the applicants with the stipulation that work may not begin or continue (whichever case applies) until a new Agricultural Use Zoning Permit has been obtained.

[§ 7A-303, amended by Ord. No. 89-1, effective July 21, 1989, and by Ord. No. 02-01, effective May 17, 2002.]

SECTION 7A-304. ZONING APPROVAL - BUILDING PERMIT. Any Zoning approval pursuant to this Ordinance does not take the place of a Building permit. Building permits are issued and administered by the Building Inspector.

[§ 7A-304, amended by Ord. No. 02-01, effective May 17, 2002.]

SECTIONS 7A-305 through 7A-309. (RESERVED FOR FUTURE USE.)

SECTION 7A-310. CERTIFICATE OF OCCUPANCY. It shall be unlawful to use, occupy, or permit the use or occupancy of any Building or Premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or Structure until a

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certificate of occupancy has been issued by the Building Inspector. The certificate of occupancy shall state that the proposed uses of the Building or land conforms to all of the applicable requirements of the City Code, including zoning regulations, building code, and construction requirements for the Buildable Area(s) and Driveway(s), and that the Zoning Administrator has inspected the property and attested to that fact. Both the Building Inspector and the Zoning Administrator, at the discretion of either, shall have the authority to require an “as built” survey of the property to verify that the requirements for Buildable Area, Driveway, and Minimum Construction Elevations have been met. Either the Building Inspector or the Zoning Administrator shall have the authority to withhold the certificate of occupancy and to prohibit use and occupancy of the property until such time that compliance with these Code requirements can be verified to their satisfaction.

[§ 7A-310, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 91-2, effective June 12, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-311. TEMPORARY CERTIFICATE OF OCCUPANCY. A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months pending completion of modifications in order to comply with this Ordinance. A temporary certificate shall not be issued if the Driveway has not been constructed according to the requirements of the City Code unless the City Engineer certifies that the Buildable Area is and will remain readily accessible by emergency services vehicles from the public right-of-way until the Driveway is completed.

[§ 7A-311, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 91-2, effective June 12, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-312. RECORD OF ZONING APPROVALS AND CERTIFICATION OF OCCUPANCY. The Zoning Administrator shall maintain a complete record of all Zoning approvals, Agricultural Use Zoning Permit and certificates of occupancy and copies shall be furnished or presented for review to any person making a request.

[§ 7A-312, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 02-01, effective May 17, 2002.]

SECTIONS 7A-313 through 7A-319. (RESERVED FOR FUTURE USE.)

SECTION 7A-320. FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY. Failure to obtain either a Zoning Permit or a certificate of occupancy shall be a violation of this Ordinance and will be punishable under the provisions of § 7A-350 of this Ordinance.

SECTION 7A-330. CONSTRUCTION AND USES TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES. Zoning approvals and Agricultural Use Zoning Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use or arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangements, or construction. Any use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance and be punishable under the provisions of § 7A-350 of this Ordinance. Zoning Permits and certificates of occupancy and copies shall be furnished or presented for review to any person making a request.

[§ 7A-330, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 02-01, effective May 17, 2002.]

SECTION 7A-331. ESCROW FOR REIMBURSEMENT OF DEVELOPMENT REVIEW FEES.

- A. For the purpose of this Section, certain terms and words are herewith defined as follows:
1. **Costs** means any time or expense incurred by the City for services performed by the City Engineer, City Attorney, or other staff or consultants. Costs shall include per

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diem expenses for appointed and elected City officials when such officials meet exclusively to review the Development other than at a regularly scheduled meeting.

2. **Development** means any subdivision, planned unit development, rezoning, conditional use permit, interim use permit, transitional activity permit, variance, vacation, building addition, or site plan; or proposed rezoning, conditional use permit, interim use permit, transitional activity permit, variance, building addition, or change in site plan; or any amendment to a previously approved subdivision, planned unit development, rezoning, conditional use permit, interim use permit, transitional activity permit, variance, vacation, building addition, or site plan.

3. **Owner** means any property owner, applicant, or duly authorized representative of a Development.

B. **Reimbursement.** Any Owner that causes the City to incur Costs on behalf of, or on account of, that Owner, associated with a proposed Development, shall be required to reimburse the City, in accord with the provisions of this Ordinance, at any time prior to final approval of the Development, or as a condition of final approval, for the actual Costs expended by the City on behalf of, or on account of, said Owner. Any Development which involves only one platted residential lot, for a non-commercial purpose, located in a residential zoning district shall not be subject to this reimbursement requirement.

C. **Deposit Required.** Subject to the provisions of Section 7A-331(B), the Owner shall deposit with the City in escrow an amount necessary to cover the anticipated Development Costs, as determined by the Town Manager, prior to the performance of any such services. Costs shall be charged to the aforementioned account and shall be credited to the City.

D. **Reimbursement of Escrow Fund.** Within thirty (30) days after completion of any City staff and consultant services associated with the Development, the Owner shall reimburse the escrow fund for any deficits caused if the Costs actually expended by, or billed to, the City exceed the escrow fund balance.

E. **Refund of Unexpended Balance.** The City shall refund any monies deposited in the escrow fund not expended for Costs within thirty (30) days after completion of any City review associated with the Development.

F. **Escrow Fund Not to Draw Interest.** The City shall not pay interest on the monies deposited in the escrow fund.

G. **Rates Established.** The City Board shall establish the rates charged for the City services by resolution, which may be changed from time to time. The rates may include a fixed rate for meetings with City staff prior to submission of formal application.

[§ 7A-331, added by Ord. No. 99-09, effective June 22, 2000, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-340. COMPLAINTS REGARDING VIOLATIONS. Any person may file a written complaint whenever a violation of this Ordinance occurs or is alleged to have occurred. The complaint shall state fully and accurately the causes and basis thereof, and be filed with and recorded by the Zoning Administrator. The Zoning Administrator shall immediately investigate and take action upon such complaint as provided in this Ordinance.

[§ 7A-340, amended by Ord. No. 89-1, effective July 21, 1989.]

SECTION 7A-350. PENALTIES FOR VIOLATION. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Use Permits shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof shall be punished by a fine or imprisonment in accordance with the provisions of

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Chapter 1, Section 1-109 of this City Code. Each day such violation continues after receipt of a notice of violation, shall be considered a separate offense. The owner or tenant of any Building, Structures, Premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

[§ 7A-350, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-360. SCHEDULE OF FEES FOR CHAPTER 7A. The fee schedule for Chapter 7A is set by City Council Resolution as amended from time to time.

[§ 7A-360, added by Ord. No. 89-1, effective July 21, 1989 and amended by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

ARTICLE IV NONCONFORMITIES

SECTION 7A-400. INTENT. Within the Districts established by this Ordinance or amendments that may later be adopted there exist:

- A. Nonconforming Lots;
- B. Nonconforming Structures;
- C. Nonconforming Uses of land;
- D. Nonconforming Uses of land and Structures in combination; and
- E. Nonconforming Characteristics of Use; which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance* or future amendments thereto. “Nonconforming” shall include in its definition any legal use, Structure, or parcel of land already in existence, recorded, or authorized before the effective date* of this Zoning Ordinance* or any amendment hereto, that would not have been permitted to become established under the terms of this Zoning Ordinance as now written, if the Ordinance had been in effect at the time of the establishment of the use. It is the intent of this Article to regulate nonconformities and to provide for their gradual elimination.

[§ 7A-400, amended by Ord. No. 90-1, effective May 18, 1990.]

*[*Clerk’s note: References in the text of the Code to “...the effective date of this Ordinance...” or to “...the effective date of the Zoning Ordinance...” are references to Ord. No. 900 which was effective July 25, 1979.]*

SECTION 7A-410. INCOMPATIBILITY OF NONCONFORMITIES. Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the District in which such use is located. However, any nonconformity, including the lawful use or occupation of land or structures existing as of the effective date* of this Zoning Ordinance or any amendments hereto, may be continued subject to the other provisions of this Article.

[§ 7A-410, amended by Ord. No. 90-1, effective May 18, 1990.]

*[*Clerk’s note: References in the text of the Code to “...the effective date of this Ordinance...” or to “...the effective date of the Zoning Ordinance...” are references to Ord. No. 900 which was effective July 25, 1979.]*

SECTION 7A-420. AVOIDANCE OF UNDUE HARDSHIP. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any Building or development on which actual construction was lawfully begun prior to the effective date* of adoption or amendment of this Ordinance and upon which actual Building construction has been carried on diligently. Where demolition or removal of an existing Building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided

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that the work shall be carried out diligently. Actual construction is hereby defined as work done which is beyond the preparation state where the changes or additions are made permanent.

*[*Clerk's note: References in the text of the Code to "...the effective date of this Ordinance..." or to "...the effective date of the Zoning Ordinance..." are references to Ord. No. 900 which was effective July 25, 1979.]*

SECTION 7A-430. SINGLE NONCONFORMING LOTS OF RECORD. In any District in which single-family Dwellings are permitted, a single-family Dwelling, expansion of a single-family Dwelling up to 50% of the area of such Dwelling, and Accessory Buildings may be erected on any single Lot of record as of July 25, 1979, notwithstanding limitations imposed by other provisions of this Ordinance if such Lot was the result of an approved Subdivision under prior Ordinance or law. This provision shall apply even though such Lot fails to meet the requirements for Lot Area or Lot Width, or both, that are generally applicable in the District provided that Buildable Area dimensions and requirements other than those applying to area or width, or both, of the Lot and Driveway dimensions shall conform to the regulations for the District in which such Lot is located. A single, nonconforming Lot which has no Frontage on a Public Road or Street, may obtain a Zoning Permit and a Building Permit for a Single Family Dwelling and Accessory Buildings if all of the following conditions are met:

- A. The Lot must have been solely and separately described in an instrument of conveyance recorded on or before July 25, 1979;
- B. By title examination, it must be shown that the title to the Lot has an exclusive appurtenant Easement, not less than 66.0 feet in width, connecting the Lot to a Public Road;
- C. The appurtenant Easement shall provide access to only one Lot; and,
- D. The owner shall maintain a serviceable Driveway within the Easement area, consisting of an elevated and well-drained road top, not less 12.0 feet wide, constructed of Class V aggregate (and preferably finished with bituminous surface). The Building Inspector shall withhold issuance of a Certificate of Occupancy until the Driveway has been constructed to these standards.

Variances from requirements of this Chapter other than Lot Area or Lot Width shall be obtained only through action of the Board of Adjustments and Appeals as provided in §§ 7A-540 through 7A-549.

*[§ 7A-430, amended by Ord. No. 89-1, effective July 21, 1989, Ord. No. 89-10, effective November 3, 1989, Ord. No. 89-15, effective December 29, 1989, Ord. No. 91-2, effective June 12, 1992, Ord. No. 98-6, effective September 24, 1998, Ord. No. 99-8, effective December 3, 1999, and Ord. No. 02-01, effective May 17, 2002.] [*Clerk's note: Ord. No. 900 was effective July 25, 1979.] [§ 7A-430, amended by Ord. No. 04-04A, effective June 3, 2004.]*

SECTIONS 7A-432 through 7A-439. (RESERVED FOR FUTURE USE.)

SECTION 7A-440. NONCONFORMING USES OF LAND. Where, at the time of adoption of or amendment to this Ordinance*, lawful uses of land exist which would not be permitted by the regulation imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such Nonconforming Uses shall be removed in whole or in part to any portion of the Lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;
- B. If any such Nonconforming Uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the Premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located;
- C. No such Nonconforming Use shall be transferable.

*[*Clerk's note: References in the text of the Code to "...the effective date of this Ordinance..." or to "...the effective date of the Zoning Ordinance..." are references to Ord. No. 900 which was effective July 25, 1979.]*

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SECTION 7A-450. NONCONFORMING STRUCTURES. Where a lawful Structure exists at the effective date* of adoption or amendment of this Ordinance that could not be built by reason of restrictions on area, Lot Coverage, height, Yards, its location on the Lot, bulk, or other requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Destruction of or Damage to the Structure.

1. Should such nonconforming Structure or nonconforming portion of Structure be totally destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

2. Should any nonconforming Structure or nonconforming portion of a Structure be damaged by any means (e.g., fire, windstorm, flood) to an extent that repair and restoration costs equal or exceed 50% of the assessed value of the Structure (for real estate tax purposes according to the records of the County Assessor) at the time of said damage, then such Structure shall not be repaired, restored, or reconstructed, except in conformity with the provisions of this Ordinance.

3. Should any nonconforming Structure or nonconforming portion of a Structure be damaged by any means (e.g., fire, windstorm, flood) to an extent that repair and restoration costs are less than 50% of the assessed value of the Structure (for real estate tax purposes according to the records of the County Assessor), then the Structure may be reconstructed or restored to its predamaged, nonconforming configuration, provided all of the following conditions are met:

a. All reconstruction, restoration, and repair work must be completed and given final inspection by the Building Inspector within one (1) year from the date the damage occurred, or else the Structure will lose its status as a legal, nonconforming Structure;

b. The cubic volume of the Structure and the square footage of floor space shall not be increased from the predamaged sizes;

c. Bearing walls shall be reconstructed in their original locations, unless the current Building Code requires a safer placement of bearing walls;

d. All reconstruction, restoration, and repair work shall be done according to the current Building Code, Fire Code, Life Safety Code, and other applicable codes adopted elsewhere in this City Code, meaning that, in some cases, restoration of the damaged portions may require rewiring of the entire Structure to conform to the State Electrical Code, or that restoration of an exterior wall may require installation of a larger window or installation of a door where one did not exist before in order to comply with the Life Safety Code or Fire Code; and,

e. The architectural style of the reconstruction shall match, as closely as possible, that of the nondamaged portion of the Structure.

B. Movement of the Structure. Should such Structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for this District in which it is located after it is moved.

[§ 7A-450, amended by Ord. No. 90-1, effective May 18, 1990. amended by Ord. No. 07-02, effective March 1, 2007.]

*[*Clerk's note: References in the text of the Code to "...the effective date of this Ordinance..." or to "...the effective date of the Zoning Ordinance..." are references to Ord. No. 900 which was effective July 25, 1979.]*

SECTION 7A-460. NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION. If a lawful use involving individual Structures, or of a Structure and land in combination, exists at the effective date* of adoption or amendment of this Ordinance that would

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not be allowed in the District under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. If no structural Alterations are made, any Nonconforming Use of a Structure or Structure and land, may, upon appeal to the Board of Adjustments and Appeals, be changed to another Nonconforming Use provided that the Board of Adjustments and Appeals shall find that the proposed use is equally appropriate or more appropriate to the District than the existing Nonconforming Use. In permitting such change, the Board of Adjustments and Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Ordinance;

B. Any Structure, or Structure and land in combination, in or on which a Nonconforming Use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the Nonconforming Use may not thereafter be resumed;

C. When a Nonconforming Use of a Structure, or Structure and land in combination, is discontinued or abandoned for more than one (1) year (except when government action impedes access to the Premises), the Structure, or Structure and land in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located;

D. Where Nonconforming Use status applies to a Structure and land in combination, removal or destruction of the Structure shall eliminate the nonconforming status of the land.

[§ 7A-460, amended by Ord. No. 89-1, effective July 21, 1989.]

*[*Clerk's note: References in the text of the Code to "...the effective date of this Ordinance..." or to "...the effective date of the Zoning Ordinance..." are references to Ord. No. 900 which was effective July 25, 1979.]*

[[§ 7A-460, amended by Ord. 04-04A, effective June 3, 2004.]

SECTION 7A-470. REPAIRS AND MAINTENANCE. On any nonconforming Structure or portion of a Structure containing a Nonconforming Use, work may be done in any period of twelve (12) consecutive months on ordinary repairs to an extent not exceeding fifty percent (50%) of the current assessed value of the Structure (for real estate tax purposes according to the records of the County Assessor), provided that the cubic volume and square footage of floor space existing when it became nonconforming shall not be increased. "Ordinary repairs" as used in this Article is defined to mean those repairs necessary to restore, replace, or repair components of a Structure which have become aged, worn, or unserviceable through usage and/or the passage of time; "ordinary repairs" does not include repair of damages as discussed at § 7A-450.A, above. If a nonconforming Structure or portion of a Structure containing a Nonconforming Use becomes physically dangerous, unsafe, unfit for human occupancy, or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the District in which it is located. (See the "Columbus Housing Code" at Chapter 16A of this City Code, and see the "Dangerous Buildings Code" at Chapter 16B of this City Code.)

[§ 7A-470, amended by Ord. No. 90-1, effective May 18, 1990, and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-480. USES UNDER CONDITIONAL USE PROVISIONS ARE NOT NONCONFORMING USES. Any use which is permitted as a Conditional Use in a District under the terms of this Ordinance (other than a change through Board of Zoning Appeals action from a Nonconforming Use to another use not generally permitted in the District) shall not be deemed a Nonconforming Use, in such District but shall without further action be considered a conforming use.

[§ 7A-480, amended by Ord. No. 89-1, effective July 21, 1989.]

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ARTICLE V
ADMINISTRATION

SECTION 7A-500. ZONING ADMINISTRATOR. The Zoning Administrator shall administer and enforce this Ordinance. The City Council may assign the duties of Zoning Administrator to the Town Manager. The City Council, upon recommendation of the Planning Commission or Zoning Administrator or upon other information, shall direct the Zoning Administrator to enforce the Zoning Ordinance through such administrative, criminal remedies as the law provides.

[§ 7A-500, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-501. DUTIES OF THE ZONING ADMINISTRATOR. For the purpose of this Ordinance, the Zoning Administrator shall have the following duties:

- A. Upon finding that any of the provisions of this Ordinance are being violated, the Zoning Administrator will notify the property owner in writing or by phone of such violation, ordering the action necessary to correct such violation;
- B. The Zoning Administrator has the authority to order
 - discontinuance of illegal uses of land, Buildings, or Structures;
 - removal of illegal Buildings or Structures or illegal additions or structural Alterations;
 - order discontinuance of any illegal work being done;
- C. The Zoning Administrator may take any other action authorized by Chapters 7A and 7B to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of and action on Zoning and certificate of occupancy approvals and permits and such similar administrative duties as are permissible under the law;
- D. The Zoning Administrator has the authority to issue Zoning approvals and Agricultural Use Zoning Permits. (Building Inspector issues Building permits);
- E. The Zoning Administrator makes recommendations to the City Council on matters concerning enforcement of Chapters 7A and 7B.

[§ 7A-501, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTIONS 7A-502 through 7A-509. (RESERVED FOR FUTURE USE.)

SECTION 7A-510. PROCEEDINGS OF THE PLANNING COMMISSION.

- A. The Planning Commission shall make recommendations of rules necessary to the conduct of its affairs in keeping with the provisions of Chapters 7A and 7B. Meetings shall be held on the first and third Wednesdays of each month and at such times as the Commission may determine. All meetings shall be open to the public. The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be of public record and be immediately filed with the City Clerk.
- B. Unless otherwise provided herein, Planning Commission proceedings adjudicating the rights of individuals shall be conducted in accordance with Chapter 10 of this Code.

[§ 7A-510, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

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SECTION 7A-511. ADDITIONAL DUTIES OF THE PLANNING COMMISSION. For the purpose of this Ordinance, the Planning Commission shall have the following additional duties:

- A. Initiate or receive and comment on proposed amendments to the comprehensive plan, and to all amendments to the zoning and subdivision regulations in the City Code;
- B. Review all proposed amendments to this Ordinance and make recommendations to the City Council as specified in this Chapter;
- C. Review and approve site plans as required in this Chapter;
- D. Hold public hearings and make recommendations to the City Council on Conditional Use Permits and Interim Use Permits;
- E. Hold other public hearings as required or directed by the City Council;
- F. Review and report to the City Council or Board of Adjustments and Appeals on other matters as directed by the City Council.

[§ 7A-511, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04, effective July 22, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-512. SITE PLAN REVIEW. For all zoning actions or permit applications, other than agricultural and single family residential building permits, a site plan review is required. An application provided by the City must be completed along with other submittal requirements. Fees established by the City must be paid prior to acceptance of the application.

A. Submittal Requirements

- 1. Boundary survey of parcel including identification of all monuments.
- 2. Scaled location of all buildings, structures, driveways, sidewalks, trails, parking stalls and curbing.
- 3. Scaled identification of all setback dimensions from property lines.
- 4. Scaled locations of all existing and proposed utilities and easements.
- 5. Scaled depictions of floor plans for each story/level of any proposed building.
- 6. Scaled depictions of each proposed building elevation and descriptions of exterior building materials and color schemes.
- 7. Scaled site grading plans, including erosion and sedimentation control mechanisms and procedures.
- 8. Stormwater calculations and proposed stormwater management plans.
- 9. Calculations of total site acreage and impervious surfaces.
- 10. Scaled delineations of any shoreland, floodplain or wetland areas on the site.
- 11. Identification of any floodplain or wetland encroachments and detailed mitigation plans.
- 12. Detailed landscape plans, illustrating size, types and locations of all materials, a description of site seeding or sodding, a description of the timetable for site landscaping and the identification of any irrigation systems.
- 13. Detailed descriptions of any site fencing, including type, location and height.
- 14. Detailed descriptions of any signs, including type(s), location, setback, and height.
- 15. All plans shall be dated and bear the preparer(s) name(s), including professional registrations or certifications when appropriate or required.

B. Planning Commission Recommendation/City Council Action:

- 1. Applicants shall submit twelve (12) sets of site plans with the required application form to the Zoning Administrator for review. Site plans will be evaluated for consistency with documentation requirements. Upon acceptance of the application, site

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plans will be distributed to the Planning Commission and City Council for review and action.

2. Within the timeframe prescribed by law, the Planning Commission shall recommend and the City Council shall act to either approve, modify or deny site plan applications, based upon consistency of the application with the City's Comprehensive Plan, Zoning Ordinance, other policies and official controls and the compatibility of the proposed action with existing area land uses, existing area investments and neighborhood character, capacity of public streets and utilities and future planned land uses.

[§ 7A 512 added by Ord. No. 04-04, effective July 22, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-513 through 7A-519. RESERVED FOR FUTURE USE).**SECTION 7A-520. THE CREATION OF THE BOARD OF ADJUSTMENTS AND APPEALS.**

A Board of Adjustments and Appeals is hereby created. The City Council sits as the Board of Adjustments and is the final arbiter of Zoning matters arising under the City Code. The Board of Adjustments and Appeals shall have the power and authority set forth in Minn. Stat. § 462.357 and § 462.359, as amended.

[§ 7A-520, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 09-03, effective March 5, 2009.]

SECTION 7A-521. PROCEDURES OF THE BOARD OF ADJUSTMENTS AND APPEALS.

The Board of Adjustments and Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held upon proper publication and notice by the Zoning Administrator, at the call of the chair, or at such other times as the Board of Adjustments and Appeals may determine. The chair, or in the absence of the chair, the vice chair or acting chair, shall conduct the meetings. All meetings shall be open to the public. The Board of Adjustments and Appeals shall keep minutes of its proceedings, and shall keep public records of its examinations and other official actions, filed in the offices of the City.

[§ 7A-521, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-522. DUTIES OF THE BOARD OF ADJUSTMENTS AND APPEALS. For the purpose of this Chapter, the Board of Adjustments and Appeals has the following specific responsibilities:

A. To hear and decide appeals where it is alleged there is an error in any order requirement, decision, interpretation, or determination made by the Zoning Administrator in the enforcement of this Chapter;

B. To hear and consider requests for variances from the literal provisions of this Chapter where their strict enforcement would result in undue hardship there are practical difficulties in complying with the Ordinance because of circumstances unique to the property under consideration and to grant such variances only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this Chapter and consistent with the Comprehensive Plan.

[§ 7A-522, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 04-04A, effective June 3, 2004, and amended by Ord. No. 11-04, effective June 30, 2011.]

SECTION 7A-523. LEGISLATIVE AUTHORITY ON MATTERS OF ADJUSTMENTS AND APPEALS. Decisions of the City Council acting as the Board of Adjustments are final subject to judicial review.

[§ 7A-523 added by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-03, effective March 9, 2009.]

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SECTION 7A-524. PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES. Any party wishing to appeal an administrative decision or request a variance shall complete a City application form, provide such information as requested, and pay all fees prior to consideration of the appeal or variance. Upon receipt of a completed application a public hearing before the City Planning Commission shall be scheduled. The Planning Commission shall make a recommendation to the City Council acting as the Board of Adjustments based on the required findings under Section 7A-525. Notice of the hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Notification of an appeal involving a specific property and notification of all variances shall be mailed to all owners of property within 350 feet of the affected property. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with these procedures has been made.

An application for a variance shall be accompanied by a description of the nature of the variance requested and a narrative statement addressing the following standards:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same District; and
- B. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Ordinance; and
- C. That special conditions and circumstances do not result from the action of the applicant; and
- D. That granting the variance will not alter the essential character of the area or community;
- E. That granting the variance will not result in a use that is otherwise not permitted in the zoning district; and
- F. That the applicant proposes to use the property in a reasonable manner.

[§ 7A-524 added by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-03, effective March 5, 2009, as amended by Ord. No. 11-04, effective June 30, 2011.]

SECTION 7A-525. FINDINGS AND DECISIONS OF THE BOARD OF ADJUSTMENTS AND APPEALS. The City Council acting as the Board of Adjustments and Appeals must make all of the following findings in order to grant a variance:

- A. That the landowner proposes to use the property in a reasonable manner.
- B. That the practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
- C. That the variance, if granted, will not alter the essential character of the neighborhood or City.
- D. That the terms of the variance are consistent with the Comprehensive Plan.
- E. That the variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
- F. That the practical difficulty is not created solely by economic considerations.

In making its determination on whether to grant or deny a variance, the Board of Adjustments and Appeals shall follow the following non-exclusive factors:

- A. If applicable, variances shall be granted for earth-sheltered construction as defined in Minnesota Statutes 216C.06., Subdivision 14, as amended when in harmony with this Ordinance.
- B. If applicable, the Board of Adjustment may consider the inability to use solar energy systems a hardship in the granting of variances.
- C. Economic considerations alone cannot constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.

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D. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

The Board of Adjustments and Appeals shall make appropriate findings for the record in any decisions regarding an appeal. Decisions by the Board of Adjustments and Appeals for variances or appeals shall require a simple majority of a quorum of the members.

[§ 7A-525 added by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 09-03, effective March 3, 2009, as amended by Ord. No. 11-04, effective June 30, 2011.]

SECTION 7A-526. REAPPLICATION UPON DENIAL. No reapplication for a variance or appeal that has been denied may be submitted for review and consideration by the Board of Adjustments and Appeals within twelve (12) months of the denial.

[§ 7A-526 added by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-527 through 7A-529. (RESERVED FOR FUTURE USE).

SECTION 7A-530. INTERIM USE PERMIT PROCESS. Interim Use Permits granted in this section shall be temporary in nature, valid in accordance with Section 7A-532. Interim Use Permits shall be granted to a designated person or entity, and are not transferable to other persons or entities.

A. Applications for Interim Use Permits shall be filed with the Zoning Administrator, together with a filing fee established by the City Council by ordinance. The application shall be forwarded to the Planning Commission for a public hearing. Notice of the hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Notification of the hearing shall be mailed to all owners of property within 350 feet of the affected property. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceeds, provided a bona fide attempt to comply with these procedures has been made. Following the public hearing, the Planning Commission shall make its findings and forward its recommendations to the City Council for final action on the application for an Interim Use Permit. The City Council shall consider the recommendations of the Planning Commission, and may consult with the Zoning Administrator, City Planner, and City Building Official where the City Council finds it beneficial to the deliberation of the Interim Use Permit.

B. Upon the expiration of Interim Use Permit term, an Applicant may reapply for an Interim Use Permit in the same manner as an initial application. Prior granting of an Interim Use Permit does not give an Applicant any vested right to a subsequent Interim Use Permit. Interim Use Permits shall conform to restrictions or conditions applicable to all uses in the district, and other conditions the City Council may determine are necessary to avoid conflict with surrounding land usage.

C. Findings. The City Council shall make the following findings when issuing an Interim Use Permit:

1. That the use is allowed in the District and conforms to the regulations of this Section;
2. That the date or event that will terminate the use can be identified with certainty;
3. That permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
4. That the user agrees to any conditions that the City Council deems appropriate for permission of the use.

[§ 7A-530 amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 11-06, effective August 4, 2011, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-531. CONTENTS OF APPLICATION FOR AN INTERIM USE PERMIT. An application for Interim Use Permit shall be filed with the Zoning Administrator by at least one owner or

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lessee of property for which such Interim use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Legal description of property and a survey if the description is other than either a regular platted Lot or a simple fractional share of a land section;
- C. Description of existing use;
- D. Zoning District;
- E. Description of proposed Interim Use;
- F. A plan of the proposed site for the Interim Use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed interim use meets the intent, and requirements of this Ordinance.
- G. A narrative statement evaluating the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the District; and the relationship of the proposed use to the comprehensive Plan; and
- H. Such other information as may be recommended by the Zoning Administrator.

[§ 7A-531 added by Ord. No. 04-04A, June 3, 2004]

SECTION 7A-532. TERMINATION. An Interim Use Permit shall terminate upon the happening any of the following events, whichever occurs first:

- A. The termination date stated in the permit;
- B. A governmental agency with authority for construction of public roadways requires the underlying property for roadway purposes;
- C. The accomplishment of an event which completes the term or fulfills the conditions of the permit;
- D. A violation of the conditions or terms of the permit; or
- E. A change in the zoning regulations that renders the use nonconforming.

[§ 7A-532 added by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-533 through 7A-539. (RESERVED FOR FUTURE USE).

SECTION 7A-540. PROCEDURES AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE. Conditional Uses shall conform to the procedures and requirements of Section 7A-541 through 7A-547 of this Chapter.

[§ 7A-540, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-541. GENERAL. It is recognized that land uses evolve and new uses are established, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. Conditional Uses are designed to allow certain land use activities while requiring special conditions that preclude such uses from being incompatible with other existing or planned conventional uses. If the Planning Commission feels that, because of the unusual nature of the requested Conditional Use Permit, employment of consultants is needed, any such resulting consulting fees shall be paid by the applicant.

- A. All conditional Use Permits shall be probationally issued. Each permit shall be reviewed by the Zoning Administrator one (1) year following the date upon which the permit was issued for a determination that the property is being used in compliance with the conditions stated on the permit. The Zoning Administrator shall report the probationary review to the Planning

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Commission. Upon such report, the Planning Commission shall make one of the following findings:

1. That the property has not been placed into the use for which the permit was issued, then the permit shall be declared expired in the same manner as in Section 7A-547; or
2. That the property has been placed into the use for which the permit was issued and that all conditions of the permit are being met, and the permit shall no longer be deemed probationary and shall thereafter be reviewed only in response to inquiry or complaint; or
3. That the property has been placed into the use for which the permit was issued, but that some or all of conditions of the permit are being violated, and the Planning Commission shall direct the property owner to correct the conditions. Failing voluntary correction of the conditions, the Planning Commission shall conduct proceedings and a public hearing to determine if the permit should be revoked. The record of the revocation proceedings and the Planning Commission's recommendation shall be reported to the City Council for final decision.

If a probational Conditional Use has been found to be in violation of some or all of the conditions, and the violations are corrected, the permit shall continue in probationary status for one (1) year following the date upon which corrections were finally made. If a permit is revoked and the permit was recorded with the Anoka County Recorder, then the revocation order shall also be recorded..

B. After successful probationary compliance, all Conditional Use Permits shall remain in effect as long as the conditions attached to the permit are observed. A Conditional Use Permit shall be recorded with the Anoka County Recorder and deemed to run with the land and to be transferable from one owner of the land to the next owner. The burdens or benefits of the conditions shall not be deemed to be vested rights, and therefore the City reserves the right to amend, modify and alter the conditions attached to any permit, as changed circumstances or City Code performance standards may warrant.

[§ 7A-541, formerly § 7A-541A, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-542. CONTENTS OF APPLICATION FOR A CONDITIONAL USE PERMIT.

An application and payment of established fees for Conditional Use Permit shall be filed with the Zoning Administrator by at least one owner or lessee of property for which such Conditional Use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Legal description of property and a survey if the description is other than either a regular platted lot or a simple fractional share of a land section;
- C. Description of existing use;
- D. Zoning District;
- E. Description of proposed Conditional Use;
- F. A plan of the proposed site for the Conditional Use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Planning Commission may require to determine if the proposed conditional use meets the intent, and requirements of this Ordinance;
- G. A narrative statement evaluating the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and

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other properties in the District; and the relationship of the proposed use to the Comprehensive Plan; and

H. Such other information as may recommended by the Zoning Administrator.

[§ 7A-542 amended by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-543. GENERAL STANDARD APPLICABLE TO ALL CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City Comprehensive Plan and the Zoning Ordinance; and

B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; and

C. Will not be hazardous or disturbing to existing or future neighboring uses; and

D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; and

E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and

F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or orders; and

G. Will have vehicular approaches to the property which shall be designed as not to create an interference in traffic on surrounding public thoroughfares; and

H. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

[§ 7A-543, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-544. CONDITIONS AND SAFEGUARDS.

A. Planning Commission may recommend conditions. In granting any Conditional Use the Planning Commission may recommend appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms which the Conditional Use is granted, shall be deemed a violation of this Ordinance and punishable under Section 7A-350 of this Ordinance.

B. Review of conditions. Under the direction of the City Zoning Administrator, the Planning Commission may act as the fact finder in reviewing compliance with approved conditions to a Conditional Use Permit.

[§ 7A-544, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 06-04/2, effective October 2, 2008.]

SECTION 7A-545. NOTICE OF PUBLIC HEARING. After receipt of the required fees and completed application for a Conditional Use Permit specified in Section 7A-542, a public hearing shall be scheduled with the Planning Commission. Notice of the hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Notification of the public hearing shall be mailed to all owners of property within 350 feet of the affected property. The failure to give mailed notice to

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individual property owners, or defects in the notice shall not invalidate the proceeds, provided a bona fide attempt to comply with these procedures has been made.

[§ 7A-545, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-546. ACTION BY THE PLANNING COMMISSION AND CITY COUNCIL. The Planning Commission shall submit to the City Council the application together with the findings of facts from the public hearing and their recommendations. Within the timeframe prescribed by law, the City Council shall either approve, approve with supplementary conditions as specified in Section 7A-544, or disapprove the application as presented. If the Application is approved or approved with modifications, the City Council shall direct the City Clerk to issue a Conditional Use Permit listing the specific conditions for approval. Appeals from City Council's decisions shall be made in judicial review.

[§ 7A-546, amended by Ord. No. 89-1, effective July 21, 1989 and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-547. EXPIRATION OF CONDITIONAL USE PERMIT. A Conditional Use Permit shall be deemed to authorize only one particular Conditional Use and said permit shall automatically expire, if, for any reason, the Conditional Use shall cease for more than one (1) year.

[§ 7A-547, amended by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-548 through SECTION 7A-549. (RESERVED FOR FUTURE USE).

[§ 7A-548, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 02-01, effective May 17, 2002, deleted by Ord. No. 04-04A, effective June 3, 2004]

[§ 7A-549, amended by Ord. No. 89-1, effective July 21, 1989, deleted by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-550. ZONING AMENDMENTS. Amendments to the Zoning Ordinance and Zoning Map shall be consistent with the following requirements and procedures.

A. Amendments to the Zoning Ordinance or Zoning Map may be initiated by the Planning Commission or City Council, or by petition of a property owner or an agent on behalf of a property owner.

B. Amendments initiated by petition shall require the submission of a City-provided application and required fees. The Zoning Administrator shall inform the applicant of any additional submittal requirements including, but not limited to, maps, surveys, legal descriptions, and written narratives, to ensure proper considerations of the petition.

C. After receipt of a completed application, or initiation by the Planning Commission to City Council, a date shall be set for a public hearing. Notice of the hearing shall be posted or published in the official newspaper at least ten (10) days prior to the date of the hearing. Notice of a hearing involving a Zoning Map amendment shall be mailed to each property owner within three hundred fifty (350) feet of the proposed zoning district amendment. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with these procedures has been made.

D. After conducting, the Planning Commission shall recommend either approval, modification, or denial the proposed amendment and shall incorporate its findings with such action.

E. The City Council shall consider the recommendation of the Planning Commission and shall approve, deny or modify the request to amend this Ordinance.

F. Amendments and summaries of amendments to this Ordinance shall become effective upon approval and publication, as required by law.

[§ 7A-550, added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

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SECTION 7A-551 through 7A-599. (RESERVED FOR FUTURE USE).**ARTICLE VI**
PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 7A-600. OFFICIAL ZONING MAP. The City is divided into zones, or zoning districts, as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this Ordinance. The Zoning Administrator shall be responsible for maintaining the Zoning Map with the official records of the City. The Zoning Map may be amended according to the procedures established in Section 7A-550 of the City Code. The approved zoning districts which may be reflected on the Zoning Map, include the following:

- AG Agricultural District
- A/P Agricultural Preserve District
- RR Rural Residential District
- SR Suburban Residential District
- CR Community Retail District
- C/S Commercial/Showroom District
- LI Light Industrial District
- C/I Commercial/Industrial District
- CLO Coon lake Special Overlay District
- SO Shoreland Overlay District
- FP General Floodplain District which includes:
- FW Floodway District
- FF Flood Fringe District

[§ 7A-600, amended by Ord. No. 89-1, effective July 21, 1989, amended by Ord. No. 04-03, effective April 1, 2004, amended by Ord. No. 04-04, effective July 22, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-601. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map or as described in this Chapter, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following surveyed lines shall be construed as following such lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- D. Boundaries indicated as following railroad lines, shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines; and in the event change in the shoreline shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- G. Boundaries indicated as approximately following the flood plain lines shall be construed to follow such contour lines. (In addition to the boundaries shown on the zone maps, the

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boundary of minor ditches and streams shall be designated as being at least five (5) vertical feet or 100 horizontal feet from the edge of the water, whichever is the greater distance. In this case, a stream, river or creek shall be defined as one which flows at least 180 days of the year. Further, it is advised that the banks which are at least ten (10) feet beyond, be left in as natural state as possible.)

H. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through G above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

I. Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Board of Adjustments and Appeals shall interpret the boundaries.

J. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustments and Appeals, may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

The Official Zoning Map, taken together with these rules and with the specific district descriptions contained in this Chapter, shall be the final authority as to the current zoning status of any area in the City.

[§ 7A-601, formerly § 7A-640, amended by Ord. No. 04-04, effective July 22, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-602. SUBURBAN RESIDENTIAL OVERLAY. The Suburban Residential Overlay area is included on the Official Zoning Map, overlaying specific portions of the Commercial Retail and Light Industrial Districts. The City Council has determined that it is in the public interest to encourage multifamily residential development where there is access to City water and sewer services. The Suburban Residential Overlay provides the City with authority to approve or permit the allowed uses based on the regulations in the Suburban Residential District. Therefore, all the properties in the Suburban Residential Overlay are allowed to include the permitted, conditional, and interim uses as described in the Suburban Residential Zoning District, subject to the Suburban Residential District standards described in City Code §7A-750 to §7A-756 and subject to the Zoning Amendment procedures described in City Code §7A-550.

[§ 7A-602 added by Ord. No. 10-07, effective June 10, 2010.]

SECTION 7A-603 through 7A-699. (RESERVED FOR FUTURE USE).

ARTICLE VII ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION 7A-700. INTENT. The following Zoning Districts are hereby established for the City of Columbus, Minnesota. For the interpretation of this Ordinance, the Zoning Districts have been formulated to realize the general purposes as set forth in the Preamble of this Ordinance. In addition, the specific purpose of each Zoning District shall be as stated.

[For further information regarding Administrative Costs for a rezoning application, see Chapter 17, § 17-301.] [§ 7A-700 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-710. AGRICULTURE (AG) DISTRICT DEFINED. The AG District is intended to help preserve existing agricultural land resources and to accommodate crop production, animal agriculture, and uses that may be more intensive than crop production. The AG district is not intended to be applied near urbanized areas, and is not intended to accommodate residential uses as a principal use.

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[§ 7A-710, formerly § 7A-718, added by Ord. No. 99-6, effective December 3, 1999.]

SECTION 7A-711. AGRICULTURAL (AG) DISTRICT DESCRIBED. The AG District established upon adoption of the City Code and as modified by subsequent ordinance amendment is illustrated on the City of Columbus Official Zoning Map.

[§ 7A-711, added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-712. AGRICULTURAL (AG) DISTRICT PERMITTED USES. The following uses shall be permitted in the AG District:

- A. Animal Agriculture, which is not a Feedlot.
- B. Crop Agriculture.
- C. Agricultural Sales and Service.
- D. Agricultural Storage.
- E. Agricultural research and development.
- F. Commercial Stables or Kennels.
- G. Single Family Dwelling units.
- H. Single Family Dwelling accessory uses.
- I. Municipal buildings and facilities.

[§ 7A-712, added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 07/03, effective July 26, 2007.]

SECTION 7A-713. AGRICULTURE (AG) DISTRICT CONDITIONAL USES. The following uses shall be conditional in the AG District, according to Section 7A-560 of this Code:

- A. Communication Towers.
- B. Mining and extraction, including excavation and removal of materials by pumping or other extractive methods.
- C. Utilities.
- D. Feedlots, according to Section 7A-816 of this Code.

[§ 7A-713, added by Ord. No. 02-01, effective May 17, 2002.]

SECTION 7A-714. AGRICULTURAL (AG) DISTRICT INTERIM USES (RESERVED).

SECTIONS 7A-715 through 7A-719. (RESERVED FOR FUTURE USE.)

SECTION 7A-720. AGRICULTURAL PRESERVE (A/P) DISTRICT DEFINED. The purpose of the A/P District is to provide areas dedicated to the preservation of Agriculture according to the Metropolitan Agricultural Preserve Act. (Minn. Stat. Chapter 473H). Land within an A/P District shall be certified and maintained for agricultural production in accordance with the provisions of Minn. Stat. Chapter 473H. The average maximum density of residential Structures (Dwelling Units) within an agricultural preserve shall not exceed one (1) unit per forty (40) acres. The location of any new Feedlot or Structure used for animal agriculture shall conform with the provisions of this Section. The location of any other new Structure shall conform to the regulations herein governing the Rural Residential (RR) Districts. Commercial and industrial uses shall not be permitted except that small on-farm commercial or industrial operations normally associated with and important to farming in the area may be permitted by the City Council as a Conditional Use (conditional upon the land retaining the Agricultural Preserve certification). Use as a Feedlot shall be permitted only as a Conditional Use after obtaining a Conditional Feedlot Permit.

[§ 7A-720, formerly § 7A-730, amended by Ord. No. 89-1, effective July 21, 1989, Ord. No. 89-17, effective December 8, 1989, Ord. No. 99-6, effective December 3, 1999, and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

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SECTION 7A-721. AGRICULTURAL PRESERVE (A/P) DISTRICT DESCRIBED. The A/P District established upon adoption of the City Code and as modified by subsequent ordinance amendment is illustrated on the City of Columbus Official Zoning Map.

[§ 7A-721, added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-722 AGRICULTURAL PRESERVE (A/P) DISTRICT PERMITTED USES. The following uses shall be permitted in the A/P District:

- A. Agricultural use defined in this Code and consistent with the provisions of Minn. Stat. § 473H.
- B. Single Family Dwelling units.
- C. Single Family Dwelling accessory uses.

[§ 7A-722, added by Ord. No. 02-01, effective May 17, 2002.]

SECTION 7A-723. AGRICULTURAL PRESERVE (A/P) DISTRICT CONDITIONAL USES. The following uses shall be conditional in the A/P district, according to Section 7A-560 of this Code:

- A. Feedlots, according to Section 7A-816 of this Code.

[§ 7A-723, added by Ord. No. 02-01, effective May 17, 2002.]

SECTION 7A-724. AGRICULTURAL PRESERVE (A/P) DISTRICT INTERIM USES (RESERVED).

SECTIONS 7A-725 through 7A-729. (RESERVED FOR FUTURE USE.)

SECTION 7A-730. RURAL RESIDENTIAL (RR) DISTRICT DEFINED. The RR District is established as the primary zoning category in the City of Columbus. The purpose of the RR District is to provide adequate areas and use restrictions for residential development that provide pleasant living environments and protect the public health, safety, and welfare.

[§ 7A-730, added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007..]

SECTION 7A-731. RURAL RESIDENTIAL (RR) DISTRICT DESCRIBED. The RR District established upon adoption of the City Code and as modified by subsequent ordinance amendment is illustrated on the City of Columbus Official Zoning Map. A maximum gross density of one (1) Dwelling per five (5) acre Lot is permitted in this District.

[§ 7A-731, added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-732. RURAL RESIDENTIAL (RR) DISTRICT PERMITTED USES. The following uses shall be permitted in the RR District.

- A. Single Family Dwelling units.
- B. Single Family Dwelling accessory uses and residential accessory buildings, according to Section 7A-805 of this Code.
- C. Animals, according to Section 7A-804 (H) of this Code.
- D. Parks, according to Section 7A-804 (I) of this Code.
- E. Swimming pools, according to Section 7A-808 of this Code.
- F. Non-commercial Kennels, according to licensing provisions of Chapter 4 of this Code.
- G. Home Occupations.
- H. Licensed day care facilities as home occupations and according to regulations established in Minn. Stat. § 256H.
- I. Municipal buildings and facilities.

[§ 7A-732 added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 07/03, effective July 26, 2007, as amended by Ord. No. 11-06, effective August 4, 2011.]

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SECTION 7A-733. RURAL RESIDENTIAL (RR) DISTRICT CONDITIONAL USES. The following uses shall be conditional within the RR District, according to Section 7A-560 of this Code:

- A. Public and Quasi-Public Utilities, according to Section 7A-804 (J) of this Code.
- B. Cemeteries, according to Section 7A-804 (K) of this Code.
- C. Public Safety Facilities, according to Section 7A-804 (J) of this Code.
- D. Churches and schools, according to Section 7A-808 of this Code.
- E. Alternative subdivision design according to the provisions of Section 7A-819 Planned Unit Development (PUD).

[§ 7A-733, added by Ord. No. 02-01, effective May 17, 2002, as amended by Ord. No. 11-06, effective August 4, 2011, as amended by Ord. No. 14-06, effective August 21, 2014.]

SECTION 7A-734. RURAL RESIDENTIAL (RR) DISTRICT INTERIM USES. The Interim Uses listed in this Section may be permitted in the RR District with an Interim Use Permit granted by the City Council after a public hearing as required by Minn. Stat. § 462.3597 if the City Council finds that the Interim Use meets the standards set forth in Minn. Stat. § 462.3597, subd. 2. Interim Use Permits shall be valid for a term of up to five (5) years. Interim use permits for communications towers and antenna may be approved for up to an additional twenty (20) years for a total term of up to twenty-five (25) years. The City Council may place such conditions on the Interim Use Permit as are necessary to prevent harmful effects from the Interim Use upon the City and its residents. The City Council may provide as a condition that the Interim Use Permit shall be reviewed if it is the cause of a specified number of substantiated complaints within a specified time period. Compliance with the applicable federal, state, and local laws, rules, and regulations shall be a condition of all Interim Use Permits. The term of Interim Use Permits granted under this Section shall be a condition of the permit.

- A. Dog Kennels, according to Section 7A-809 of this Code.
- B. Residential Zone Businesses, according to Section 7A-806 of this Code.
- C. Expansion of Existing Antennae Towers, according to Section 7A-810 of this Code.
- D. Amateur Service Communications (i.e. ham radios), provided such communications and any equipment associated therewith, comply with all applicable local, State, and federal laws, rules and regulations. In addition, any Tower and/or Antenna associated with such Amateur Service Communications shall be limited to a total height of 100 feet above ground level and shall be subject to a setback from all Setback Lines (as defined in this Chapter 7A) equal to the total height of the Tower and/or Antenna above ground level. The City Council may consider a reduced setback requirement if it is provided with a report from a certified structural engineer specifying that the proposed Tower and/or Antenna are designed to collapse in such a manner that the required setback is not necessary to avoid hazards to adjoining properties.
- E. Animals on Lots less than five (5) acres, provided the housing of any animals shall comply with the standards set forth in Section 7A-804(H) and any other ordinances applicable to keeping such animals and provided, further, that the keeping of such animals does not threaten the health or safety of the residents of the City or otherwise create a public nuisance pursuant to Chapter 5 of the City Code.
- F. Communications towers located on government-owned property, subject to the requirements of Section 7A-816 Performance Standards for the Location, Construction and Use of Communications Towers and Antenna.
- G. Seasonal outdoor holiday exhibition and assembly, according to Chapter 4 of this Code and Section 7A-821 of this Code.
- H. Temporary Family Care Dwelling Unit, according to Section 7A-800 (L) of this Code.

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[§ 7A-734, added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 02-03, effective August 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 09-06, effective July 30, 2009; as amended by Ord. No. 10-08, effective September 2, 2010, as amended by Ord. No. 11-06, effective August 4, 2011.]

SECTIONS 7A-735 through 7A-739. (RESERVED FOR FUTURE USE.)**SECTION 7A-740. COON LAKE AREA SPECIAL OVERLAY (CLO) DISTRICT DEFINED.**

The CLO District is a special management area within an RR District. The provisions of Chapter 7A related to the RR District shall apply within the CLO District, except as otherwise provided in Sections 7A-740 through 7A-744. The CLO District is established to address the unique land use characteristics associated with the Coon Lake area while protecting the public health, safety and welfare. The CLO District is intended to (i) address existing properties and improvements that, due to the proximity to Coon Lake, constitute a non-conforming use within the underlying RR District and (ii) limit future development and land use densities within the CLO District to remain consistent with existing development within the district. The CLO District provisions apply to all residentially zoned property within the CLO District.

All provisions of the Columbus City Code, the Anoka County Shoreland Management Ordinance, the Anoka County Flood Plain Management Ordinance and other laws and regulations applicable to properties located within the CLO District shall continue to apply, except as otherwise provided in Sections 7A-740 through 7A-744.

[§ 7A-740, formerly § 7A-713 and § 7A-715, added by Ord. No. 01-04, effective May 17, 2001, and amended by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-741. COON LAKE AREA SPECIAL RESIDENTIAL OVERLAY (CLO) DISTRICT DESCRIBED. The CLO District is depicted on the Official Zoning Map and includes the following described property:

Commencing at the northwest corner of Section 30, Township 33, Range 22, thence easterly along north line of Section 30 to the east line of Lot 17, Auditor's Subdivision No. 139, thence southerly to the south line of Lot 17, thence westerly to the east line of Lot 16, thence southerly on the east line of Lot 16 to the ordinary high water line of Coon Lake, thence southerly along the easterly ordinary high water line of Coon Lake to the north line of Lot 34 of Breezy Shore addition, thence easterly to the centerline of Lexington Avenue, thence southerly along the centerline of Lexington Avenue to the centerline of 190th Lane, thence westerly along the centerline of 190th Lane to the west line of Section 30, thence northerly to the point of beginning.

[§ 7A-740, formerly § 7A-714, added by Ord. No. 01-04, effective May 17, 2001.]

SECTION 7A-742. COON LAKE AREA SPECIAL OVERLAY (CLO) DISTRICT PERMITTED USES. The following uses shall be permitted in the CLO District:

- A. Detached Single Family Dwellings.
- B. Non-water oriented, customary residential Accessory Structures, provided that:
 - (1) The Accessory Structure(s) is/are not located between the Principal Building and the lakeshore on riparian lots;
 - (2) Accessory structures on riparian lots must be set back a minimum of thirty (30) feet from the public street access right-of-way line.
 - (3) For Lots less than two (2) acres, the aggregate square footage of all detached Accessory Structure(s) shall not exceed one thousand two hundred (1,200) square feet for Dwellings with attached garages or one thousand eight hundred (1,800) square feet for Dwellings without an attached garage.
 - (4) For lots of two (2) acres or more, the maximum square footage for all Accessory Structures shall be governed by the RR District guidelines set forth in Section 7A-805(G) of this Code.

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- C. Water oriented Accessory Structures, compliant with the Anoka County Shoreland Management Ordinance.
- D. Swimming pools, tennis courts and similar private recreational facilities.
- E. Domestic pets.
- F. Home Occupations.
- G. Public parks and public water oriented facilities, compliant with the Anoka County Shoreland Management Ordinance.
- H. Essential Services.

[§ 7A-742, formerly § 7A-716, added by Ord. No. 01-04, effective May 17, 2001 and amended by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 05-01, effective December 1, 2005, amended by Ord. 13-01, effective January 31, 2013.]

SECTION 7A-743. COON LAKE AREA SPECIAL OVERLAY (CLO) DISTRICT CONDITIONAL USES. The following uses shall be conditional in the CLO District, according to Section 7A-540 of this Code:

- A. Public Service Facilities.
- B. Public safety facilities for the provision of fire, police, and other safety services.

[§ 7A-743, formerly, § 7A-716, added by Ord. No. 01-04, effective May 17, 2001, amended by Ord. No. 05-01, effective December 1, 2005.]

SECTIONS 7A-744. COON LAKE AREA SPECIAL OVERLAY (CLO) DISTRICT INTERIM USES (RESERVED).

SECTION 7A-748. SHORELAND OVERLAY DISTRICT (FOR REFERENCE ONLY). The Shoreland Overlay District provisions are included in Article VII Chapter 7E of the City Code.

[§ 7A-780, added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-749. FLOODPLAIN OVERLAY DISTRICT (FOR REFERENCE ONLY). The Floodplain Overlay District provisions are included in Article VII Chapter 7F of the City Code.

[§ 7A-790, added by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-750. SUBURBAN RESIDENTIAL (SR) DISTRICT DEFINED. The purpose of the SR District is to provide a location and opportunity for low/medium density housing in the community. The district must be served with public sewer service and either public or private community water systems and must be governed by homeowner associations to provide for and guarantee common area maintenance. The district is intended to serve as a transitional land use between the Retail district and existing Rural Residential uses. The SR District is intended to provide high-quality attached residential neighborhoods supported by high standards of building and site design.

[§ 7A-750 added by Ord. No. 03-03, effective June 19, 2003.]

SECTION 7A-751. SUBURBAN RESIDENTIAL (SR) DISTRICT DESCRIBED. (Refer to Zoning Map.)

[§ 7A-751 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004.]

SECTION 7A-752. SUBURBAN RESIDENTIAL (SR) DISTRICT PERMITTED USES. The following uses shall be permitted in the SR District:

- A. Attached residential dwellings at a density of three (3) units per acre and with structures housing a maximum of four (4) units per building. Each unit requires a minimum of two (2) attached garage stalls per unit (11' x 24' minimum dimensions per stall) and two (2) surfaced parking spaces per unit. Residential developments must provide additional off-street surfaced

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area guest parking spaces at a ratio of one-half (1/2) space per unity and at locations convenient to all units.

B. Association-owned and maintained facilities, parks and open spaces; mandatory looping and connecting trails to link neighborhoods together and provide pedestrian access to retail areas.

C. Single-family detached dwellings and duplexes in existence in the SR District on May 1, 2003.

D. Municipal buildings and facilities.

[§ 7A-752 added by Ord. No. 03-03, effective June 19, 2003, and amended by Ord. No. 07-03, effective July 26, 2007.]

SECTION 7A-753. SUBURBAN RESIDENTIAL (SR) DISTRICT CONDITIONAL USES. The following uses shall be conditional in the SR district according to Section 7A-540 of this Code:

A. Attached residential dwellings may be considered at higher densities with more units per building through a CUP review and subject to the PUD provisions on Section 7A-819.

B. Senior Citizen Housing subject to the requirements in Section 7A-766 and Section 7A-819(C).

[§ 7A-753 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 05-01, effective December 1, 2005, amended by Ord. NO. 15-07, effective December 17, 2015.]

SECTION 7A-754. SUBURBAN RESIDENTIAL (SR) DISTRICT INTERIM USES. (RESERVED.)

[§ 7A-754 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-755. SUBURBAN RESIDENTIAL (SR) DISTRICT DESIGN STANDARDS.

A. Exterior Building Finish: The exterior of townhouse dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhouse dwelling structures shall comply with the following requirements:

1. A minimum of twenty-five (25) percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.

2. Except for brick, stucco, and/or natural or artificial stone, no single building façade shall have more than seventy-five (75) percent of one type of exterior finish.

3. Multiple roof lines must be incorporated within each building with possibly some dormers, false dormers, or articulated facades.

4. For the purposes of this section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

B. Sidewalks must be paved with concrete, brick pavers, or better materials.

C. Entrance monuments may be permitted.

D. Garages in the SR Suburban Residential District shall be attached to the dwelling units. Each dwelling unit shall have a minimum of two (2) attached garage stalls with minimum interior dimensions of eleven (11) feet by twenty-four (24) feet. Garage spaces shall be designed to park one automobile in front of each garage stall. Surface parking spaces shall be at least ten (10) feet by twenty (20) feet in area. Driveway aisles between garages facing one another and sharing a common driveway shall be at least twenty-four (24) feet wide.

E. Private roads shall meet the construction standards established for City streets in the City Code. F. Each Townhouse development shall be subject to an organized homeowner association with written covenants describing each member's responsibilities, single and jointly.

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Each townhouse in a development shall be subject to the covenants of the homeowner association.

[§ 7A-755 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004]

SECTION 7A-756. PRIVATE STREETS ALLOWED. Private streets are allowed when approved as part of a subdivision development in the SR District. Private streets are only allowed in Districts that require public utilities and may be approved only after all owners of benefited properties of the private street enter into an agreement with the City, including but not limited to the following minimum provisions:

1. Granting approval of a right-of-way easement over the street to the public or to benefited property owners, as determined by the City Attorney.
2. Granting approval of public utility and/or trail easements over the street as determined by the City Engineer.
3. Recording the agreement on the title of the benefited properties.
4. Agreement to obtain a permit from the City for construction of private improvements according to City standards.
5. Agreement providing for the costs of construction and maintenance of the private street by the benefited property owners.

[§ 7A-756 added by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-757 through SECTION 7A-759. (RESERVED FOR FUTURE USE.)

[§ 7A-757 through § 7A-759 amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-760. COMMUNITY RETAIL (CR) DISTRICT DEFINED. The purpose of the Community Retail (CR) District is to encourage high-intensity retail sales and entertainment uses that serve highway users and sub-regional population bases. The high visibility and accessibility of the district will support high standards of design for buildings and landscaped areas. The Community Retail District is not intended to serve extensive land users or uses with any prominent outside displays or storage needs..

[§ 7A-760 amended by Ord. No. 03-03, effective June 19, 2003.]

SECTION 7A-761. COMMUNITY RETAIL (CR) DISTRICT DESCRIBED. (Refer to Zoning Map.)

[§ 7A-761 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004.]

SECTION 7A-762. COMMUNITY RETAIL (CR) DISTRICT PERMITTED USES.

The following uses shall be permitted in the CR District:

- A. Indoor sales and storage of retail goods to consumers, such as groceries, alcohol, clothing, household goods, medical and personal hygiene, hardware, auto supplies, electronics, sporting goods, building supplies, household furnishings, and similar indoor retail sales uses, excluding pawn shops.
- B. Bakeries, coffee shops, cafes, and restaurants, including drive-through facilities.
- C. Drug stores, including drive-through facilities.
- D. Fitness centers.
- E. Hotels, motels, banquet, and convention facilities.
- F. Family movie theaters, dinner/theater clubs, game parlors, and similar indoor entertainment uses.
- G. Professional offices, financial institutions, medical clinics, and medical support facilities.

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- H. Gasoline sales and accessory retail sale of convenience foods, beverages, groceries, and other highway-user goods, including accessory car wash facility.
- I. Indoor automobile service and repair facilities with no outside storage or overnight parking.
- J. Licensed daycare facilities.
- K. Art galleries, photography studios, dance studios, and similar indoor facilities.
- L. Dry cleaners, tailoring, hair salons, tanning studios, picture framing shops, small appliance repair and similar personal and household services.
- M. Domestic animal veterinary clinics without commercial boarding facilities.
- N. Parking structures accessory to permitted principal uses.
- O. Single-family detached dwellings and duplexes in existence in the CR District on May 1, 2003.
- P. Municipal Buildings and Facilities.

[§ 7A-762 added by Ord. No. 03-03, effective June 19, 2003, and amended by Ord. No. 07-03, effective July 26, 2007, amended by Ord. No. 08-03, effective April 17, 2008, as amended by Ord. No. 11-06, effective August 4, 2011, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-763. COMMUNITY RETAIL (CR) DISTRICT CONDITIONAL USES. The following uses shall be conditional in the CR District, according to Section 7A-560 of this Code:

- A. Public Service Facilities and Public Utilities.
- B. Mortuaries.
- C. Domestic animal veterinary clinics with commercial boarding facilities.
- D. Senior Citizen Housing subject to the requirements in Section 7A-766 and Section 7A-819(C).

[§ 7A-763, formerly § 7AA-882, amended by Ord. No. 00-77, effective August 17, 2000, and Ord. No. 02-04, effective October 10, 2002, and Ord. No. 03-03, effective June 19, 2003, as amended by Ord. 11-06, effective August 4, 2011, amended by Ord. No. 12-03, effective May 17, 2012, amended by Ord. No. 15-07, effective December 17, 2015.]

SECTION 7A-764. COMMUNITY RETAIL (CR) DISTRICT INTERIM USES.

Interim uses allowed within the Community Retail District are intended to provide for the practical extension of existing investments in building and property located within the Community Retail District and the eventual transition of non-retail businesses located within the Community Retail District include the following:

- A. Expansion and intensification of legal non-conforming businesses located within the Community Retail District on May 1, 2003, provided the expansion and intensification of such uses are consistent with the dimensional criteria established in Section 7A-801.
- B. Reuses of legal nonconforming businesses located within the Community Retail District on May 1, 2003, provided said reuse is a permitted use or conditional use within with C/S Commercial/Showroom District or said reuse is a permitted uses within the LI Light Industrial District, and provided that any reuses is consistent with the dimensional criteria established in Section 7A-801.
- C. Antennae and towers, including broadcast and television towers.
- D. Non-feedlot crop or animal agriculture.
- E. Outdoor athletic facilities including tract and field stadiums, ball fields, spectator stands, golf courses and driving ranges, horseback riding trails, ski trails, velodromes, and snowmobile trails.
- F. Outdoor facilities for entertaining events, such as outdoor theaters, outdoor music amphitheaters, outdoor sound stages and temporary facilities, such as parking for special events.
- G. Outdoor recreational uses, such as campgrounds, private recreational fisheries, miniature golf facilities, and archery ranges.

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- H. Aquaculture, including the captive breeding, feeding, and raising of freshwater games fish, as defined by the Minnesota Department of Natural Resources, and including the harvesting and fresh or fresh-frozen packaging of cleaned, whole fish, but excluding the processing or canning of fish or fish products.
- I. Temporary small business within a nonconforming residential use.
- J. Off-premise signs or Highway Billboards, subject to the restrictions of this Code applicable to signs.
- K. Automobile rental with outdoor storage of vehicles.
- L. Sale of used motor vehicles, accessory to sales and services of Major Recreational Equipment, provided no more than six (6) used motor vehicles are displayed on the subject property at any time.
- M. Seasonal or temporary outdoor displays of retail goods and rental products, exceeding 72-hour periods.
- N. Residential Dog Kennels associated with owner occupied residences in existence in the CR District on May 1, 2003, subject to the standards and provisions in Section 7A-809A.
- O. Reuse of legal nonconforming businesses located within the CR District on May 3, 2003 for Commercial Boarding.

[§ 7A-764 added by Ord. No. 03-03, effective June 19, 2003, as amended by Ord. No. 11-06, effective August 4, 2011, as amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-765 COMMUNITY RETAIL (CR) DISTRICT DESIGN STANDARDS.

- A. Principal structures within the Community Retail District must be compatible with the predominant building appearance and style within the Community Retail District. While the City of Columbus has not established a theme or particular style of architecture that must be adhered to, a general goal of creating a small city central business district atmosphere is desired.
- B. Building exteriors must be primarily face brick, with combinations of other materials that do not detract from the overall appearance of brick structures.
- C. Landscaping must include a combination of overstory shade trees, ornamental trees, conifers, and foundation plantings.
- D. Foundation plantings may include shrubs, hedges, and perennial flowers.
- E. Shade trees are preferred along property lines and parking areas to establish a canopy effect at maturity.
- F. Conifers, ornamentals, and foundation plantings are encouraged to be designed and planted in groupings.
- G. Landscaping quantities and planting standards shall be consistent with the provisions in Section 7A-820 of this Code.
- H. Design standards for exterior building materials for the expansion, intensification, or reuses of existing buildings as permitted in Section 7A-764 shall be flexible to allow compatibility of building additions with existing building materials and appearances. Whenever possible, the transition of existing building appearances to CR District standards will be encouraged.

[§ 7A-765 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 05-01, effective December 1, 2005.]

SECTION 7A-766. SENIOR CITIZEN HOUSING DESIGN AND PERFORMANCE STANDARDS.

- A. **Senior Citizen Housing shall be restricted to residents fifty-five (55) years or older for eighty (80) percent or more of the dwelling units.**
- B. **The density of Senior Citizen Housing shall not exceed twenty (20) units per acre.**

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[§ 7A-766 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 15-07, effective December 17, 2015.]

SECTION 7A-767. REQUIREMENTS FOR PUBLIC UTILITIES. No use shall be approved in the CR District without connection to public utilities, except Interim Uses listed in Section 7A-764, provided:

- A. The proposed interim use and/or any associated construction activities shall not delay, impede, or interfere with any public utilities proposed in the CR District; and
- B. The interim use permit shall require that the owner of the property connect with such public utilities if the same are implemented by the; and
- C. If the new interim use constitutes an expansion of an existing use or the development of a new use, the applicant shall deposit with the City an amount equal to the estimated access and/or connection charges that will be imposed against the subject property for such public utilities, if implemented. Such deposit shall be separately accounted for by the City and used to offset any future access and/or connection charges for public utilities imposed against the property.

[§ 7A-767 added by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-768. PRIVATE STREETS ALLOWED. Private streets are allowed when approved as part of a subdivision development in the CR District. Private streets are only allowed in Districts that require public utilities and may be approved only after all owners of benefited properties of the private street enter into an agreement with the City, including but not limited to the following minimum provisions:

1. Granting approval of a right-of-way easement over the street to the public or to benefited property owners, as determined by the City Attorney.
2. Granting approval of public utility and/or trail easements over the street as determined by the City Engineer.
3. Recording the agreement on the title of the benefited properties.
4. Agreement to obtain a permit from the City for construction of private improvements according to City standards.
5. Agreement providing for the costs of construction and maintenance of the private street by the benefited property owners.

[§ 7A-768 added by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-769. (RESERVED FOR FUTURE USE.)

[Section 7A-769 amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-770. COMMERCIAL/SHOWROOM (C/S) DISTRICT DEFINED. The purpose of the Commercial/Showroom District is to allow more extensive retail uses which include outdoor displays of retail goods for direct retail sale. The District is intended to provide a quality environment for mixed business uses and services, including professional offices, combined/office/showrooms, and indoor service and repair businesses. The Commercial/Showroom District encourages businesses that benefit from high visibility and higher standards of building and site design.

[§ 7A-770 amended by Ord. No. 03-03, effective June 19, 2003.]

SECTION 7A-771. COMMERCIAL/SHOWROOM (C/S) DISTRICT DESCRIBED. (Refer to Zoning Map.)

[§ 7A-771 amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004.]

SECTION 7A-772. COMMERCIAL/SHOWROOM (C/S) DISTRICT PERMITTED USES. The following uses shall be permitted in the C/S District:

- A. Professional offices and financial institutions.

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- B. Office/showrooms.
- C. Hospitals and emergency medical facilities.
- D. Indoor sales of retail goods to consumers, such as groceries, alcohol, clothing, household goods, medical and personal hygiene, hardware, auto supplies, electronics, sporting goods, and similar indoor retail sales uses, excluding pawn shops.
- E. Bakeries, coffee shops, cafes, and restaurants, including drive-through facilities.
- F. Drug stores with drive-through facilities.
- G. Gasoline sales and accessory retail sale of convenience foods, beverages, groceries, and other highway-user goods, including accessory car wash facility.
- H. Indoor automobile service and repair facilities with no outside storage or overnight parking.
- I. Fitness centers and private recreational facilities.
- J. Indoor building supply and household furnishing centers.
- K. Hotels, motels, banquet, and convention facilities.
- L. Drug stores with drive-through facilities.
- M. Family movie theaters, dinner/theater clubs, game parlors, and similar indoor entertainment uses.
- N. Indoor recreational vehicle and equipment sales and service.
- O. Mortuaries.
- P. Domestic animal veterinary clinics without commercial Boarding facilities.
- Q. Car washes as a principal use.
- R. Parking structures accessory to permitted principal uses.
- S. Single-family detached dwellings and duplexes in existence in the C/S District on May 1, 2003.
- T. Municipal Buildings and Facilities.

[§ 7A-772 amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-03, effective July 26, 2007, amended by Ord. 08-03, effective April 17, 2008, as amended by Ord. No. 11-06, effective August 4, 2011, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-773. COMMERCIAL/SHOWROOM (C/S) DISTRICT CONDITIONAL USES.

The following uses shall be conditional in the C/S District, according to Section 7A-540 of this Code:

- A. New automobile sales and accessory used vehicle sales and service.
- B. Recreational vehicle and equipment sales and service.
- C. Exterior storage as an accessory use to all permitted uses.
- D. Garden Centers.
- E. Automobile repair and accessory sales facilities with outdoor storage or overnight parking.
- F. Automobile rental and accessory service facilities with outdoor storage or overnight parking.
- G. Commercial Dog Kennels.
- H. Mini-storage warehouses.
- I. Public Service Facilities.
- J. Indoor firearms training, simulation facilities, and handgun range, accessory to firearms sales, according to all Occupational Safety and Health Administration (OSHA) design and operating standards.

[§ 7A-773 amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 04-04A, effective June 3, 2004, and amended by Ord. No. 05-01, effective December 1, 2005, as amended by Ord. No. 11-06, effective August 4, 2011, amended by Ord. No. 12-03, effective May 17, 2012.]

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SECTION 7A-774. COMMERCIAL/SHOWROOM (C/S) DISTRICT INTERIM USES. The following shall be interim uses in the C/S District:

- A. Antennae and towers, including broadcast and television towers.
- B. Non-feedlot crop and animal agriculture.
- C. Outdoor athletic facilities, including track and field stadiums, ball fields, spectator stands; golf courses and driving ranges; horseback riding trails; ski trails, velodromes, and snowmobile trails.
- D. Outdoor facilities for entertainment events, such as outdoor theaters, outdoor music amphitheaters, outdoor sound stages and temporary facilities, such as parking, for special events.
- E. Outdoor recreational uses, such as campgrounds, private recreational fisheries, miniature golf facilities, and archery ranges.
- F. Aquaculture, including the captive breeding, feeding, and raising of freshwater game fish, as defined by the Minnesota Department of Natural Resources, and including the harvesting and fresh or fresh-frozen packaging of cleaned, whole fish, but excluding the processing or canning of fish or fish products.
- G. Temporary small business within a nonconforming residential use.
- H. Off-premises signs or highway billboards, subject to the restrictions of this Code applicable to signs.
- I. Outdoor storage and rental of commercial vehicles.
- J. Residential Dog Kennels associated with owner occupied residences in existence in the C/S District on May 1, 2003, subject to the standards and provisions in Section 7A-809A.

[§ 7A-774 amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. 04-04A, effective June 3, 2004, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-775. COMMERCIAL/SHOWROOM (C/S) DISTRICT DESIGN STANDARDS.

- A. Principal structures and authorized accessory structures within the Commercial/Showroom District must be compatible with the predominant building appearance and style within the District.
- B. Building exteriors must be primarily brick, stucco, textured concrete block, pre-manufactured masonry panels, glass panels, wood, and similar appearances, with combinations of other materials that do not detract from the overall appearance of the structures.
- C. Landscaping must include a combination of overstory shade trees, ornamental trees, conifers, and foundation plantings.
- D. Foundation plantings may include shrubs, hedges, and perennial flowers.
- E. Shade trees are preferred along property lines and parking areas to establish a canopy effect at maturity.
- F. Conifers are encouraged to be planted in combination with screening for authorized storage areas.
- G. Ornamentals and foundation plantings are encouraged to be designed and planted in groupings to accent public exposures of the site.
- H. Landscaping quantities and planting standards shall be consistent with the provisions in Section 7A-820 of this Code.

[§ 7A-775 amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 05-01, effective December 1, 2005.]

SECTION 7A-775A. REQUIREMENT FOR PUBLIC UTILITIES. No Use shall be approved in the C/S District without connection to public utilities, except Interim Uses listed in Section 7A-774, provided:

- A. The proposed interim use and/or any associated construction activities shall not delay, impede, or interfere with any public utilities proposed in the C/S District; and

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B. The interim use permit shall require that the owner of the property connect with such public utilities if the same are implemented by the City; and

C. If the interim use constitutes an expansion of an existing use or the development of a new use, the applicant shall deposit with the City an amount equal to the estimated access and/or connection charges that will be imposed against the subject property for such public utilities, if implemented. Such deposit shall be separately accounted for by the City and used to offset any future access and/or connection charges for public utilities imposed against the property.

[§ 7A-776 added by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 04-04, effective July 22, 2004 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-775B. PRIVATE STREETS ALLOWED. Private streets are allowed when approved as part of a subdivision development in the C/S District. Private streets are only allowed in Districts that require public utilities and may be approved only after all owners of benefited properties of the private street enter into an agreement with the City, including but not limited to the following minimum provisions:

1. Granting approval of a right-of-way easement over the street to the public or to benefited property owners, as determined by the City Attorney.
2. Granting approval of public utility and/or trail easements over the street as determined by the City Engineer.
3. Recording the agreement on the title of the benefited properties.
4. Agreement to obtain a permit from the City for construction of private improvements according to City standards.
5. Agreement providing for the costs of construction and maintenance of the private street by the benefited property owners.

[§ 7A-775B added by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-776. HORSE RACING (HR) DISTRICT DEFINED AND DESCRIBED.

A. **Horse Racing (HR) District Defined.** The purpose of the HR District is to establish a zoning district for the development and operation of entertainment facilities related to horse racing. The District is intended to provide a quality environment for commercial entertainment and recreational uses regulated through Minnesota Statutes Chapter 240, Minnesota Racing Commission rules, regulations and permits, and provisions of this Code.

B. **Horse Racing (HR) District Described.** (Refer to Zoning Map).

[§ 7A-776 added by Ord. No. 04-07, effective January 27, 2005, amended by Ord. No. 09-03, effective March 5, 2009.]

SECTION 7A-777. HORSE RACING (HR) DISTRICT USES. The following uses shall be regulated within the HR District:

A. **Permitted Uses.**

1. Public utilities and public safety facilities.
2. Public park and ride and similar transit facilities as accessory uses.
3. Municipal buildings and facilities.

B. **Conditional Uses.** The following uses shall be conditional in the HR District, according to Section 7A-560 of this Code:

1. Indoor and outdoor standardbred horseracing facilities, including harness racing track, grandstand, indoor restaurant and beverage services, indoor horse racing novelty sales, tack shop, and existing State-permitted card club, simulcasting, and pari-mutuel betting facilities.

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2. Fixed or portable vending of food and beverages, and racing venue novelty sales and services, itemized within the Conditional Use Permit, and located within the secured outdoor apron/lawn area attached to the grandstand and buildings.
3. Pony rides, face painting, minstrels or non-stage musical acts, juggling and similar family-oriented entertainment, permitted in the Conditional Use Permit, and located within the secured outdoor apron/lawn area attached to the grandstand and buildings.
4. Accessory parking, including overnight recreational vehicle parking and related accessory uses and structures.
5. Horse care facilities, including ship-in barns, paddock, and veterinary facilities for boarding, grooming, training, showing and racing horses.
6. Maintenance buildings and facilities.
7. Accessory exterior storage specified in the Conditional Use Permit.
8. Indoor stage music and comedy entertainment and seasonal outdoor stage music entertainment, located within the secured race track and outdoor entertainment areas.
9. Water feature, Rainbow Trout fishing within a secure perimeter fence.
10. Seasonal outdoor miniature golf and volleyball facilities, located within the secured race track and outdoor entertainment areas.

[§ 7a-777, Subsection B. 8-10 added by Ord. No. 15-02, effective June 4, 2015.]

C. Interim Uses. The following shall be interim uses in the HR District, according to Section 7A-550 of this Code and detailed provisions of the Interim Use Permit:

1. Periodic portable vending of food, beverages, and racing venue novelty sales and services, itemized in the Interim Use Permit, and located outside of buildings or secured areas within the horse racing facility.
2. Periodic entertainment activities, such as pony rides, face painting, non-stage musical acts, juggling, and similar activities, itemized in the Interim Use Permit, and located outside of buildings or secured areas within the horse racing facility.
3. Periodic non-horse racing, commercial or charitable events, such as arts and crafts shows, flea markets, car and boat shows, animal shows, fundraising events, and similar activities, itemized in the Interim Use Permit, and located outside of buildings or secured areas within the horse racing facility.
4. Periodic fireworks displays, itemized in the Interim Use Permit.
5. Alcoholic beverages, served outside of buildings or secured areas within the horse racing facility as itemized in the Interim Use Permit, provided exclusively through the horse racing facility liquor license.

D. Special Interim Use Permit Procedures. A Special Interim Use Permit may be applied for in the HR District to include a number of interim uses which may occur within a particular year. A Special Interim Use Permit may be applied for according to the public hearing and procedural requirements of Sections 7A-530 through 7A-532 of this Code. A Special Interim Use Permit shall be valid for five years, subject to annual administrative review and renewal. Upon issuance of a Special Interim Use Permit, the City Council may at its discretion allow flexibility in the specific dates for which proposed events may occur, provided proper notice is given to the City. For example, a permit may be authorized for certain activities to occur a certain number of times, but without specified dates, during the annual renewal period. Upon proper notification, the City Administrator may approve authorized activities on specific dates without amending the Special Interim Use Permit or without conducting additional public hearings. Similarly, the City Council may at its discretion expand the types of activities or uses allowed in the Interim Use

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Permit, provided the City Council finds the proposed additional uses or activities are consistent with the uses identified in subsection C, above.

E. **Special Interim Use Permit Criteria.** The Special Interim Use Permit applicant shall execute a Special Interim Use Permit Agreement detailing the proposed annual events, including but not limited to, requirements for:

- a. Site plans for each event subject to City Administrator approval;
- b. Notification requirements and procedures for individual special events;
- c. Sufficient security, parking and traffic control;
- d. Plans for Site restoration and surrounding Site cleanup to be completed within 36 hours of the conclusion of each event;
- e. Food Service is provided in accordance with permits and requirements under City, County and State regulations;
- f. City Building Inspection of tents and temporary structures, as necessary, for each event;
- g. Necessary limits on any amplified music regarding both level of noise and time of day; and
- h. Compliance with City and State laws on alcoholic beverage licenses and permits.

[§ 7A-777 added by Ord. No. 04-07, effective January 27, 2005, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-03, effective July 26, 2007, amended by Ord. No.08-08, effective December 10, 2008, as amended by Ord. No. 11-06, effective August 4, 2011.]

SECTION 7A-778. HORSE RACING (HR) DISTRICT DESIGN STANDARDS.

A. Principal structure exteriors must be primarily brick, stucco, textured concrete block, pre-manufactured masonry panels, glass panels, wood, and similar appearances, with combinations of other materials not listed above that do not detract from the overall appearance of the structures. Accessory structure exteriors shall be complimentary with principal structure styles and colors.

B. Landscaping and screening must include a combination of overstory shade trees, ornamental trees, conifers, and foundation plantings.

C. Foundation plantings may include shrubs, hedges, and perennial flowers.

D. Shade trees are preferred along property lines and parking areas to establish a canopy effect at maturity.

E. Conifers are encouraged to be planted in combination with screening for authorized storage areas.

F. Ornamentals and foundation plantings are encouraged to be designed and planted in groupings to accent public exposures of the site.

G. Landscaping quantities and planting standards shall be consistent with the provisions in Section 7A-821 of this Code.

[§ 7A-778 added by Ord. No. 04-07, effective January 27, 2005.]

SECTION 7A-779. (RESERVED FOR FUTURE USE)

SECTION 7A-780. LIGHT INDUSTRIAL (LI) DISTRICT DEFINED. The Light Industrial District is intended to provide locations and opportunities for businesses that require more extensive land uses, outside storage areas for non-retail goods, and facilities for production, assembly, repair, and distribution. District uses require design and development standards that are compatible with typical uses and screening that minimizes the impacts of extensive land uses.

[§ 7A-780 added by Ord. No. 03-03 effective June 19, 2003.]

SECTION 7A-781. LIGHT INDUSTRIAL (LI) DISTRICT DESCRIBED. (Refer to Zoning Map.)

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[§ 7A-781 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004.]

SECTION 7A-782 LIGHT INDUSTRIAL (LI) DISTRICT PERMITTED USES. The following uses shall be permitted in the LI District:

- A. Construction equipment sales and services.
- B. Contractor shops and storage yards.
- C. Welding and machine shops and similar services.
- D. Production, assembly, warehousing, distribution, and similar light industrial uses, except waste management service industries and facilities.
- E. Landscaping businesses, commercial greenhouses, wholesale and retail sales of landscaping materials.
- F. Retail sales of new heavy equipment, repair of used heavy equipment, accessory to retail sales of new heavy equipment.
- G. Light Industrial Manufacturing, processing, assembling, storing, testing, or similar industrial uses which are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, order, or dust.
- H. Wholesale sales and distribution of dry goods, hard goods, and general merchandise, warehouses, and mini-storage warehouses.
- I. Permitted uses in the Commercial/Showroom District.
- J. Municipal Buildings and Facilities.
- K. Single family detached dwellings and duplexes in existence in the LI District on May 1, 2003.
- L. Municipal buildings and facilities.

[§ 7A-782 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-03, effective July 26, 2007, amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-783. LIGHT INDUSTRIAL (LI) DISTRICT CONDITIONAL USES. The following uses shall be conditional in the LI District, according to Section 7A-540 of this Code:

- A. Truck terminal facilities.
- B. Steel storage buildings accessory to principal structures.
- C. Conditional Uses allowed in the Commercial/Showroom District.

[§ 7A-783 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, and amended by Ord. No. 05-01, effective December 1, 2005, amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-784. LIGHT INDUSTRIAL (LI) DISTRICT INTERIM USES. The following shall be interim uses in the LI District:

- A. Antennae and towers, including broadcast and television towers.
- B. Non-feedlot crop or animal agriculture.
- C. Outdoor athletic facilities, including track and field stadiums, ball fields, spectator stands; golf courses and driving ranges; horseback riding trails; ski trails; velodromes, and snowmobile trails.
- D. Outdoor facilities for entertainment events, such as outdoor theaters, outdoor music amphitheaters, outdoor sound stages and temporary facilities, such as parking, for special events.
- E. Outdoor recreational uses, such as campgrounds, private recreational fisheries, miniature golf facilities, and archery ranges.
- F. Aquaculture, including the captive breeding, feeding, and raising of freshwater game fish, as defined by the Minnesota Department of Natural Resources, and including the harvesting and fresh or fresh-frozen packaging of cleaned, whole fish, but excluding the processing or canning of fish or fish products.

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- G. Temporary small business within a non-conforming residential use.
- H. Off-premises signs or highway advertising or billboards, subject to the restrictions of this Code applicable to signs.
- I. Outdoor storage and rental of commercial vehicles.
- J. Slaughterhouses.
- K. Residential Dog Kennels associated with owner occupied residences in existence in the LI District on May 1, 2003, subject to the standards and provisions in Section 7A-809A.

[§ 7A-784 added by Ord. No. 03-03, effective June 19,2003, amended by Ord. No. 04-04A, effective June 3,2004, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-785. LIGHT INDUSTRIAL (LI) DISTRICT DESIGN STANDARDS.

- A. Principal structures and authorized accessory structures within the Light Industrial District must be compatible with the predominant building appearance and style within the District.
- B. Building exteriors must consist of finished steel panels, glass panels, textured concrete block, pre-manufactured masonry panels, brick, stucco, and similar appearances.
- C. Building exposures facing public streets and dissimilar zoning districts must include a combination of approved materials that include no more than 50% metal exteriors.
- D. Landscaping must include a combination of overstory shade trees, ornamental tree, conifers, and foundation plantings.
- E. Foundation plantings may include shrubs, hedges, and perennial flowers.
- F. Shade trees are preferred along property lines and parking areas to establish a canopy effect at maturity.
- G. Conifers are encouraged to be planted in combination with screening for authorized storage areas.
- H. Ornamentals and foundation plantings are encouraged to be designed and planted in groupings to accent public exposures of the site.
- I. Landscaping quantities and planting standards shall be consistent with the provisions in Section 7A-820 of this Code.

[§ 7A-785 added by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 05-01, effective December 1, 2005.]

SECTION 7A-786. REQUIREMENT FOR PUBLIC UTILITIES. No use shall be approved in the LI District without connection to public utilities, except Interim Use listed in Section 7A-784, provided:

- A. The proposed interim use and/or any associated construction activities shall not delay, impede, or interfere with any public utilities proposed in the LI District; and
- B. The interim use permit shall require that the owner of the property connect with such public utilities if the same are implemented by the City; and
- C. If the interim use constitutes an expansion of an existing use or the development of a new use, the applicant shall deposit with the City an amount equal to the estimated access and/or connection charges that will be imposed and against the subject property for such public utilities, if implemented. Such deposit shall be separately accounted for by the City and used to offset any future access and/or connection charges for public utilities imposed against the property.

[§ 7A-786 added by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-787 PRIVATE STREETS ALLOWED. Private streets are allowed when approved as part of a subdivision development in the LI District. Private streets are only allowed in Districts that require public utilities and may be approved only after all owners of benefited properties of the private

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street enter into an agreement with the City, including but not limited to the following minimum provisions:

1. Granting approval of a right-of-way easement over the street to the public or to benefited property owners, as determined by the City Attorney.
2. Granting approval of public utility and/or trail easements over the street as determined by the City Engineer.
3. Recording the agreement on the title of the benefited properties.
4. Agreement to obtain a permit from the City for construction of private improvements according to City standards.
5. Agreement providing for the costs of construction and maintenance of the private street by the benefited property owners.

[§ 7A-787 added by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-788 through SECTION 7A-789. (RESERVED FOR FUTURE USE).

[§ 7A-788 through § 7A-789 amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-790. COMMERCIAL/INDUSTRIAL (C/I) DISTRICT DEFINED. The purpose of the Commercial/Industrial District is to encourage the establishment of areas for general commerce and business, retail sales, wholesale sales, and light Manufacturing. Activities would include retail outlets, service stations, eating and drinking establishments, and Manufacturing activities commonly located in an serving the local market. The overall character of the District is intended to be transitional in nature, thus industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to commercial and lower density activities. Due to the high volumes of traffic which usually accompany these business activities, it is absolutely necessary that C/I Districts be located on a collector or arterial as specified by the City of Columbus Comprehensive Plan.

[§ 7A-790, formerly § 7A-750, formerly § 7A-720, amended by Ord No. 02-01, effective May 17, 2002, amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-791. COMMERCIAL/INDUSTRIAL (C/I) DISTRICT DESCRIBED. The C/I District established upon adoption of the City Code and as modified by subsequent ordinance amendment is illustrated on the City of Columbus Official Zoning Map.

[§ 7A-791, formerly § 7A-751, formerly § 7A-721, added by Ord. No. 95-3, effective May 12, 1996 and amended by Ord. No. 02-01, effective May 12, 2002, and amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-792. COMMERCIAL/INDUSTRIAL (C/I) DISTRICT PERMITTED USES. The following uses shall be permitted in the C/I District:

- A. Agricultural uses, except animal feedlots.
- B. Licensed day-care facilities and licensed pre-schools, accessory to a business or retail use and intended to serve the employees of the principal use.
- C. Parking structures as an accessory to the use for which they provide parking.
- D. Public pedestrian trails, but not public parks.
- E. Storage Buildings. If the Accessory Building is secondary to the Principal Use, the Accessory Building shall be roofed and painted to be harmonious with the Principal Building.
- F. Accessory structures for single-family detached homes in existence in the C/I District on May 1, 2003.
- G. Municipal buildings and facilities.

[§ 7A-792, formerly § 7A-752 added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-03, effective July 26, 2007, amended by Ord. No. 08-03, effective April 17, 2008.]

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SECTION 7A-793. COMMERCIAL/INDUSTRIAL (C/I) DISTRICT CONDITIONAL USES.

As evidenced by the Comprehensive Plan, most lands in the City of Columbus are limited in their capacity to be developed because of poor soil conditions, relatively high water table, lack of municipal water supply, lack of municipal sanitary sewer, and lack of municipal storm sewer. Until these municipal facilities become available, it will be necessary for nearly all C/I uses to be administered as Conditional Uses. The principal conditions employed to address these concerns are environmental and include such things as (i.) non-contamination of the groundwater system through utilization of containment systems for off-site waste disposal and lawful on-site sewage disposal systems; (ii.) installation of lawful wells for on-site water supply; and, (iii.) installation of on-site or acquisition and installation of off-site surface water retention areas to nullify the impact of construction of impervious surfaces on the site. Environmental conditions are not the only conditions which may be placed upon a C/I use. Other conditions, intended to make the C/I use as harmonious as possible with its surrounding lawful uses, may be imposed by the City Council. Cross-reference: see the General Standards for all Conditional Uses at § 7A-563 above. The following uses shall be conditional in the C/I District:

- A. Building trade/contractor offices, including company-owned vehicle repair, and including storage of company-owned vehicles, equipment and materials.
- B. Licensed day care facilities.
- C. Light industrial manufacturing, processing, assembling, storing, testing, or similar industrial uses which are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor, or dust.
- D. Communication towers and broadcast towers, subject the requirements of Section 7A-816 and 7A-817.
- E. Lumber yards and sales.
- F. Gasoline sales and accessory convenience retail store and food service facilities.
- G. Greenhouses, nurseries and retail sales of materials raised on the premises (and packaged seeds, soils, soil amendments, gardening tools and hard accessories).
- H. Implement and recreational vehicle sales and service.
- I. Machine shops, welding shops, and similar service establishments.
- J. Mortuaries.
- K. Restaurants and cafes.
- L. Retail stores and shops.
- M. Appliance and electronic service repair businesses, vehicle service and repair businesses, and body shops.
- N. Used automobile sales.
- O. Veterinary clinics, animal hospitals, and Commercial Dog Kennels.
- P. Warehousing and storage facilities.
- Q. Other commercial uses which, in the opinion of the City Council, are of the same general character as the Conditional Uses in this Section 7A-793 and which will not be obnoxious or detrimental to the Commercial/Industrial District.
- R. Adult Uses, subject to the standards in Section 7A-900.

[§ 7A-793, formerly § 7A-753, added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 05-01, effective December 1, 2005, amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 09-06, effective July 30, 2009, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-794. COMMERCIAL/INDUSTRIAL (C/I) DISTRICT INTERIM USES.

- A. Pawn Shop and secondhand goods dealers.

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B. Temporary outdoor facilities for entertainment events, such as outdoor theaters, outdoor music amphitheaters, outdoor sound stages and temporary facilities, such as parking, for special events, no more than seven (7) consecutive days or twenty (20) days in one year.

C. Yard waste (defined as grass, leaves, brush, and shrubbery) and limited City approved source separated food waste (defined as Source-Separated Compostable Material as defined under Minn. Stat. § 115A.03, subd.. 32a, and as amended) composting, when subordinate to a legally established landscaping business in existence on the date of the ordinance.

D. Residential Dog Kennels associated with owner occupied residences in existence in the C/I District on May 1, 2003, subject to the standards and provisions in Section 7A-809A.

[§ 7A-794 , formerly § 7A-754, added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 03-03, effective June 19, 2003, and amended by Ord. No. 09-05, effective May 21, 2009, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-795 COMMERCIAL/INDUSTRIAL (C/I) DISTRICT DESIGN STANDARDS.

1. Principal structures and authorized accessory structures within the Commercial/Industrial District must be compatible with the predominant building appearance and style within the District.

2. Building exteriors must consist of finished steel panels, glass panels, textured concrete block, pre-manufactured masonry panels, brick, stucco, and similar appearances.

3. Building exposures facing public streets and dissimilar zoning districts must include a combination of approved materials that include no more than 50% metal exteriors.

4. Landscaping must include a combination of overstory shade trees, ornamental tree, conifers, and foundation plantings.

5. Foundation plantings may include shrubs, hedges, and perennial flowers.

6. Shade trees are preferred along property lines and parking areas to establish a canopy effect at maturity.

7. Conifers are encouraged to be planted in combination with screening for authorized storage areas.

8. Ornamentals and foundation plantings are encouraged to be designed and planted in groupings to accent public exposures of the site.

9. Landscaping quantities and planting standards shall be consistent with the provisions in Section 7A-820 of this Code.

[§ 7A-795, formerly § 7A-755, added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 03-03, effective June 19, 2003, and deleted by Ord. No. 04-04A, effective June 3, 2004.] [§ 7A-795 added by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-796 through 7A-799. (RESERVED FOR FUTURE USE).

[§ 7A-796 through 7A-799 amended by Ord. No. 08-03, effective April 17, 2008.]

ARTICLE VIII**GENERAL PROVISIONS AND PERFORMANCE STANDARDS**

SECTION 7A-800. GENERAL PROVISIONS. The regulation set by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of Structure or land, except as hereinafter provided.

A. **Buildings, Structures, Land Use.** 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 except in conformity with all of the regulations of this Ordinance.

B. **Yard.** No Yard or Lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or Lots created

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after the effective date of this Ordinance shall meet at least the minimum requirement set forth herein. No part of a Yard or other Open Space or Off-Street Parking or loading space required about or in connection with any Building for the purpose of complying with this Ordinance, shall be included as part of a Yard, Open Space, or Off-Street Parking or loading space similarly required for any other Building.

C. Property Access.

1. Any Structure erected or moved for use as a Dwelling Unit or with a Replacement Cost in excess of two thousand dollars (\$2,000) shall be easily accessible to fire and other emergency equipment, and shall be on a Lot adjacent or with access to a Public Street, or with access to an approved Private Street.

2. The City Engineer shall review all commercial site plans for new or modified access to public roadways and recommend access pavement width, the angle of intersection, the location and separation of access points and the radius of curbed accesses.

3. In general, driveway accesses shall be spaced and separated from other accesses and intersections in a manner consistent with the Anoka County Access Spacing Guidelines and/or the City's spacing guidelines depending on jurisdiction of roadway.

4. The Fire Marshal shall review all site plans for new or modified commercial/industrial development and comment on access requirements to and around building to ensure proper access for emergency response vehicles.

5. Fire apparatus access shall be provided in accordance with Uniform Fire Code for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.

D. Traffic. Each proposed use shall not create such a volume of automotive traffic so as to overburden the surrounding road system.

E. Temporary Buildings and Structures. Temporary Buildings and Structures incidental to construction work are permitted, but only for the period of such work.

F. Accessory Buildings. No Accessory Building shall be erected in any required Yard.

G. Additional Structures. More than one (1) Structure used for a permitted or permissible Principal use or customary associated use may be erected on a single Lot, provided that yard and other requirements of this Ordinance shall be met for each Structure. This Section shall not be interpreted to permit more than one (1) Dwelling per Lot. [Formerly, § 7A-815, amended by Ord. No. 89-1, effective July 21, 1989.]

H. Visibility at Intersections. On a Corner Lot, nothing shall be erected, placed, planted or allowed to grow in such manner as to materially impede vision between a height of two and one-half (2-1/2) feet to ten (10) feet above the centerline Grades of the intersection Streets in the area bounded by the Street lines of such Corner Lots and a line joining points along fifty (50) feet from the point of intersection.

I. Fences, Walls, and Hedges. Notwithstanding other provisions of this Ordinance, Fences, walls, and hedges may be permitted in any required Yard or along the edge of any Yard providing that Driveway entrances are not shielded by Fences, walls, and hedges in such a way so as to obstruct the view of a driver entering a public road from the Driveway.

J. Off-Street Loading/Delivery. Each building designed or modified to include raised (dock) or at-grade vehicle delivery bays shall include adequate maneuvering and parking areas sufficient to eliminate any vehicle maneuvering or parking in public rights-of-way or occupying

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required parking areas. All raised (dock) delivery areas shall be appropriately screened from public street and all residential land uses.

K. Required Residential Screening.

1. A scaled and dimensioned screening plan must be submitted to the Zoning Administrator prior to approval of the following:

a. Any new nonresidential use, structure, building addition, site improvement, or land use change that occurs on a property located within a nonresidentially zoned district that abuts property located within a residentially zoned district or within 150 feet of an existing residence, including but not limited to:

- i. outdoor storage, contractor's yard, commercial equipment and commercial vehicles;
- ii. any new development that requires an interim use permit, conditional use permit, planned unit development or subdivision approval; and
- iii. outdoor storage areas.

2. The screening plan must be reviewed and approved administratively by the Zoning Administrator except where it accompanies a land use application, in which case it shall be reviewed concurrently with that application by the Planning Commission and City Council. The required screening plan shall restrict direct visual access to the nonresidential use or nonresidential property from any residentially zoned property or residence within 150 feet. The screening shall be designed and maintained as follows:

- a. Required screening shall be a minimum six (6) feet in height.
- b. Required screening shall be located entirely within the required setbacks.
- c. Required screening shall be at least ninety-five (95) percent opaque throughout the year.
- d. Required screening shall be satisfied by one (1) or more of the following:
 - i. A berm.
 - ii. A decorative fence. For the purposes of this section, a chain-link fence with slats or fabric material is not a decorative fence. The finished side of fence (the side having no structural supports) shall face the residential property.
 - iii. A decorative masonry wall.
 - iv. A hedge or plantings that grow to the required height within three (3) years of installation.

3. The required screening requirement may be waived by the Zoning Administrator in locations where the minimum separation of nonresidentially zoned developable areas and residential zone developable areas is at least one-quarter mile, due to wetlands, public waters, or publicly-owned properties.

The property owner shall be responsible for the restoration or repair of screening that becomes not in compliance with the approved screening plan. Approved screening must be maintained in a reasonable condition and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair on noncompliance with the approved screening plan.

[§ 7A-800, Subsection K, amended by Ord. No. 15-10, effective January 14, 2016.]

L. Temporary Family Care Dwelling Unit in the Rural Residential District. The City may grant approval of a temporary family care dwelling unit, in addition to the principal dwelling unit allowed by this Section, following receipt of an application for an Interim Use Permit and subject to the procedures in Sections 7A-530 through 7A-532. A temporary family care dwelling

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unit shall meet all the requirements of the City Code, but a temporary family care dwelling unit shall not be allowed in a detached accessory structure. Approval of an Interim Use Permit for a temporary family care dwelling unit also requires a finding that no reasonable alternative is available for assisted living arrangements for immediate family members of the owner(s) of such principal dwelling unit.

[§ 7A-800, amended by Ord. No. 89-15, effective, December 29, 1989, and amended by Ord No. 02-01, effective May 17, 2002, and amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. 05-01, effective December 1, 2005, amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 11-06, effective August 4, 2011.]

SECTION 7A-801. DISTRICT LOT, AREA, YARDS, AND OTHER DIMENSIONAL CRITERIA. The following lot and usage standards apply within the respective zoning districts:

A. Lot Area.

	Without Public Sewer	With Public Sewer
AG	20 acres	NA ¹
A/P	40 acres	NA
RR	5 acres	NA
SR	5 acres	10,000 sq. ft. ²
CR	2.5 acres	0.5 acres
C/S	2.5 acres	0.5 acres
LI	2.5 acres	0.5 acres
C/I	2.5 acres ³	NA
HR	20 acres	20 acres

¹Not applicable.

²Land area required per dwelling units; maximum density is three units per acre.

³Residences require 5 acres.

B. Residential Density.

AG	1 dwelling unit per 40 acres
A/P	1 dwelling unit per 40 acres
RR	1 dwelling unit per 5 acres
SR	3 attached dwelling units per acre (with public sewer); (without public sewer: existing dwelling only)
CR	Existing dwelling only: 1 dwelling unit per 5 acres
C/S	Existing dwelling only: 1 dwelling unit per 5 acres
LI	Existing dwelling only: 1 dwelling unit per 5 acres
C/I	Existing dwelling only: 1 dwelling unit per 5 acres
HR	None

C. Lot width. Lots must abut a public road, or private street in such districts that private streets are allowed, for the minimum width prescribed except that the width on a cul de sac must be at least sixty (60) feet at the right-of-way line and the full minimum width at the front yard setback line.

AG	240 feet
A/P	240 feet
RR	220 feet
SR	175 feet
CR	120 feet
C/S	120 feet
LI	120 feet

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- C/I 120 feet
 HR 120 feet
- D. Front yard setbacks. The following principal and accessory building setbacks apply:
- AG 75 feet
 A/P 75 feet
 RR 75 feet¹
 SR 30 feet; interim use: 75 feet
 CR 30 feet; transitional or interim use: 75 feet²
 C/S 30 feet; transitional or interim use: 75 feet²
 LI 30 feet; transitional or interim use; 75 feet²
 C/I 75 feet
 HR 30 feet

¹No above-ground structures, except fences and sign posts, shall be erected, placed, or moved to within seventy-five (75) feet of any front lot line. Front lot line is measured from the edge of the public right-of-way. Front yard setbacks apply to side yards with street frontage. No fences may obstruct vehicular visibility or movement at any intersection.

²Parking may not occupy more than 1/3 of required front yard area in the CR/, C/S, or LI Districts.

- E. **Side yard setbacks.** The following principal and accessory building setbacks apply:
- AG 20 feet
 A/P 20 feet
 RR 20 feet¹
 CLO 10 feet
 SR 20 feet (side yard does not have garage access);
 35 feet (side yard has garage access)
 CR 10 feet² commercial uses
 30 feet senior citizen housing
 CS 10 feet²
 LI 10 feet²
 C/I 10 feet²
 HR 10 feet

¹Accessory Buildings in the RR District are regulated in Section 7A-805.

²No structure, except fences and signposts, shall come within thirty-five (35) feet of any RR or SR District boundary line.

- F. **Rear yard setbacks.** The following principal and accessory building setbacks apply:
- AG 20 feet
 A/P 20 feet
 RR 20 feet¹
 SR 30 feet (same as front yard when abutting public or private street)
 CR 10 feet²
 C/S 10 feet²
 LI 10 feet²
 C/I 35 feet²
 HR 10 feet

¹Accessory Buildings in the RR District are regulated in Section 71-805.

²Setbacks abutting residential RR or SR District(s) shall be a minimum of 35 feet.

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G. Structure Height. The following maximum height limitations apply, unless specifically excepted in other provisions of this Code:

AG	35 feet ¹
A/P	35 feet ¹
RR	35 feet ²
SR	35 feet
CR	50 feet
C/S	50 feet
LI	50 feet
C/I	business: 50 feet ³ ; residential: 35 feet
HR	50 feet

¹Permitted agricultural structures, such as silos, grain bins, and grain elevators, shall not exceed 75 feet in height.

²Accessory Buildings in the RR District are regulated in Section 7A-805.

³Raw material silos and bins, conveyors, and accessory equipment thereto shall not exceed 100 feet in height; building enclosures for raw material silos and bins, conveyors, and accessory equipment thereto shall not exceed 75 feet in height.

H. Floor Area Ratio. The maximum ratio of gross total structural floor area to gross total lot area shall not exceed the following:

AG	1:10
A/P	1:10
RR	Not applicable
SR	1:1
CR	1:1
CS	1:1
LI	1:1
C/I	1:1
HR	1:1

I. Lot Coverage. Impervious surfaces are all surfaces which are constructed on the ground or which cover the ground which are impervious to precipitation, such as Buildings, Driveways, paved parking areas, Sidewalks, patios, and so forth. The maximum ratio of impervious surfaces to gross lot area shall not exceed the following:

AG	1:4
A/P	1:4
RR	1:4
SR	1:2 ¹
CR	1:2 ¹
C/S	1:2 ¹
LI	1:2 ¹
C/I	1:2 ¹
HR	1:2 ¹

¹Lot coverage may exceed 1:2 ratio or maximum 50% coverage upon a case-by-case-determination by the City Engineer that the existing or proposed stormwater management system can accommodate a higher lot coverage ratio.

[§ 7A-801, added by Ord. No. 02-01, effective May 17, 2002, and amended by Ord. No. 03-03, effective June 19, 2003, and amended by Ord. No. 04-04A., effective June 3, 2004, amended by Ord. No. 05-01, effective December 1, 2005, amended by Ord. No. 04-07, effective January 27, 2005, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 08-03, effective April 17, 2008; as amended by Ord. No. 11-03, effective May 19, 2011, amended by Ord. No. 13-01, effective January 31, 2013, amended by Ord. No. 14-02, effective May 1, 2014.]

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SECTION 7A-802. BUILDABLE AREA.

A. **General Requirement.** Every Lot without public wastewater treatment shall have at least one (1) Buildable Area. All Buildings, Garages, Accessory Buildings, and individual on-site sewage disposal systems shall be constructed within a Buildable Area. All drain field sites for Individual On Site Sewage Treatment systems shall be staked, fenced, barricaded or otherwise isolated from the site of any construction so that soils in the drain field site are not disturbed or compacted during construction. Accessory Buildings constructed on a Buildable Area separate from the Buildable Area upon which the Principal Structure is constructed shall have a Buildable Area which is two times (2x) the square footage of the lowest floor(s) of the Accessory Buildings if there is no on-site sewage treatment system needed for the Accessory Buildings. If there is plumbing in the Accessory Building, the Buildable Area shall be increased by 2,000 square feet to accommodate a 20' x 100' drainfield. Driveway requirements are contained in Section 7A-201, Paragraph 8.B, and in Section 7A-819.

B. **Survey Elevations.** Semi-permanent elevation markings are required to be placed on the construction site to aid city officials in their determination that the elevation requirements of this Code have been met. It is advisable for the surveyor to place durable markers, e.g., 6 feet or 8 feet steel fence posts, with finish elevations marked on each post, at each corner of the Buildable Area(s), at two opposite corners or ends of the drain field area(s), and at least one post adjacent to each segment of the Driveway(s). If the elevation markings are not present upon the completion of construction, either the Building Inspector or the Zoning Administrator shall have the authority to require an additional survey to verify that the construction elevation requirements of this Code have been met.

C. **Penalty.** Construction Elevations in the City of Columbus are critical measurements. During the time period between the placement of the elevation markers by a surveyor and the issuance of a Certificate of Occupancy, any person who moves, alters, or otherwise tampers with construction elevation markers shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

[§ 7A-802, formerly, § 7A-818, amended by Ord. No. 91-2, effective June 12, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-803. MINIMUM CONSTRUCTION ELEVATIONS ABOVE KNOWN HIGH WATER AND DRIVEWAY DESIGN REQUIREMENTS. All new construction in all districts shall be constructed at a reasonably safe elevation above the High Water Table in order to avoid water seepage problems and in order to provide adequate drainage from the Structure to the individual sewage treatment system.

A. **Optimum Elevation For New Construction.** The optimum elevation for new construction is six (6.0) feet above the level of the High Water Table as measured to the top of the lowest footing (= bottom of the lowest floor). Construction at or above six (6.0) feet above the High Water Table is strongly advised. The optimal elevation is shown in Illustration No. 4, Appendix A to Chapter 7A.

B. **Acceptable Elevation For New Construction.** The absolute minimum acceptable elevation for new construction is three (3.0) feet above the level of the High Water Table as measured to the top of the lowest footing (= bottom of the lowest floor). Any construction below the Optimum Elevation of six (6.0) feet above the High Water Table shall require installation of: not less than one sump; one sump pump; and drain tiles either inside or outside all of the footings. The sump pump shall not be connected to the septic system in any manner. (Caution: Although a three (3.0) feet minimum is acceptable under this Section, current FHA and VA construction

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standards require not less than four (4.0) feet minimum elevation as measured from the High Water Table to the top of the lowest footing. The three (3.0) feet minimum elevation required by this Section will meet or exceed the requirements of the Anoka County Flood Plain Management Ordinance, the Anoka County Shoreland Management Ordinance, and Rice Creek Watershed District Regulations as of July 1, 1990. Coon Creek Watershed District and Sunrise River Watershed District do not have independent regulations for minimum construction elevations. The acceptable minimum elevation, sump, and drain tile are shown at Illustration No. 3, Appendix A to Chapter 7A. Accessory Buildings which have no need for an on-site sewage treatment system and which are constructed on a Buildable Area which is separate from the Buildable Area upon which the Principal Structure is built, are not required to have a sump, sump pump, or drain tiles if built at less than the Optimum Elevation, but in no case can they be built at less than the acceptable minimum elevation.

C. **Driveway Design Requirements.** The City Council finds that it is in the public interest to adopt uniform Driveway construction specifications. These uniform Driveway specifications recognize that most sites for new construction in the City of Columbus will have a High Water Table lying relatively close to the native surface. It is the intent of the City Council to address public safety concerns by adopting uniform Driveway specifications which should allow access to the Buildable Area by emergency services vehicles (police, fire, ambulance, etc.) It is the further intent of the City Council to address property value concerns by adopting high quality Driveway specifications which should foster construction of durable and safe Driveways, thereby protecting property values.

1. **Driveway Required.** Every Buildable Area shall be connected to a public road by a Driveway which meets or exceeds the requirements of this City Code. A second Buildable Area on a lot, e.g., one used for construction of an Accessory Building, may be connected by a Driveway to either the public right-of-way or to the first Buildable Area on the Lot, and such Driveway shall meet or exceed the minimum specifications of this Section.

2. If a commercial use and residential use share a common Driveway, the Driveway shall be constructed at the optimum width, not the minimum width, as shown in Illustration No. 5, Appendix "A" of this Chapter 7A.

3. **Apron.** Every Driveway shall be connected to a public right-of-way by an Apron which meets the design requirements shown at Illustration No. 4, Appendix "A" to this Chapter 7A. Driveway width and the variation in elevation between the road and the Lot are factors which determine the length of the culvert which is required under the Apron. Exact culvert requirements must be obtained from either the City Road Maintenance Supervisor or from the City Engineer.

4. **Buildable Area Contiguous with Front Setback.** Where the Buildable Area is contiguous with the Front Setback, the Driveway shall be constructed at a uniform grade from the elevation at the juncture with the Apron to the elevation at the Front Setback.

5. **Buildable Area Not Contiguous with Front Setback.** Where the Buildable Area is not contiguous with the Front Setback, the Driveway shall be constructed to meet or exceed the minimum specifications of this Section and of Illustration No. 5, Appendix "A" to this Chapter 7A. If the Driveway is built at less than the optimum specifications, then the Driveway shall include a "turn-around" area in front of the house or principal structure on the Lot of not less than 24 feet by 24 feet, constructed and surfaced in the same manner as the Driveway.

6. **Subsurface Correction.** The requirement to provide subsurface correction during Driveway construction (removal of unsuitable material or placement of fabric mat)

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shall be determined by the City Engineer exercising his professional judgment on a case by case basis.

7. **Surfacing.** If the elevation of the native soils prior to Driveway construction is 3.0 feet or more above the High Water Table, and if the composition of the soils in the Driveway Area is free of organic soils, then sand or sand-unspecified gravel aggregate is required for surfacing. If the elevation of the native soils prior to Driveway Construction is less than 3.0 feet above the High Water Table, then bituminous, concrete or 4 inches of Class V aggregate surfacing is required.

8. **Illustrations.** The illustrations of Aprons and Driveways, Illustrations Nos. 4 and 5, Appendix "A" to this Chapter 7A, contain additional design requirements and specifications which are incorporated herein by reference. These Illustrations and their design requirements may be modified by City Council resolutions upon the advice of the City Engineer.

9. **Inspections.** Driveway construction shall be monitored and inspected by the Building Inspector. The Building Inspector shall have the discretion to call for additional elevation measurements, soil tests, or other on-site measurements as are necessary to ensure that Driveways are constructed according to the standards established by this City Code. In difficult topography or soil conditions, the Building Inspector may consult directly with the City Engineer for professional assistance.

10. **Variation from Strict Compliance.** The City Engineer may exercise his professional judgment and authorize some variation from strict compliance with these Driveway design requirements for conditions found at the site, provided that the variations result in the construction of a Driveway which meets the spirit and intent of this Section.

[§ 7A-803, formerly § 7A-818 and § 7A-819, amended by Ord. No. 89-15, effective December 29, 1989, Ord. No. 90-3, effective March 23, 1990, Ord. No. 90-5, effective August 17, 1990, Ord. No. 91-2, effective June 12, 1992, and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-804. GENERAL PROVISIONS FOR THE RURAL RESIDENTIAL (RR) DISTRICT AND PUBLIC UTILITY AND PUBLIC SERVICE FACILITY STANDARDS.

A. **Minimum Structure Size:** The minimum foundation area shall be one thousand (1,000) square feet for a one-story dwelling, and eight hundred (800) square feet for a dwelling with two or more stories.

B. **Minimum Structure Width:** The minimum dwelling width shall be twenty-four (24) feet at its narrowest point.

C. **Lot area** must have at least one (1) Buildable area or Future Buildable Area.

D. **Foundation Provisions:** All Dwelling Units must have permanent foundations with perimeter frost footings according to the State Building Code.

E. **Dwelling Unit Wall Provisions:** All new Dwelling Units constructed shall have exterior walls constructed in accordance with the Uniform Building Code and State Energy Code. A Dwelling Unit constructed elsewhere prior to January 1, 2000 and moved into the City, shall not be considered to be in violation of this provision if it is constructed with not less than two (2) inch by four (4) inch dimension lumber on sixteen (16) inch centers, and otherwise conforms to the Uniform Building Code and State Energy Code.

F. **Parking:** Two (2) off-street Parking Spaces shall be provided per Dwelling Unit (minimum). Required parking spaces shall be surfaced with Class V, pavement, an equivalent or more durable material.

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- G. **Parking and Storage of Certain Vehicles:** No more than two (2) vehicles or trailers of any kind or type without required license plates shall be parked or stored on any residentially-zoned property, other than in completely enclosed Buildings, with the exception of licensed antique vehicles.
- H. **Animals:** Customary farm animals may be housed in the RR District on lots of five (5) acres and larger, subject to Minnesota Law and the following provisions:
1. Feed lots and the raising of hogs or swine are not allowed on parcels of less than twenty (20) acres.
 2. Commercial uses of animals such as the boarding of horses or dogs shall be subject to the restrictions applicable to Interim Use Permits and Residential Zone Businesses under § 7A-807.
 3. Animal Density. One-half (0.5) habitable acre per Animal Unit shall be required. Land shall be considered habitable for the purposes of this Chapter 7A if it is fenced as required to restrain the animal, adequately drained so that it is not flooded, and is accessible to the animal at all times of the year other than intermittently due to severe weather. Household pets shall not be subject to this requirement.
 4. The keeping of animals at greater densities or on smaller lots than allowed under this section may be allowed under an Interim Use Permit.
- I. **Parks and Playgrounds:** Parks and Playgrounds are allowed in the RR District subject to the following:
1. All uses are approved by the City Council.
 2. Lighted areas shall be located and the source of illumination shielded so that neither the light source nor direct visible rays or glare project beyond the area of the park to be illuminated. In no case shall any light standard be placed closer than seventy-five (75) feet from any adjacent property line, except that a light standard may be erected at or near a Driveway or Driveway apron where the Driveway intersects the edge of the right-of-way.
 3. At the option of the City Council on such date as the situation may arise, noise buffers may be required to shield adjacent residence(s) from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.
- J. **Public Utilities and Public Service Facilities:** Public Utilities and Public Service Facilities may be allowed as conditional uses in several zoning districts and must adhere to the following additional standards:
1. Structures and uses shall be consistent with underlying zoning district dimensional standards.
 2. All Structures erected, placed, or moved specifically for the operation of the Public Utility or Public Service Facility shall be completely surrounded or enclosed by a Building or security Fence.
 3. Outdoor mechanical equipment, structures, appurtenances, and parking shall be appropriately screened from adjacent properties and public roads.
 4. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across Lot lines.
- K. **Cemeteries:** May be allowed as a conditional use and must adhere to the following additional standards:
1. No cemetery plot or Structure shall be placed within fifty (50) feet of any Lot line and seventy-five (75) feet from the Frontage.
 2. Cemeteries must be established, operated, and maintained in accord with Minnesota Statutes Chapters 306 (public cemeteries) or 307 (private cemeteries).

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Compliance with those statutes shall be a continuing condition of the conditional use permit.

3. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across Lot line.

[§ 7A-804, formerly, § 7A-817, amended by Ord. No. 89-1, effective July 21, 1989, and Ord. No. 01-01, effective May 17, 2001, § 7A-804, formerly § 7A-822, amended by Ord. No. 89-1, effective July 21, 1989, Ord. No. 96-3, effective September 19, 1996, and Ord. No. 01-01, effective May 17, 2001, amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 11-06, effective August 4, 2011.]

SECTION 7A-805. RESIDENTIAL ACCESSORY BUILDINGS. Accessory Buildings of any kind (Pole Building construction, slab construction or footing-foundation construction) are permitted, subject to the following general restrictions affecting all Accessory Buildings on any lot size:

A. All Accessory Buildings subject to the State Building Code shall conform to the Building Code as contained in Chapter 13 of this City Code.

B. Restrictions in this Chapter on the size and placement on the lot of Accessory Buildings shall not apply on any parcel of twenty (20) acres or larger that is classified as agricultural land for tax purposes and is used for agriculture purposes.

C. All Accessory Buildings shall be harmonious with the Dwelling in terms of color.

D. Accessory Buildings shall be located no closer than 75 feet from any road easement or road right-of-way and no closer than the height of the building or 20 feet from any side lot line, whichever is greater, or the height of the building or 20 feet from any rear lot line, whichever is greater. The placement of an Accessory Building shall meet the following additional requirements.

1. Interior lot. No Accessory Building shall be located in the required front yard area nor located closer to the road easement line or road right-of-way than the front of the principal structure.

2. Corner lot. No Accessory Building shall be located in the required front yard area nor located closer to the road easement line or road right-of-way line than the front of the principal structure not located closer to the road easement line or road right-of-way line, from which primary access to the principal structure is gained, than the rear of the principal structure. The Accessory Building shall be located no closer than the required front yard setback line from the road easement line or road right-of-way line, from which no access is gained or from which secondary access to the principal structure is gained.

3. Shoreland District Riparian Lot. An accessory building may be placed between the principal structure and the public right-of-way (traditional front yard) on riparian shoreland lots which prohibit the location of a non-water-oriented accessory structure between the principal structure and the Ordinary High Water Level.

4. Garage Placement. All garages must be located within fifty (50) feet of the Principal Building and must be used as defined in Section 7A-201 of the City Code. Garages will not be included in the total square footage limitations listed in Subsection G of this Section.

E. Setback Exception. The setback from the Front Lot Line (measured at the edge of the public right-of-way) may be reduced for an Accessory Building upon the review and recommendation of the Building Official and City Administrator and based upon compliance with the following criteria:

1. The lot size and width are consistent with the standards in Section 7A-801.

2. Accessory Buildings shall not be placed within the front yard setback (seventy-five (75) feet from the edge of the public right-of-way).

3. Fencing, landscaping, or natural vegetation is present between the street and the Accessory Building, and provides screening of at least eighty (80) percent of the

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Accessory Building year round. Screening must be maintained continually and shall be replaced or repaired if destroyed or damaged.

4. The placement of the Accessory Building complies with the minimum well and septic requirements pursuant to Chapter 14.

5. The proposed Accessory Building is designed to be harmonious with the Dwelling. The Proposed Accessory Building is constructed with the exterior building materials that are consistent with the style and color of the siding and roofing of the dwelling.

F. Accessory Buildings shall be located no closer than the height of the building or twenty (20) feet from the Side Lot Lines, whichever is greater.

G. The size of Accessory Buildings shall be regulated as follows:

1. The maximum square footage of Accessory Buildings on parcels of less than one acre shall be 1,800 square feet;

2. The maximum square footage of Accessory Buildings on parcels of at least one acre, but less than five acres, shall be 2,700 square feet for the first acre, plus 600 square feet per acre for the remaining acreage or portion thereof. (For example, a parcel that is 1.75 acres in size would be allowed a maximum building floor area of 3,150 square feet based upon the following calculation: 2,700 square feet + (600 square feet x .75) = 3,150.)

3. The maximum square footage of Accessory Buildings on parcels of at least five acres shall be 6,800 square feet for the first five acres, plus 700 square feet per acre for the remaining acreage or portion thereof. (For example, a parcel that is 7.5 acres in size would be allowed a maximum building floor area of 8,550 square feet based upon the following calculation: 6,800 square feet + (700 square feet x 2.5 = 8,550.)¹

¹Parcels with large Accessory Buildings shall fully comply with the above restrictions at the time of any application for subdivision. For instance, a 10 acre parcel with 10,000 square feet of Accessory Buildings could not be subdivided until the Accessory Buildings were reduced in size to comply with this ordinance.

H. All Accessory Buildings shall have side walls a minimum of eight (8) feet in height and a maximum of sixteen (16) feet in height as measured from the finished floor for example concrete, dirt or gravel along the wall to the bottom of the roof truss. Accessory Buildings with taller sidewalls may require structural engineering plans and specifications.

I. The square footage of Accessory Buildings is measured from the footings, outer walls, or support posts, and includes lean-to's, car ports and hoop buildings. Gazebos, wood sheds, potting sheds, saunas, playhouses, dog houses, and similar accessory structures, not exceeding 200 square feet, are not included in the calculation of permitted square footage for Accessory Buildings. The square footage of Accessory Buildings meeting the definition of a private garage will be measured from the roof, excluding the two-foot overhand.

J. Residential Accessory Buildings in the SR Suburban Residential District shall be attached to the dwelling units. Each dwelling unit shall have a minimum of two (2) side-by-side garage stalls with minimum interior dimensions of eleven (11) feet by twenty four (24) feet. Surface parking spaces shall be designed to park one automobile in front of each garage stall. Surface parking spaces shall be at least ten (10) feet by (20) feet in area. Driveway aisles between garages facing one another and sharing a common driveway shall be at least twenty-four (24) feet wide.

K. Residential Accessory Buildings may not be placed between the principal structure and the Ordinary High Water Level (OHWL) in the Shoreland Overlay District (see Chapter 7E

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Shoreland Management Ordinance for other standards and provisions affecting property located within the Shoreland Overlay District). The requirements in Section 7A-805 restricting the location of a Residential Accessory Building between the principal structure and the road right-of-way or road easement may be waived in the Shoreland Overlay District, provided it is demonstrated to the Zoning Administrator there is no reasonable alternative to locating the Residential Accessory Building between the principal structure and the road right-of-way or easement. All other provisions of Section 7A-805 shall remain in effect.

[§ 7A-805, formerly, § 7A-821, amended by Ord. No. 89-1, effective July 21, 1989, Ord. No. 98-4 effective September 24, 1998, Ord. No. 98-9, effective December 31, 1998, Ord. No. 01-01, effective May 17, 2000, and Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 03-03, effective June 19, 2003, amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-03, effective July 26, 2007, amended by Ord. No. 08-03, effective April 17, 2008, amended by Ord. No. 13-01, effective January 31, 2013, amended by Ord. No. 14-02, effective May 1, 2014.]

[§ 7A-806, entitled Oversized Accessory Buildings is deleted in its entirety by Ord. No. 04-04A, effective June 3, 2004, and remaining sections in Article VIII are renumbered accordingly.]

SECTION 7A-806. RESIDENTIAL ZONE BUSINESSES. Residential Zone Businesses are clearly accessory and incidental to the principal residential use of property in the Rural Residential (RR) District. Residential Zone Businesses are considered a privilege and not a right. The use of a residence for a business is allowed only for those businesses that can be conducted on residential property with little or no impact on adjacent residential uses. Residential Zone Businesses are not intended for growing or larger businesses that are customarily located in commercially zoned properties. The use of a residence for a business is considered temporary and is not allowed to change the appearance of the residential property or affect the future use of the principal or accessory structures for residential purposes. Residential Zone Businesses are subject to the following additional minimum requirements and limitations:

- A. Residential Zone Businesses are allowed only in the Rural Residential (RR) District..
- B. The property on which a Residential Zone Business is proposed must be in conformance with all minimum dimensional standards required in Section 7A-801.
- C. A Residential Zone Business requires an Interim Use Permit as provided in Section 7A-530 through 7A-532.
- D. A Residential Zone Business Interim Use Permit is required for any Home Occupation that does not meet the definition and standards in Section 7A-201, subsection 49, for a Home Occupation.
- E. Residential Zone Businesses are allowed only when the principal use of the property is maintained and occupied as a residence. The owner of the Residential Zone Business must own and reside in the residence.
- F. Employees of Residential Zone Businesses that use the premises of the Residential Zone Business on a regular basis are limited to the occupants of the principal residential structure. Employees or subcontractors of a Residential Zone Business not residing on the premises are allowed on the premises only on a non-regular or infrequent basis.
- G. No outside display or storage of materials, products, debris, junk, waste, equipment, or vehicles associated with Residential Zone Businesses is permitted except vehicles customarily allowed for the principal residential use of the property...
- H. The operation and conduct of Residential Zone Businesses shall be consistent with the performance standards and all other requirements of the Columbus City Code.
- I. The operation and conduct of Residential Zone Businesses shall occur only within principal and accessory buildings, except for vehicle usage, deliveries and similar incidental activities that cannot be conducted within structures.

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J. The operation and conduct of Residential Zone Businesses shall be considered “invisible” to adjacent properties to the extent practicable and shall not impact the principal use and enjoyment of adjacent properties for residential purposes.

K. Proposed additions and renovations to principal and accessory buildings to be used for Residential Zone Businesses shall not be permitted when such additions and renovations may be determined by the City to jeopardize or limit the future use of the property for normal residential purposes.

L. A Residential Zone Business Interim Use Permit application must clearly identify the daily routine and frequency of proposed business activities with regard to business vehicular use, deliveries, and many customer or client visits to the premises.

M. Normal hours of residential Zone Business activities are visible or detectable outside the principal or accessory structures shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exceptions to the hours of operation may be considered and only when specified in the Interim Use Permit for service-oriented businesses, such as hair and personal care facilities, music studios, dance studios, animal training facilities, small equipment repair, and similar services required by or benefiting area residents.

N. Parking required for Residential Zone Businesses shall be based upon the nature of the business and may be limited to restrict Residential Zone Business activities to a level or intensity of use that does not impact adjacent properties or future residential use of the property.

O. Additional landscaping, screening, fencing, or other buffering may be required for any Residential Zone Business.

P. Only one sign, parallel to and affixed to the plane of a wall of the principal structure and not exceeding two square feet in area, is permitted for any Residential Zone Business. Permitted vehicles or equipment with business identification signs or other advertising associated with the Residential Zone Business shall not be parked or displayed on the premises for advertising purposes.

Q. The City may impose additional conditions, standards, or requirements for a Residential Zone Business deemed appropriate and necessary to protect the public health, safety and welfare.

R. No expansion or intensification of an Interim Use Permit for a Residential Zone Business shall be permitted unless in conformance with the procedures provided in Sections 7A-532 through 7A-532 and all other provisions of the City Code.

S. An Interim Use Permit for a Residential Zone Business shall be terminated consistent with the provisions in Section 7A-532 of the City Code.

[§ 7A-807 formerly, § 7A-823, added by Ord. No. 00-06, effective August 17, 2000, Ord. No. 00-08, effective August 31, 2000, Ord. No. 01-01, effective May 17, 2001, and Ord. No. 02-01, effective May 17, 2002, § 7A-806, formerly 7A-807 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-807. SWIMMING POOLS. The term “swimming pool” shall include any pool, “hot tub,” or “spa” with a water depth capacity of three (3.0) feet or greater, and shall include any such Structure with a capacity greater than 5,000 gallons. Swimming pools are permitted subject to the following conditions:

A. Swimming Pools shall be permitted only as an accessory use, on the same lot as, and intended for use by the occupants of, an accompanying residential unit or units.

B. A Building permit is required, except where specifically exempted by the Uniform Building Code. Compliance with the Building Code is required.

C. The property owner’s application for a Building permit shall include a site plan scaled drawing showing the type and size of pool, location of pool, location of house, garage, fencing and other improvements on the Lot, location of Structures on all adjacent Lots, location of filter unit and pump and writing indicating the types of such units, location of back-flush and drainage

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outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool, location of existing overhead or underground wiring, utility Easements, trees and similar features, and location of any water heating unit.

D. Pools shall not be located within twenty (20) feet of any septic tank/drainfield nor within six (6) feet of any principal Structure or frost footing unless the pool is constructed entirely within the Dwelling. The edge of the pool shall be located no closer than twenty-five (25) feet from any side or Rear Lot Line, and no closer than eighty (80) feet from the edge of any right-of-way or the front of the house (whichever is greater). The required safety fencing or surrounding Structure shall be located no closer than twenty (20) feet from any side or Rear Lot Line and no closer than seventy-five (75) feet from the edge of any right-of-way, unless the entire Yard area with the pool is enclosed with fencing which meets the safety standards described at Paragraph K below in which case the Fence may be located on side or Rear Lot Lines.

E. Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.

F. Pools shall not be located within any private or Public Utility, walkway, drainage or other Easement.

G. In the case of underground pools, the necessary precautions shall be taken during the construction, to:

1. Avoid damage, hazards or inconvenience to adjacent or nearby property.
2. Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.
3. All access for construction shall be over the owner's land and due care shall be taken to avoid damage to Public Streets and adjacent private or public property.

H. To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainageways.

I. The filter unit, pump, heating unit and any other noisemaking mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential Structure and not closer than ten (10) feet to any Lot line.

J. Lighting for the pool shall be shielded and directed toward the pool and not toward adjacent property.

K. A Structure or safety fencing of a non-climbable type at least five (5) feet in height shall completely enclose the pool or Yard area containing the pool.

L. Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the local health officer.

M. All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspections.

N. Deviations from these standards for pools accessory to Commercial Uses may be considered by the City Council as part of the site plan review or conditional use permit review process.

[§ 7A-808, formerly, § 7A-821, amended by Ord. No. 89-1, effective July 21, 1989, Ord. No. 98-4, effective September 24, 1998, Ord. No. 98-9, effective December 31, 1998, Ord. No. 01-01, effective May 17, 2000, and Ord. No. 02-01, effective May 17, 2002, § 7A-807, formerly 7A-808 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-808. CHURCHES AND SCHOOLS. Churches and ancillary facilities operated by a Church, such as a private park, a playground, and/or a recreation area, a Day Care facility, a Preschool and/or a School, may be conditionally permitted in the Rural Residential (RR) District according to the conditions and restrictions contained herein. Schools, whether publicly- or privately-owned and operated, and ancillary facilities operated by a School, such as a private park, a playground, and/or a recreation area, a Day Care facility, and/or a Preschool, may be conditionally permitted in the Rural Residential

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(RR) District according to the conditions and restrictions contained herein. The Church and School ancillary facilities listed above are deemed to be compatible with RR zoning. If a Church or School is proposed to have ancillary facilities other than those listed above, that Church or School will need to be located in one of the commercial zones.

- A. Setbacks shall not be less than seventy-five (75) feet from right-of-way.
- B. Side yard setback shall be not less than twenty (20) feet.
- C. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. In no case shall any unshielded light standard be placed closer than seventy-five (75) feet from any adjacent property line. Light standards with lights shielded to prevent direct lighting of adjacent properties may be placed as close as twenty (20) feet from a property line.
- D. No parking area shall be located within twenty (20) feet of Lot lines.
- E. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across Lot lines.
- F. Off-Street Parking requirements:
 1. Churches: at least one (1) parking space for each two and one-half (2 1/2) seats based on the design capacity of the main assembly hall.
 2. Schools (elementary and junior high): at least one (1) parking space for each classroom plus one (1) additional space for each one hundred (100) student capacity.
 3. Schools (high school through college): at least one (1) parking space for each ten (10) students based on design capacity plus one (1) additional space for each two (2) classrooms.
- G. Structures shall be designed and the grounds shall be landscaped so as to be harmonious with the neighborhood and with the district. Where existing residential uses on adjoining properties are sited at the side yard setback, the landscaping shall include landscape screening (fencing, earthen berms, trees, and shrubs, etc.) sufficient to protect the privacy of the adjacent residential use.
- H. A water meter shall be installed for the purpose of determining that the use is in compliance with regulations regarding the capacity of individual sewage treatment systems contained in Minnesota Rules, Chapter 7080, and City Code, Chapter 14. If the use is not in compliance with such regulations, the City Council may order the owner to bring the individual sewage treatment system into compliance within a reasonable period of time, not to exceed one (1) year.

[§ 7A-809, formerly § 7A-822, amended by Ord. No. 89-1, effective July 21, 1989, Ord. No. 96-3, effective September 19, 1996, Ord. No. 01-01, effective May 17, 2001, and Ord. No. 02-01, effective May 17, 2002, [§ 7A-808, formerly 7A-809 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-809. DOG KENNELS.

- A. **Rural Residential District.** The keeping of four (4) or more dogs, over the age of six (6) months, requires a Residential Dog Kennel Permit. The property acreage determines the maximum number of dogs allowed.
 1. **Residential Dog Kennel.** A Residential Dog Kennel Permit is required for keeping four (4) or more dogs, over the age of six (6) months. A maximum of ten (10) dogs are allowed in a Residential Dog Kennel. A Residential Dog Kennel Permit does not preclude the permittee from selling offspring, but does not allow boarding of dogs for a fee. Performance standards for a Residential Dog Kennel Permit include the following:
 - (a) A Residential Dog Kennel is permitted under procedures prescribed in subsection 2. below.

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(b) The maximum number of dogs, over the age of six (6) months, allowed in a Residential Dog Kennel is based upon the following residential property acreage:

Less than 4 acres	4 dogs
4 acres or more and less than 6 acres	6 dogs
6 acres or more and less than 8 acres	8 dogs
8 acres or more	10 dogs

(c) All dogs kept in a Residential Dog Kennel require up-to-date rabies vaccinations.

(d) All dogs in a Residential Dog Kennel allowed out of doors must be contained on the permittee's property by a security fence, an electronic or "invisible fence," a tether, a leash, or under supervision and voice control.

(e) Dogs kept out of doors unattended for six or more hours shall be provided adequate shelter, which keeps the dog dry, allows the dog to retain body heat, and is large enough to stand, turn freely, and lie down in a natural position.

(f) Dog houses, cages, tethers, runs, or other out of doors containment areas shall be kept a minimum of seventy-five (75) feet from all property lines.

(g) Dog houses, cages, tethers, runs, or other out of doors containment areas may be allowed between the street and the Principal Building, only when there is fencing, landscaping, or natural vegetation which provides at least eighty (80) percent screening of the out of doors containment areas year round.

(h) Dog houses or pens that are enclosed within a Principal Building or authorized Accessory Building shall meet the setback required for the Principal Building or Accessory Building.

(i) Dog houses, cages, tethers, runs, or other out of doors containment areas shall be screened from any existing adjacent residence within one hundred fifty (150) feet. Adequate screening shall mean a privacy fence or landscaping sufficient to prevent views from neighboring residences to out of doors dog containment areas.

(j) Dogs shall have access to clean water at all times.

(k) Dogs shall be fed nutritious foods on a daily basis.

(l) Feeding times may be regulated in the Residential Dog Kennel permit.

(m) Food and water supplies and containers shall be kept in sanitary conditions.

(n) Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.

(o) All dogs, including those under the age of six (6) months shall be kept in safe conditions and treated in a manner promoting the dogs' health and comfort.

(p) Dog excrement shall be removed and disposed properly from out of doors containment areas on a regular basis to prevent odor and infestation.

(q) Commercial Breeders shall keep and provide for dogs in a manner consistent with the Minnesota Department of Agriculture's "Best Management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers," pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.

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- (r) All other applicable requirements and provisions for animal control, as described in Chapter 4 of the City Code, shall be met.
 - (s) Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Chapter 5 of the City Code.
 - (t) Dogs shall be kept in compliance with all other federal, state and local laws, rules, regulations, guidelines, and ordinances.
 - (u) Permittees shall allow City personnel and its agents access to the kennel facilities at any time, upon reasonable notice, to inspect the facilities.
2. **Dog Kennel Permit.** Residential Dog Kennels in the Rural Residential District are permitted according to the following procedures and criteria:
- (a) Dog Kennels are permitted under the Interim Use Permit procedures prescribed in Sections 7A-530 through 7A-532 of the Columbus City Code.
 - (b) Applications for a Dog Kennel Permit shall include written and graphic information sufficient to address the performance standards for a Residential Dog Kennel.
 - (c) Applications for a Dog Kennel Permit shall include a written description of measures proposed for animal safety during emergencies that occur when the facility is unattended.
 - (d) Issuance of a Dog Kennel Interim Use Permit is not a substitute for or intended to replace other applicable requirements for permits, licenses or regulations by federal, state, or other units of government.
 - (e) Dog Kennel Interim Use Permits are valid for a maximum of ten years, subject to administrative annual review and a 5-year, mid-term administrative review. Annual reviews shall include, but may not be limited to, the determination of the number and identification of dogs in the kennel and verification of up-to-date rabies vaccinations for all dogs. The 5-year, mid-term review shall include the determination that the kennel has operated in compliance with the conditions established for the kennel and that no substantiated complaint has been registered against the kennel. Failure to make such an administrative determination shall be grounds for permit revocation.
 - (f) The permittee shall complete the annual permit review requirements established by the City.
 - (g) Failure of the permittee to complete the annual review requirements within the timeframe required shall be grounds for permit revocation.
 - (h) Kennel operators with prior licenses for dog kennels at the time of this Ordinance shall prepare a Compliance Plan, if the number of dogs allowed under prior licensing exceeds the number of dogs allowed in Section 7A-809 subdivision A. 1. (b). The Compliance Plan shall include the number and adequate identification of all existing dogs and commit to the eventual compliance with the maximum number of dogs allowed on the property through natural attrition of the dogs. The Compliance Plan will be a part of the Dog Kennel Interim Use Permit.
 - (i) Dog Kennel Interim Use Permit fees are intended to cover the City's costs in administering kennel permitting, including at least one on-site inspection.
 - (j) The costs of additional inspections and remedial actions required as a result of prior inspection follow-ups or resulting from complaints about the facility, shall be borne by the permittee.

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(k) Upon expiration of a Dog Kennel Interim Use Permit, a permittee may reapply for an Interim Use Permit according to the procedures prescribed in Sections 7A-530 through 7A-532 of this Code.

(l) Violations of the conditions of the Dog Kennel Interim Use Permit shall be grounds for permit revocation.

B. Suburban Residential District. Dog Kennel Permits are not allowed in the Suburban Residential District.
C. Horse Racing District. Dog Kennel Permits are not allowed in the Horse Racing District.

D. Community Retail District, Commercial/Showroom District, Light Industrial District and Commercial/Industrial District. The commercial and industrial zoning districts in the City include varying provisions for veterinary clinics, animal hospitals and boarding facilities. Such uses may allow dog boarding facilities by right, by Conditional Use Permit or by Interim Use Permit. The acreage requirements for commercial boarding facilities are determined by the minimum lot size in each district. Dog Kennels that are associated with owner occupied legal nonconforming residences in any commercial or industrial zoning district shall follow the regulations and permitting requirements in Section 7A-809 subdivision A.

1. **Commercial Dog Kennel.** A Commercial Dog Kennel Permit is required for the boarding, breeding, training, and grooming of dogs for a fee in any commercial or industrial district that allows the boarding, breeding, training, or grooming of dogs. Boarding shall include temporary day time care of dogs and overnight care of dogs. A Commercial Dog Kennel Permit is not required for the overnight care of dogs or other domestic animals treated in a veterinary clinic or animal hospital. Performance standards for a Commercial Dog Kennel Permit include:

(a) A Commercial Dog Kennel is permitted under procedures prescribed in subsection 2. below.

(b) All dogs kept in a Commercial Dog Kennel require up-to-date rabies vaccinations.

(c) The minimum acreage for a Commercial Dog Kennel is determined by the minimum acreage requirements in the underlying zoning district.

(d) All boarding pens shall be contained within the principal structure.

(e) No more than sixty (60) dogs shall be allowed for overnight boarding in a Commercial Dog Kennel and no more than sixty (60) dogs shall be allowed for temporary day time care. The actual number of dogs allowed shall be based upon the capacity of the principal structure to contain boarding pens, indoor exercise or training areas, grooming areas, and feeding areas.

(f) Out of doors exercise areas must be enclosed by security fencing.

(g) Dogs in a Commercial Dog Kennel shall only be allowed out of doors under employee supervision, unless otherwise specified in the Commercial Dog Kennel Permit.

(h) The city may require screening for out of doors containment areas. Adequate screening shall mean a privacy fence or landscaping or combination thereof.

(i) Applicants for a Commercial Dog Kennel Permit shall describe measures for animal safety during emergencies that occur when the facility is unattended.

(j) Dogs shall have access to clean water at all times.

(k) Dogs shall be fed nutritious foods on a daily basis.

(l) Feeding times may be regulated in the Dog Kennel Permit.

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- (m) Food and water supplies and containers shall be kept in sanitary conditions.
- (n) Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.
- (o) All dogs, including those under the age of six (6) months, shall be kept in safe conditions and treated in a manner promoting the dogs' health and comfort.
- (p) Dog excrement shall be removed from indoor and out of doors containment areas on a daily basis. Excrement shall be disposed of in a manner consistent with approved solid waste disposal or by other manner approved by the City.
- (q) Dogs shall be kept and provided for in a manner consistent with the Minnesota Department of Agriculture's "Best Management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers," pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.
- (r) All other applicable requirements and provisions for animal control, as described in Chapter 4 of the city Code, shall be met.
- (s) Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Chapter 5 of the City Code.
- (t) Kennels shall be operated in compliance with all other federal, state, and local laws, rules, regulations, guidelines, and ordinances.
- (u) Permittees shall allow City personnel and its agents access to the kennel facilities at any time, upon reasonable notice, to inspect the facilities.

2. Dog Kennel Permit. Commercial Dog Kennels in the Community Retail District, Commercial/Showroom District, Light Industrial District and Commercial/Industrial District are permitted according to the following procedures and criteria:

- (a) Commercial boarding facilities allowed as a conditional use in any of the commercial and industrial zoning districts shall follow the Conditional Use Permit procedures prescribed in Section 7A-540 through 7A-547 of the Columbus City Code.
- (b) Commercial boarding facilities allowed as an interim use in any of the commercial and industrial zoning districts shall follow the Interim Use Permit procedures prescribed in Section 7A-530 through 7A-532 of the Columbus City Code.
- (c) Applications for a Dog Kennel Permit shall include written and graphic information sufficient to address the performance standards for a Commercial Kennel.
- (d) Applications for a Dog Kennel Permit shall include a written description of measures proposed for animal safety during emergencies that occur when the facility is unattended.
- (e) Issuance of a Dog Kennel Permit is not a substitute for or intended to replace other applicable requirements for permits, licenses or regulations by federal, state, or other units of government.
- (f) Applicants shall reimburse the City for all out of pocket costs associated with the issuance of the Dog Kennel Permit, facility inspections, and enforcement of the Dog Kennel Permit.

[§ 7A-810, formerly § 7A-823, added by Ord. No. 00-06, effective August 17, 2002, amended by Ord. No. 00-08, effective August 31, 2000, Ord. No. 01-01, effective May 17, 2001, and Ord. No. 02-01, effective May 17, 2002, § 7A809, formerly 7A-810 amended (renumbered) by Ord. No.

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04-04A, effective June 3, 2004, , amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 11-06, effective August 4, 2011, amended by Ord. No. 12-03, effective May 17, 2012.]

SECTION 7A-810. EXPANSION OF EXISTING ANTENNAE TOWERS. The limited expansion of Broadcast Towers, as defined in Section 7A-201(A) of this Code, supporting Antenna(e), as defined in Section 7A-201(A) of this Code, may be allowed in the RR District pursuant to an Interim Use Permit, subject to the following conditions:

- A. The Broadcast Tower shall be located on a Lot of no less than five (5) acres.
- B. Total height of the Broadcast Tower after expansion, including all attachments and antennae, shall be no greater than five hundred (500) feet.
- C. The Broadcast Tower shall have been constructed on its current Lot prior to August 1, 2000.
- D. The Interim Use Permit shall be valid until the Broadcast Tower is no longer used for the purpose of broadcasting, transmitting, receiving or relaying radio frequency or telecommunications signals for a period of one (1) year.
- E. The provisions of Section 7A-818 of this Code shall apply, except where superseded by more restrictive provisions of this Section. A Conditional Use Permit shall not be necessary if an Interim Use Permit is obtained.
- F. All Federal, State, and local permits and approvals shall be obtained prior to granting the Interim Use Permit, and all conditions of such permits or approvals shall be conditions of the Interim Use Permit. Any violation of Federal, State, or local regulations shall be grounds for revocation of the Interim Use Permit.
- G. Expansion of Accessory Buildings or other structures, including fences, shall be prohibited unless necessary to accommodate the Broadcast Tower expansion.
- H. Outdoor storage of equipment or vehicles used in the maintenance or operation of the Broadcast Tower shall be prohibited.
- I. Fences and Structures used in the maintenance or operation of the Broadcast Tower shall be adequately screened by vegetation.
- J. Broadcast Tower Interim Use Permits shall specify all materials or chemicals used on the Lot which are hazardous, controlled, or may pose a threat to residents of the City. It shall be a violation of the Permit conditions, and grounds for permit revocation to use, store, or possess any such materials on the Lot not specified on the Permit.
- K. For any Broadcast Tower granted an Interim Use Permit under this section, portions of the Broadcast Tower above the highest broadcasting, transmitting, receiving, or relaying apparatus shall be removed within one hundred eighty (180) days.

[§ 7A-811, formerly § 7A-823, added by Ord. No. 00-06, effective August 17, 2000, amended by Ord. No. 00-08, effective August 31, 2000, Ord No. 01-01, effective May 17, 2001, and Ord. No. 02-01, effective May 17, 2002, § 7A-810, formerly 7A-811 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, , amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-811. (RESERVED FOR FUTURE USE).

[§ 7A-811, formerly 7A-810 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 08-03, effective April 17, 2008.]

SECTION 7A-812. OFF-STREET PARKING AND MANEUVERING. The following minimum areas shall be provided and maintained by ownership, Easement or lease, for and during the life of the respective uses hereinafter set forth. The maneuvering areas, access aisles, Driveways and parking spaces shall be no closer than five (5) feet to the property lines. Parking spaces shall be a minimum of ten (10) feet by twenty (20) feet in area and served by a twenty-four (24) foot-wide aisle or Driveway. One-way parking aisles may be narrower, subject to site plan review and approval by the City Council.

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Access drives and required parking areas for all businesses, attached residential dwellings, churches, and schools shall be surfaced with bituminous or concrete. Approved business storage and maneuvering areas, and single family residential Driveways, may be constructed with all-weather aggregate materials. Authorized drive-through facilities, such as restaurant and drug store drive-up windows and car washes, shall have a minimum stacking area for five (5) vehicles at each window or bay, which does not eliminate or encumber any required parking spaces.

The general minimum parking requirements, except where specifically listed below, shall be one (1) parking space for each employee plus one (1) parking space for each two (2) invitees or one (1) parking space for each two hundred fifty (250) square feet of Gross Floor Area of retail space, or one (1) parking space for each two thousand (2000) square feet of Gross Floor Area of warehouse space whichever produces the higher number of parking spaces. The Planning Commission may recommend and the City Council may reduce parking requirements or modify parking standards, based upon findings that confirm a different number or configuration of parking spaces are adequate to serve a proposed use. The Planning Commission may recommend and the City Council may reduce parking requirements for uses requiring a Conditional or Interim Use Permit, based upon findings that there is "proof of parking area" availability on the property that could be improved for additional parking in the future and that the City can require such additional parking when it makes findings that additional parking is needed.

- A. **Auto Sales, Auto Leasing, Lumber Yards, and Open Sales Lots.** One (1) parking space for each two thousand (2,000) square feet of land up to the first eight thousand (8,000) square feet, plus one (1) parking space for each four thousand (4,000) square feet of land more than the first eight thousand (8,000) square feet and up to twenty-four thousand (24,000) square feet, plus one (1) parking space for each six thousand (6,000) square feet thereafter.
- B. **Auto Repair, Boat and Marine Sales, Garden Stores, Carpenter Shops.** Four (4) parking spaces plus one (1) for each five hundred (500) square feet of floor area over the first one thousand (1,000) square feet.
- C. **Bowling Alleys.** At least five (5) parking spaces for each bowling lane, plus additional spaces as may be required herein for related uses contained within the principal structure such as a restaurant.
- D. **Car Wash.**
 - 1. Automobile drive through services. A minimum of ten (10) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.
 - 2. Self-Service. A minimum of two (2) spaces per stall.
- E. **Churches and Clubs.** At least one (1) parking space for each two and one-half (2-1/2) Seats based on the design capacity of the main assembly hall.
- F. **Day Care Facilities and Pre-Schools.** One (1) space for each employee on the largest shift, plus one (1) space for every three (3) children or students attending during peak attendance.
- G. **Drive-In Food Establishments.** At least one (1) parking space for each fifteen (15) square feet of Gross Floor Area in the Building allocated to drive-in operation.
- H. **Financial Institutions, Offices, Municipal Buildings, and/or Public Office Buildings.** At least one (1) parking space for each two hundred (200) square feet of Gross Floor Area.
- I. **Funeral Homes.** At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off street for making up a funeral procession.
- J. **Furniture Stores and Appliance Stores.** At least one (1) parking space for each four hundred (400) square feet of Gross Floor Area.
- K. **Golf Courses.** Five (5) parking spaces for each hole on the golf course.
- L. **Hospitals.** At least two (2) parking spaces for each patient bed.

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M. Hotels, Motels, Tourist Homes, Motor Homes. At least one (1) space for each Dwelling Unit or lodging room plus one (1) additional space for each four (4) units. In addition, spaces as may be required herein for accessory Restaurants, Bars, Taverns, Dance Halls, or Banquet Halls.

N. Manufacturing, Fabricating, or Processing of a Product or Material. Four (4) Off-Street Parking Spaces plus one (1) for each four hundred (400) square feet of floor area and one (1) space for each company owned truck that is not stored inside the principal building.

O. Medical or Dental Clinics, Small Animal Hospitals. At least three (3) parking spaces for each staff doctor or dentist or one (1) space for each one hundred fifty (150) square feet of Gross Floor Area, whichever is greater.

P. Motor Fuel and/or Service Stations. At least four (4) Off-Street Parking Spaces plus two (2) Off-Street Parking Spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.

Q. Public Facilities, Public Utilities, Police and Fire Public Safety Facilities. One (1) space per employee on maximum shift, plus one (1) space per utility vehicle or official vehicle.

R. Retail Stores, Photography Studios, or Service Shops. At least eight (8) spaces or one (1) Off-Street Parking Space for each two hundred (200) square feet of floor area for public sales or service plus one (1) space for each five hundred (500) square feet of storage area.

S. Theaters and Other Cultural and Entertainment Facilities. At least one (1) parking space for each three (3) Seats of design capacity.

T. Restaurants, Cafes, Bars, Taverns, and Night Clubs. At least one (1) space for each three (3) Seats based on capacity design or where there is no design layout, one (1) space for each thirty-five (35) square feet of Gross Floor Area.

U. Sanitariums, Convalescent Homes, Rest Homes, Nursing Homes, or Institutions. At least one (1) parking space for each six (6) beds for which accommodations are offered, plus one (1) additional parking space for each fifteen (15) beds.

V. Shopping Centers. Five and one-half (5 1/2) spaces per each one thousand (1,000) square feet of gross leasable floor area (exclusive of common areas).

W. Schools (Elementary and Junior High). At least one (1) parking space for each classroom plus one (1) additional space for each one hundred (100) student capacity.

X. Schools (High School through College). At least one (1) parking space for each ten (10) students based on design capacity, plus one (1) additional space for each two (2) classrooms.

Y. Skating Rinks, Dance Halls, Miniature Golf, Private Clubs, Ice Arenas. Ten (10) parking spaces plus one (1) additional space for each two hundred (200) square feet of floor area devoted to the Principal Use.

Z. Slaughterhouses. One(1) parking space for each employee, plus either one (1) parking space for each two (2) invitees/customers at maximum occupancy or one (1) parking space for each thirty-five (35) square feet of area accessible to customers, whichever produces the higher number of parking spaces.

AA. Stadiums, Ballfields, and Other Sports Facilities. At least one (1) parking space for each four (4) Seats of design capacity.

BB. Warehouse, Storage, Handling of Bulk Goods. The space which is solely used as office shall comply with office use requirements along with at least one (1) space for each 2,000 square feet of Gross Floor Area plus one (1) space for each employee on maximum shift and one (1) space for each company owned truck if not stored in the principal building.

[§7A-813, formerly § 7A-886, Paragraph R.22. added by Ord. No. 01-03, effective May 17, 2001 and Ord. No. 02-01, effective May 17, 2002.]

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[§ 7A-812, formerly § 7A-886Q., amended by Ord. No. 02-01, effective May 17, 2002, § 7A812, formerly 7A-813 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, , amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 11-06, effective August 4, 2011.]

SECTION 7A-813. MISCELLANEOUS BUSINESS, - RESIDENTIAL, AND INSTITUTIONAL USE PERFORMANCE STANDARDS. All commercial uses, industrial uses, churches, schools, and attached residential uses shall meet the following additional minimum standards.

A. **Landscaping.** The landscaping performance standards for all uses are prescribed in Section 7A-820 of this Code.

B. **Lighting.** All newly installed, repaired, or replaced outdoor lighting fixtures shall include cutoff luminaires and shall be directed away from residential property and public streets in such a way that residential structures shall be shielded from direct rays of light and so as not to exceed an intensity of illumination greater than one (1) foot-candle (one lumen per square foot) measured at the residential property line.

C. **Refuse and Litter.** All refuse must be stored in a building, a trash transport (dumpster) or in covered cans. The storage area shall be enclosed on all four sides by screening, compatible with the exterior of the building, not less than two feet higher than the refuse container.

D. **Restaurants, Cafes, and Drive-in Food Establishments.** Restaurants, cafes, and drive-in food establishments shall regularly inspect their premises from lot line to lot line, adjacent street, sidewalks and alleys within one hundred (100) feet of the Lot and remove any litter found thereon. Upon failure of any food establishment to comply with the requirements of this section, after seven days written notice to the facility, costs of cleanup shall be assessed against the facility which is the source of the litter.

E. **Speaker Boxes.** Speaker boxes used in connection with drive-in food establishments or other businesses shall not be audible on any adjacent property.

F. **Outdoor Display.** Outdoor displays of finished products for direct retail sale are limited to certain zoning districts and are generally regulated through the Conditional Use Permit or Interim Use Permit procedure. All outdoor displays of finished products for direct retail sale are accessory to the principal use. The following exceptions apply:

1. Outdoor displays of finished products for direct retail sale, not exceeding seventy-two (72) consecutive hours in the CR Community Retail and C/S Commercial Showroom districts. Such outdoor displays shall be limited to areas adjacent to storefronts, shall not occupy parking stalls or driveways, and shall not occupy more than fifty percent (50%) of the sidewalk width.

2. Outdoor displays of finished products for direct retail sale at gasoline sales/convenience stores are allowed adjacent to pump islands and storefronts, provided such displays shall not occupy parking stalls or driveways and shall not occupy more than fifty percent (50%) of the sidewalk width.

3. Outdoor displays of finished products for direct retail sale for permitted uses in the LI Light Industrial and C/I Commercial/Industrial districts, provided such displays shall be located at least twenty (20) feet from the front property line and at least ten (10) feet from the side or rear property lines. Such outdoor displays shall not occupy parking stalls or driveways and shall not occupy more than fifth percent (50%) of the sidewalk width.

4. Outdoor displays of finished products for direct retail sale for other permitted uses in commercial zoning districts will be evaluated in the site plan review process and may require screening from adjacent land uses and public roadways.

5. No outdoor displays shall be located in areas that interfere with site lines necessary for safe vehicular movement on public roads or site access drives.

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G. **Outdoor Storage.** Outdoor storage of business supplies, materials, vehicles, and equipment are limited to certain zoning districts and are generally regulated through the Conditional Use Permit or Interim Use Permit procedure. Outdoor storage areas are limited to side yard and rear yard locations and may require screening from public roadways and adjacent properties. No outdoor storage shall be located in areas that interfere with site liens necessary for safe vehicular movement on public roads or site access drives.

[§7A-813, formerly § 7A-891, added by Ord. No. 99-7, effective December 3, 1999 and amended by Ord. No. 02-01, effective May 17, 2002, amended by Ord. No. 03-03, effective June 19, 2003, and amended by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 05-01, effective December 1, 2005, as amended by Ord. No. 11-06, effective August 4, 2011, amended by Ord. No. 15-03, effective November 5, 2015.]

SECTION 7A-814. GENERAL PERFORMANCE STANDARDS FOR ALL LAND USES.

A. **Noise.** Noise shall not exceed the standards promulgated by the Minnesota Pollution Control Agency.

B. **Smoke and Particulate Matter.** Smoke and particulate matter emissions shall not exceed the standards promulgated by the Minnesota Pollution Control Agency.

C. **Toxic or Noxious Matter.** Toxic or noxious matter emitted from, or present at the site of, any use shall not exceed the standards promulgated by the Minnesota Pollution Control Agency.

D. **Odor.** The emission of odorous matter in such quantity as to be readily detectable at any point along Lot lines, and as to produce a public nuisance or hazard beyond Lot lines is prohibited.

E. **Fire and Explosion Hazard.** Fire and explosion hazards present at the site of, or emitted from any use shall comply with the Minnesota State Fire Code.

F. **Vibration.** No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits applicable to construction vibration in the Uniform Building Code (1997).

G. **Glare or Heat.** Any operation producing intense glare or heat shall be performed within a completely enclosed Building in such manner as not to create a public nuisance or hazard along Lot lines.

H. **Additional Performance Standards for Research Activities.** All research, testing and development shall be carried on within entirely enclosed Buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said Building.

[§ 7A-815, formerly, § 7A-891, added by Ord. No. 99-7, effective December 3, 1999 and amended by Ord. No. 02-01, effective May 17, 2002, § 7A-814, formerly 7A-815 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004.]

SECTION 7A-815. FEEDLOT PERFORMANCE STANDARDS.

A. **Findings.** The City Council finds that:

1. The state of Minnesota requires environmental review by the Minnesota Pollution Control Agency of Feedlots having more than one thousand (1,000) animal units or more than five hundred (500) animal units in shoreland or floodplain areas, as provided under Minn. Rules § 4410.4300, subpart 29a and 29b, as amended;

2. The City's soils are vulnerable to rapid contamination and spread of pollutants through groundwater; the City's dominant geographical characteristics are wetland and open water; and the City has a relatively high water table and is topographically level, so that there are very few large tracts where the water table is well below the soil surface;

3. Public wildlife space and public waters are a dominant land use; these uses and the wildlife they support contribute significantly to the City's identity and quality of life;

4. The City is, and will continue to be, subject to pressure to urbanize through residential and commercial development;

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5. Feedlots and other large-scale agriculture have historically not been an integral part of the City's economy;

6. Odor is a natural and unavoidable by-product of Feedlots, which has a potential for negative effects on the City's residents and businesses, and which has the potential to negatively impact the City's plans for land use and development;

7. The City is authorized to adopt land use controls to encourage and regulate the development of property, to mitigate potentially harmful effects on residents and businesses, to protect the public interest, and to promote the health, safety, and welfare of the community;

8. Because state law treats Feedlots differently from other similar uses of land, it is appropriate and desirable to regulate the use of land by Feedlots separately from other land uses that may be sources of odor.

B. Feedlot Conditional Use Permit Administration. The Building Inspector shall administer the City Feedlot permit program, including the following duties and powers:

1. Receive and forward applications for State-administered certificates of compliance and permits together with City recommendations and City-imposed conditions to the Minnesota Pollution Control Agency;

2. Oversee the inspection of Feedlot operations to ensure compliance with the standards of this Ordinance;

3. Consult with County departments, State and Federal agencies, and private consultants as needed to discharge these duties.

C. Feedlot Conditional Use Permits Required. A Conditional Use Permit for a Feedlot shall be called a Conditional Feedlot Permit. Any person owning or operating a proposed or existing animal Feedlot having ninety-nine (99) or more animal units shall apply to the City for a Conditional Feedlot Permit if:

1. A new Feedlot is proposed; or

2. A change in operation of an existing Feedlot is proposed; a change in operation includes:

(a) An increase beyond the permitted maximum number of animal units. The total number of animal units within a Feedlot shall be based upon the animal numbers currently within the Feedlot plus the animal numbers that will be added through expansion; or

(b) An increase in the number of animal units which are confined at an unpermitted Feedlot; or

(c) A change in the construction or operation of a Feedlot that would affect the storage, handling, utilization, or disposal of animal manure; or

3. Ownership of an existing Feedlot changes;

(a) A change in title to animals, animal buildings, or land constitutes a change in ownership; or

(b) Lessees operating on leased land shall be considered owners; or

4. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations; or

5. An inspection by MPCA staff or the City determines that the Feedlot creates or maintains a potential pollution hazard; or

6. A permit is required by the MPCA for land application of manure.

D. Permit application. A permit application shall include the following:

1. Owner's and operator's name and address;

2. Proposed location of the Feedlot including quarter section, range, and city;

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3. Animal types and maximum number of animals of each type which will be confined at the Feedlot;
 4. A sketch clearly indicating the dimensions of the Feedlot and showing all existing homes, buildings, existing manure storage areas and/or structures, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, private sewer systems, and wells within one thousand five hundred (1,500) feet of the proposed Feedlot;
 5. Descriptions of the geological conditions, soil types, groundwater elevations, topography, and drainage pattern of the site and surrounding area;
 6. Plans for buildings and structures as required by this Ordinance or other County and State ordinances and regulations.
 7. A Manure Utilization Plan including:
 - (a) Manure handling and application techniques;
 - (b) Acreage available for manure application;
 - (c) Run-off potential;
 - (d) Plans for proposed manure storage or pollution abatement structures;
 - (e) Plans for the proper disposal of dead livestock;
 8. Leases or agreements allowing the applicant to dispose of manure on land other than his own.
- E. **Conditional Feedlot Permit Hearings.** When a Conditional Feedlot Permit is required pursuant to this Ordinance, application and proceeding for the Permit shall be according to Section 7A-560 of this Code, and with the following additional requirements;
1. Notice to nearby local governments. Written notice of the time, place and purpose of any public hearing shall be given to the legislative body of any town, city, or county within two miles of the affected property, and the Commissioner of Natural Resources if the affected property is within the Flood Plain or Shoreland District or a Wetland Zone.
 2. A conditional Feedlot Permit shall not be issued unless the City Council finds that adequate measures will be taken to prevent and control odor, fumes, dust, noise, lights, vibration, and other potential aesthetic impacts, so that none of these will constitute a nuisance or disturbance.
- F. **Feedlot acreage and setback requirements.**
1. **Minimum Area.** A minimum area of twenty (20) acres or such greater area required to meet all setbacks set forth by the City of Columbus Zoning and Ordinance shall be required for Feedlot operations.
 2. **Additional Land.** The Conditional Feedlot Permit holder shall own or have sufficient additional land under contract to meet the manure utilization requirement for spreading of manure produced in his or her Feedlot. The City shall retain copies of all written agreements between the Feedlot operators and lessors or any person who permits land manure application and such agreement shall be a condition of the Conditional Feedlot Permit. Each parcel of land subject to agreement shall be limited to one agreement per parcel for a term of not less than three years.
 3. **Building, Holding Basin, Lagoon, and Manure Storage Area Setbacks.** Livestock buildings, manure holding basins, lagoons, and manure storage areas shall be constructed, operated, and maintained so as to minimize the aesthetic, health, and odor concerns associated with neighboring properties and land uses. The following setbacks shall apply:
 - (a) Property Lines
 - (i) Rear yard – 100 feet

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- (ii) Side yard – 100 feet
- (iii) Front yard – 100 feet
- (b) Neighboring Properties
 - (i) Residence – 1,200 feet. The modifications and/or expansion of existing animal Feedlots located within 1,200 feet of an existing dwelling unit shall be allowed if they do not further encroach on the established setback or if a variance for the modification and/or expansion is applied for and approved.

No permits for a new dwelling unit shall be issued within 1,200 feet of an existing permitted animal Feedlot unless the deed for the property clearly states and the owner of the property is informed via Certified Mail that the animal Feedlot was in existence prior to the residential property and may continue to operate in accordance with the terms of the City Feedlot Management Ordinance.

No permits shall be issued for the construction and/or creation of a new Feedlot that is located within 1,200 feet of an existing dwelling other than that of the Feedlot owner.

- (ii) Commercial or Industrial Activity: 1,200 feet
- (iii) Surface Water (Manure Storage Area): 2,400 feet
- (iv) Public Park: 2,400 feet
- (v) Public or Private Drainage Ditches: 200 feet
- (vi) Church, Synagogue, Mosque, or other place of worship, with regularly scheduled services: 1,200 feet.
- (vii) Cemetery: 1,200 feet
- (viii) Minimum Standards: The standards set above are minimum standards that may be increased by the City Council during the permit issuance process due to concerns or circumstances in a specific Conditional Feedlot Permit application.

4. **Wetland Setback.** No new Feedlot shall be permitted within two hundred (200) feet of a Wetland as defined in Minnesota Rules Chapter 6120.2500.

5. **Well Head Protection Areas.** Feedlot and manure management practices may be further regulated within Well Head Protection Zones if such zones are established by the City Council.

6. **Shoreland.** New Feedlots shall not be located within three hundred (300) feet of a watercourse or lake.

7. **Prohibited locations of Feedlots.** No new Feedlots shall be constructed within any 100 year floodplain.

G. **Land Application of Manure.** Land application of manure, including injection or any other subsurface application, shall conform to the Minnesota Statutes and Minnesota Pollution Control Agency (MPCA) Regulations. Applications to the Minnesota Pollution Control Agency for application of manure on land in the City of Columbus or from Feedlots in the City of Columbus, shall be submitted to the City Building Inspector. The City Building Inspector shall forward the application and comments to the MPCA. The following additional local regulations on land application of manure shall apply:

1. **Soil Loss in Shoreland Areas.** Land application of manure shall not be allowed on soils within shoreland that exceed allowable soil loss as set by the National Resource Conservation Service of the USDA (NRCS) unless a conservation plan that will reduce

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soil loss to the allowable level is developed and is showing progress towards implementation within one (1) year of issuance of a Conditional Feedlot Permit.

2. **Slopes In Shoreland Areas.** During the period of December 1 to March 31, manure shall not be applied to soils with a slope of greater than twelve (12) percent that are within three hundred (300) feet of a protected water.

3. **Right-of-Way.** Manure shall not be applied to the right-of-way of public roads.

4. **Lakes.** If no potential pollution hazard exists, a minimum distance of two hundred (200) feet shall be maintained between surface applications of manure and all lakes. In cases when manure is injected or immediately incorporated, the separation distance may be reduced to one hundred (100) feet.

5. **Other Surface Waters.** If no potential pollution hazard exists, a minimum distance of seventy-five (75) feet shall be maintained between surface applications of manure and all other surface waters of the City.

6. **Drainage Ditches.** If no potential pollution hazard exists, a minimum distance of one (1) rod or sixteen and one-half (16.5) feet shall be maintained between surface applications of manure and drainage ditches or grassed waterways unless classified as a wetland or protected water.

7. **Private Wells.** If no potential pollution hazard exists, a minimum distance of one hundred (100) feet shall be maintained between surface applications of manure and any private water supply well.

8. **Public Wells.** If no potential pollution hazard exists, a minimum distance of three hundred (300) feet shall be maintained between surface application of manure and any public water supply well.

9. **Residences.** Animal manure shall not be applied within one hundred (100) feet of a residence without injecting or immediate incorporation into the soil unless permission in the form of a written agreement is granted to spread closer by the residents. When determining the distance between a residence and manure application the distance shall be measured from the property lines to manure application.

10. **Treatment or Disposal.** Any manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable State rules.

11. **Irrigation of Liquid Manure.** The application of liquid manure by irrigation is prohibited unless a Liquid Manure Irrigation Plan for the Feedlot has been submitted to and approved by the City Building Inspector. The Liquid Manure Irrigation Plan must contain a description of the specific irrigation process proposed, amounts and frequency of application, analysis of the nutrient content of the manure or a proposed sampling schedule for the manure, a description of the land to be used, and a description of the methods to be used to limit aesthetic and odor problems with neighbors. The Building Inspector shall provide the City Engineer with copies of Liquid Manure Irrigation Plans for review and comment before approval is given.

H. **Manure Storage and Transportation**

1. **Compliance with State and Local Standards.** All animal manure shall be stored and transported in conformance with Minnesota Pollution Control Agency rules 7020 and this Ordinance.

2. **Potential Pollution Hazard Prohibited.** No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a certificate of compliance or a permit has been issued by the MPCA.

3. **Vehicles, Spreaders.** All vehicles used to transport animal manure on public roads shall be leak-proof. Manure spreaders with end gates shall be in compliance with

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this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak-proof.

4. **Utilization as Domestic Fertilizer.** Animal manure, where utilized as domestic fertilizer, shall not be stored for longer than one (1) year.

5. **Runoff Control Structures.** All manure storage areas shall have runoff control structures to contain the liquid.

6. **Storage Capacity.** A Manure Utilization Plan specifying storage capacity adequate for the type and quantity of manure generated by the animal Feedlot shall be developed as part of the Conditional Feedlot Permit process.

7. **Earthen Storage Basin.** All proposed earthen storage basins shall be prepared or approved by an engineer licensed by the State of Minnesota or a qualified NRCS employee. A report from an engineer licensed by the State of Minnesota or a qualified NRCS employee verifying that the earthen storage basin was constructed according to the plan must be submitted to and approved by the Building Inspector prior to use of the basin for manure storage.

8. **Engineer Required.** Any plans for manure storage structures of five hundred thousand (500,000) gallons capacity or larger shall have been prepared or approved by an engineer licensed by the State of Minnesota or a qualified NRCS employee. A report from an engineer licensed by the State of Minnesota or a qualified NRCS employee must be submitted to and approved by Building Inspector prior to use of the structure for manure storage.

9. **Steel Tanks.** No steel tanks shall be used for underground manure storage.

I. **Violations and Enforcement.**

1. **Violations.** Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

2. **Enforcement.**

(a) **Stop Work Orders.** Whenever any work is being done contrary to the provisions of this Ordinance, the Building Inspector or City Council may order the work stopped by written notice personally served upon the owner or operator of the Feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the Building Inspector.

(b) **Revocation.** Any person who fails to comply with the conditions set forth on the permit may be subject to revocation upon written notice personally served upon the permittee.

(c) **Interference Prohibited.** No person shall hinder or otherwise interfere with the Building Inspector in the performance of duties and responsibilities required pursuant to this Ordinance.

(d) **Access to Premises.** Upon the request of the Building Inspector and after reasonable notice, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises for the purposes of regulating and enforcing this Ordinance. Refusal to allow such reasonable access shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

(e) **Injunctive Relief and Other Remedies.** In the event of a violation of this Ordinance, the City Council may institute appropriate actions or proceedings,

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including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the City in a civil action in any court of competent jurisdiction or, at the discretion of the City, the costs may be certified as a special tax against the real property. These and other remedies, as determined appropriate by the City, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

(f) **Abandonment.** Owners and operators of Feedlots shall have joint and severable liability for clean-up, closure or remediation of abandoned Feedlot sites.

[§ 7A-816, formerly parts of § 7A 873-877, added by Ord. No. 99-6, effective December 3, 1999, and amended by Ord. No. 02-01, effective May 17, 2002,

[§ 7A-815, formerly 7A-816 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-03, effective March 5, 2009.]

SECTION 7A-816. PERFORMANCE STANDARDS FOR THE LOCATION, CONSTRUCTION AND USE OF COMMUNICATIONS TOWERS AND ANTENNA.

A. **Purpose.** In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
2. Minimize adverse visual effects of towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennae in order to reduce the number of towers needed to serve the community.

B. **Interim Use Permit Required.** It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any tower without first making application to the City and securing an interim use permit therefore as hereinafter provided. The applicant shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons. Routine maintenance of towers and related structures shall not require the issuance of an interim use permit.

C. **Co-Location Requirements.** All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:

1. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can be documented by the applicant that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-half (1/2) mile search radius of the proposed tower due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer licensed by the state of Minnesota, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at cost less than one hundred twenty-five percent (125%) of the cost of a new tower.

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(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified electrical engineer licensed by the state of Minnesota and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer licensed by the state of Minnesota.

(d) Other reasons affecting technical performance, system coverage, and system capacity which make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower or building as determined by the City Council during its review of an application for approval of an interim use permit.

2. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennae and comparable antennae for at least one additional user. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights.

D. **Tower and Antenna Design Requirements.** Proposed or modified towers and antennae shall meet the following design requirements:

1. Towers and antennae shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

2. Commercial wireless telecommunication service towers shall be of a monopole design unless determined that an alternative design would better blend into the surrounding environment.

E. **Tower Setbacks.** Towers shall conform with each of the following minimum setback requirements:

1. At a minimum, Towers shall meet the setbacks of the underlying zoning district provided the setback is consistent with the requirements in subsection 3(b) below.

2. Towers shall be set back from any property line a minimum distance equal to the height of the tower, except that, upon certification of a professional engineer licensed by the state of Minnesota, the setback may be reduced to the height of the portion of the structure that will remain standing after an event of high winds or similar event because the tower is designed to collapse, fold on itself or curl in such event.

[§ 7A-817E 1-2, formerly § 7A-834, Paragraph 5(a) and (b), amended by Ord. No. 97-4, effective Aug. 29, 1997.]

3. Towers shall not be located between a principal structure and a public street, with the following exceptions:

(a.) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

(b.) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

4. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

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F. **Tower Height.** The maximum height of towers shall not exceed one hundred seventy-five (175) feet in height. Antennae attached to towers may project above the maximum tower height a maximum of ten (10) feet.

G. **Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Notwithstanding this provision, the City Council may, in its sole discretion, approve the placement of an antenna on existing or proposed lighting provided that the antenna is integrated with such lighting in a manner which substantially camouflages the antenna array and related facilities.

H. **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

I. **Accessory Utility Buildings.** All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Accessory buildings shall not be more than two thousand (2,000) square feet in size.

J. **Abandoned or Unused Towers or Portions of Towers.** Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the City Council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

2. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation.

K. **Antennae Mounted on Roofs, Walls, and Existing Towers.** The placement of wireless telecommunication antennae on roofs, walls, and existing towers shall be approved by issuance of an interim use permit in the same manner as approval of new towers.

L. **Interference with Telecommunications.** No new or existing telecommunications service shall interfere with public safety telecommunications, or private telecommunications, including without limitation, radio, television, and personal communications, in accordance with rules and regulations of the Federal Communications Commission.

M. **Additional Submittal Requirements.** In addition to the information required elsewhere in this Code, development applications for towers and antennae shall include the following supplemental information:

1. A report from a qualified professional engineer licensed by the state of Minnesota which (a) describes the tower and antennae height and design including a cross section and elevation; (b) documents the height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae; (c) describes the tower's capacity, including the number and type of antennae that it can accommodate; and (d) includes an engineer's stamp and registration number.

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2. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.
 3. Before the issuance of a building permit, the following supplemental information shall be submitted: (a) a written statement from the applicant that the proposed tower and antenna comply with regulations administered by Federal Aviation Administration.
 4. A written statement from a qualified electrical engineer licensed by the state of Minnesota stating that use of the proposed tower and antenna will not interfere with established telecommunications.
- N. **Construction Requirements.** All antennae and towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the following requirements:
1. All applicable provisions of this Code.
 2. Towers shall be certified by a qualified professional engineer licensed by the state of Minnesota to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.
 3. No part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
 4. Towers and associated antennae shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 5. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least six and one-half (6.5) feet above the ground at all points, unless buried underground.
 6. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons by erection of a security fence at least six feet in height.
 7. All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.
- O. **Existing Antennae and Towers.** Antennae and towers in existence as of January 1, 1996, which do not conform to or comply with this Section are subject to the following provisions:
1. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Section.
 2. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Section; however, if the cost of repairing the tower to the former use, physical dimensions, and location would be fifty (50) percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section.
- P. **Lights and Other Attachments.** No antenna or tower adjacent to any residential zoning district shall have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have

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constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. This provision shall not prohibit the attachment of an antenna mounting framework to any tower.

Q. Violations. Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor.

[§ 7A-817, formerly §7A-834 added by Ord. No. 96-7, effective Aug. 29, 1996, and amended by Ord. No. 02-01, effective May 17, 2002, § 7A-816, formerly 7A-817 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 09-06, effective July 30, 2009.]

SECTION 7A-817. PERFORMANCE STANDARDS FOR THE LOCATION, CONSTRUCTION AND USE OF BROADCASTING TOWERS.

A. Purpose. In order to accommodate the needs of existing and future commercial broadcasters while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary in order to:

1. Reserve appropriately located areas for Broadcast Towers, Accessory Equipment and Structures, Broadcast Buildings, and Related Broadcast Uses (such terms being hereinafter defined);
2. Provide for the operation and use of Broadcast Towers, Accessory Equipment and Structures, Broadcast Buildings, and Related Broadcast Uses pursuant to Interim Use Permits.
3. Establish and maintain high standards of construction, maintenance and operation of Broadcast Towers, Accessory Equipment and Structures, Broadcast Buildings, and Related Broadcast Uses, while protecting the health and safety of surrounding property users.

B. Interim Use Permit Required. It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any Broadcast Tower without first making application to the City and securing an interim use permit therefore as hereinafter provided. The applicant shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the Broadcast Tower will not create a safety hazard or damage to the property of other persons. Routine maintenance of Broadcast Towers and related structures shall not require the issuance of an interim use permit.

C. Lot size. The property on which the Broadcast Tower exists or shall exist shall be no less than five (5) acres in size.

D. Setbacks. Uses on Property on which an interim use permit for a Broadcast Tower is granted shall comply with the following setbacks:

1. Guyed Broadcast Tower - minimum setback from the property line shall be as described in the original Interim Use Permit issued hereunder to the property owner.
2. Guy Wire Anchors - minimum setback from the property line for the above ground portion of a guy wire anchor shall be twenty (20) feet; no minimum setback for the below ground portion of a guy wire anchor.
3. Self-Supporting Tower - minimum setback from the property line shall equal the height above ground of the self-supporting tower.
4. Outside Material and Refuse Storage - minimum setback from the property line shall be two hundred (200) feet.

E. Height. The maximum height of a Broadcast Tower shall be five hundred (500) feet in height above ground level. The maximum height for any Broadcast Building shall be thirty-five (35) feet. Accessory Equipment and Structures mounted on top of a Broadcast Building shall not be considered part of the Broadcast Building for purposes of determining its maximum height.

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- F. **Lot Coverage.** The maximum lot coverage of all improvements shall be fifty (50) percent.
- G. **Parking.** Parking spaces shall be provided at a ratio of one and one-half (1.5) spaces per employee on the site.
- H. **Outside Material Storage.** Any materials, supplies or equipment, other than Accessory Equipment and Structures, stored outside shall be within approved outside storage areas which shall not exceed one thousand (1,000) square feet in the aggregate. Outside storage areas shall be screened and/or fenced as approved by the City Council to minimize the visual impact of the area and the surface shall be maintained in such a manner that dust and other wind generated materials are kept to a minimum.
- I. **Refuse Storage.** All waste materials, debris, refuse and garbage shall be properly contained in a closed container designed for such purposes. Said containers shall be stored within a fully enclosed building or in an area screened and/or fenced as approved by the City Council.
- J. **Signs and Advertising.** The use of any portion of a Broadcast Tower for signs other than warning or equipment information signs is prohibited.
- K. **Broadcast Tower Lighting.** Broadcast Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration (FAA) or other federal or state authority for a particular Broadcast Tower. If such lighting is required, then the Broadcast Tower shall utilize a dual lighting system which includes red lights for nighttime and medium intensity flashing white lights for daytime and twilight use consistent with FAA rules and regulations.
- L. **Abandoned or Unused Towers or Portions of Towers.** Abandoned or unused Broadcast Towers or portions of Broadcast Towers shall be removed as follows:
1. All abandoned or unused Broadcast Towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the City Council. A copy of the relevant portions of a signed lease which requires the applicant to remove the Broadcast Tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a Broadcast Tower is not removed within twelve (12) months of the cessation of operations at a site, the Broadcast Tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
 2. Unused portions of Broadcast Towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation.
- M. **Required Documentation.** The following shall be submitted at the time of application for an Interim Use Permit:
1. **Site Plan.** A plan or plans drawn to scale approved by the City's Director of Community Development including the following information and detail:
 - (a) A boundary survey of the property.
 - (b) A two-foot contour map of the property.
 - (c) Locations of existing and proposed public utilities and easements, each Broadcast Tower, Accessory Equipment and Structures, Broadcast Buildings, Related Broadcast Uses and Other Uses.
 - (d) Ground elevations for Broadcast Towers and or Accessory Equipment and Structures.
 2. **Tower Diagram.** A detailed drawing of the Broadcast Tower structure clearly describing the height of the structure and all equipment located on the structure drawn to a scale.

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3. **Structural Integrity Report.** A report prepared by a registered engineer stating that the configuration of the tower structure complies with applicable Federal or State of Minnesota safety regulations, or, in the case of the addition or replacement of a Broadcast Tower described in the original Interim Use Permit issued thereunder to the property owner, a report prepared by a registered engineer stating that the design and proposed method of constructing such added or replaced tower complies with applicable Federal and State of Minnesota safety regulations.

[§ 7A-818, formerly §7A-835, added by Ord. No. 96-11, effective Feb. 13, 1998, and amended by Ord. No. 02-01, effective May 17, 2002, § 7A-817, formerly 7A-818 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-06, effective July 30, 2009.]

SECTION 7A-818. PERFORMANCE STANDARDS FOR SLAUGHTERHOUSES. All Slaughterhouses shall comply with State and Federal laws and regulations governing their operations, including Minnesota Statutes Chapter 31 and Title 9 of the Code of Federal Regulations, Part 301 et seq. All Slaughterhouses operations shall obtain, and shall submit to the City, all permits, licenses, and approvals required by federal, state, or local law for the use, including those related to health, safety, and welfare.

[§ 7A-819, added by Ord. No. 02-01, effective May 17, 2002, § 7A-818, formerly 7A-819 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004.]

SECTION 7A-819. PLANNED UNIT DEVELOPMENT (PUD).

A. Suburban Residential (SR) District

1. **Purpose.** The purpose of the PUD provisions is to encourage high development design standards and alternative design opportunities in the Suburban Residential (SR) District. In exchange for higher design standards, site preservation techniques, other unique development considerations, and other public benefit, conventional dimensional criteria may be modified or varied. Examples of variations to dimensional standards include reductions in minimum lot areas and lot widths and modifications to the density of residential dwellings. The PUD provisions are not intended to modify minimum open space requirements, landscaping requirements, minimum structure separation, garage or parking requirements, or the quality of the appearance or construction of the housing units.

The PUD provisions may allow for bonuses to the maximum average site density of three dwelling units per acre (3 DUA) and four (4) units per building, based upon the inclusion of any of the bonus criteria in subsection 3 below. The City shall have discretion in approving or denying bonuses. In no case shall the total cumulative bonuses awarded exceed one hundred (100) percent of the maximum density allowed in any development, or result in structures with more than six (6) units.

2. **Procedure.** A complete Conditional Use Permit application must be made to the City for PUD consideration. The application shall include a subdivision site plan and written narrative of the proposed development. The application must include detailed descriptions of what the applicant believes qualifies the development as a PUD and specific examples of the bonus criteria that may be met. The Planning Commission and City Council must review the application and make a determination on the merits of the proposed project as a PUD, based upon the conditional use permit standards in Sections 7A-540 through 7A-547, and assign the appropriate bonus awards, if any. The PUD procedure may occur concurrently with the platting procedures prescribed in Chapter 8 of

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the City Code. If the PUD is approved by the City Council, the City shall issue a conditional use permit to the applicant, including conditions of approval, and record it with the Anoka County Recorder.

3. **Bonus Criteria.** The Planning Commission shall recommend and the City Council shall approve any density bonuses in the SR District, based upon the accumulation of points awarded partially or totally within the following categories. Consideration for any bonus awards must include all of the mandatory categories identified in italics. A total of one hundred (100) points is required to achieve the maximum density bonus of one hundred (100) percent. A point total less than the one hundred (100) shall result in a maximum density bonus of a percentage equal to the number of points awarded.

<u>Criterion</u>	<u>Points</u>
<i>a) Extraordinary architecture and exterior building materials.</i>	10
<i>b) Balance of housing opportunities and styles for all age groups.</i>	10
<i>c) Site design amenities, such as extraordinary landscaping, private Courtyards between buildings groupings, alternating building styles, and common indoor and outdoor use facilities.</i>	10
<i>d) Providing units for persons with disabilities, consistent with a number of units or percentage of units recommended by the Anoka County HRA.</i>	10
<i>e) Absorbing the costs of public core utilities, limited access collector streets, and off-site improvements that exceed typical cost sharing.</i>	40
<i>f) Addition of public recreation amenities, such as picnic shelters, pavilions, and playground equipment.</i>	10
<i>g) Additional public parkland dedication.</i>	10
<i>h) Unique trail and pedestrian circulation within the development and connections to other facilities.</i>	10
<i>i) Construction of extraordinary landscaped boulevards within public streets or landscaped islands within cul de sacs, according to City standards.</i>	10
<i>j) Construction of additional garage parking in attached residential units.</i>	10
<i>k) Additional design criteria determined by the City to warrant density bonus criteria.</i>	10

MAXIMUM DENSITY POINTS **140**

4. **Application Materials.** All complete PUD applications for attached housing developments shall be accompanied by a series of site plans and data illustrating and/or explaining the following:

- a) Complete details of the proposed site development, including location of buildings, driveways, parking spaces, dimensions of the parking spaces, dimensions of the lots, lot area and yard dimensions, and sidewalks and trails.
- b) Complete recreation plans illustrating all recreational facilities and structures, including trails.

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- c) Complete circulation plans for proposed pedestrian and vehicle traffic.
- d) Population and services required (kind and amount).
- e) Complete plans for screening, fencing devices, and landscaping.
- f) Preliminary architectural plans showing the floor plans and elevations of the proposed buildings.
- g) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory structures.
- h) Complete data as to dwelling unit size and ratios of dwelling units to total lot space.
- i) A two (2) foot contour topographic map of the existing site. All wetlands must be delineated.
- j) A grading plan illustrating the proposed grade changes from the original topographic map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, stormwater, and groundwater in such a manner as to preclude large-scale erosion, unwanted ponding, and surface chemical runoff. An erosion control plan consistent with best management practices must also be submitted.
- k) Estimates of solid waste disposal and provisions and facility plans for such disposal.
- l) Complete plans and documents of the homeowner association which explains:
 - 1) Ownership and membership requirements.
 - 2) Organization of the association.
 - 3) Time at which the developer turns the association over to the homeowners.
 - 4) Approximately monthly or yearly association fee for homeowners.
 - 5) Specific listing of items owned in common, including such items as roads, recreational facilities, parking, common open space grounds and utilities.
- m) Services and facilities plans. A services and facilities plan shall contain a map or maps setting forth the general location and extent of any and all existing and proposed systems for sewage, domestic water supply and distribution, refuse disposal, drainage, local utilities and rights-of-way, easements, facilities and necessary appurtenances, and a description of the ownership and maintenance of such services and facilities.
- n) Firefighting and other public safety facilities and provisions, such as hydrant locations and fire lanes.

5. Private Streets. Whenever it does not contradict the provisions of this Ordinance as it relates to an adopted transportation plan or the protection of opportunities for reasonable development of surrounding land adjacent to a development proposed in the application, streets which are intended to be kept continuously closed to public travel or that are at all times posted as private streets may be retained as private streets and made a part of the PUD, provided a homeowner association agreement acceptable to the City contains provisions for street maintenance and replacement, and all private streets are constructed according to standards approved by the City.

[§ 7A-820, added by Ord. No. 03-03, effective June 19, 2003, § 7A-819, formerly 7A-820 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 2, 200., as amended by Ord. No. 14-06, effective 08/21/2014.]

B. Rural Residential (RR) District. The purpose of the PUD provisions is to encourage alternative development design standards and alternative design opportunities in the Rural Residential (RR) District. In exchange for efficient design standards, site preservation

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techniques, other unique development considerations, and other public benefit, conventional dimensional criteria may be modified or varied. Examples of variations to dimensional standards include reductions in minimum lot areas and lot widths. The PUD provisions are not intended to modify allowable residential density, minimum structure separation, principal structure design requirements, garage or parking requirements, private utility requirements, street construction standards or the quality of the appearance or construction of the housing units.

- 1. Application and Eligibility.** Application must be made to the City for PUD consideration as a conditional use permit. The application shall include a site plan and written narrative of the proposed development. The application must include a calculation of allowed dwelling units within the proposed development based upon conventional platting requirements and conventional dimensional standards. The Planning Commission and City Council must review the merits of the application and make a determination of whether the PUD should be granted, based on the conditional use permit standards in Sections 7A-540 through 7A-547. A PUD application must be prepared along with a Preliminary Plat and will be reviewed concurrently with the preliminary plat. A Final Plat, when submitted, must be consistent with the PUD approval.
- 2. Outlots or Common Open Space.** No outlots or other remnants of land shall be included in any plat, except outlots with public access and future development potential.
- 3. Lot Averaging.** All of the land within a development shall be subdivided into individually-owned parcels, except authorized outlots, and the average lot size within every development shall be no less than five (5) acres, less dedicated right-of-way.
- 4. Flexible Dimensional Standards.** The following minimum dimensional standards shall be allowed as a part of an approved PUD. Unless identified below or expressly permitted by the City in the PUD approval, no other variations in dimensional standards, performance standards or other development requirements shall be permitted.
 - a) **Maximum density – one (1) dwelling unit per five (5) buildable acres.**
 - b) **Minimum lot area – 2.5 acres.**
 - c) **Minimum lot width – 220 feet.**
 - d) **Minimum lot width at setback line – 150 feet.**
 - e) **Minimum cul-de-sac frontage – 60 feet.**
 - f) **Minimum front yard setback – 75 feet.**
 - g) **Minimum side yard setback – 20 feet.**
 - h) **Minimum rear yard set – 20 feet.**
 - i) **Maximum structure height – 35 feet.**
 - j) **Lot coverage – 1:4 or 25% maximum.**
- 5. Application Materials and Procedure.** An applicant shall make an application for a PUD as a conditional use permit, following the procedural steps as set forth in Sections 7A-540 through 7A-547 of this Chapter. In addition, all PUD conditional use permit applications for alternative rural subdivision design shall be consistent with the following submittal requirements and procedures.
 - a) A complete application for a PUD shall include a written narrative of the proposed development, a site plan illustrating conventional subdivision design and building eligibility, and a site plan of the proposed alternative rural design.
 - b) A complete application must be accompanied by a Preliminary Plat of the alternative rural design, consistent with the application requirements of the Subdivision Regulations (Chapter 8, Columbus City Code).

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- c) **The PUD application shall be presented at a City staff meeting to review preliminary PUD eligibility and consistency with City Code requirements, and provide comments to the application.**
- d) **The PUD application and Preliminary Plat shall be reviewed at a combined public hearing, consistent with the procedures for review of a conditional use permit.**
- e) **If the PUD is approved by the City Council, the City shall issue a conditional use permit to the applicant, including conditions of approval, and record it with the Anoka County Recorder.**
- f) **After approval of a Preliminary Plat and PUD, application shall be made for a final Plat, consistent with the documentation required in the Subdivision Regulations.**
- g) **Review and approval of the final Plat does not require review and recommendation by the Planning Commission, unless the Final Plat is not consistent with the approved PUD and Preliminary Plat.**

[§ 7A-819, Subsection B, added by Ord. No. 14-06, effective August 21, 2014.]

C. Senior Citizen Housing PUD.

1. **Purpose.** The purpose of the Senior Citizen Housing PUD is to encourage high design standards, alternative design opportunities, and flexibility in the application of dimensional standards in districts where Senior Citizen Housing is allowed. Unless otherwise stated herein, the applicable standards for development shall be determined by the underlying zoning district. In exchange for higher design standards, site preservation techniques, other unique development considerations, and other public benefit, the dimensional criteria of the underlying zoning district may be modified or varied and alternative development design may be allowed, including attached, detached, or villa-style townhomes. Examples of variations to dimensional standards include reductions in minimum lot areas, lot widths, and setbacks. The PUD provisions are not intended to modify allowable residential density, minimum design standards or requirements for the use or district, garage or parking requirements, private utility requirements, or the quality of the appearance or construction of the housing units.

2. **Application Materials; Procedure.** An applicant shall make an application for a PUD as a conditional use permit subject to the required materials and procedure described in Sections 7A-540 through 7A-547 of this Chapter. In addition, all PUD applications for Senior Citizen Housing shall be consistent with the following submittal requirements and procedures:

- a) The application shall include a written narrative of the proposed development, including all city code provisions for which flexibility is being requested.
- b) The application shall include a written copy of the homeowners' association documents, if applicable. Such documents shall include provisions governing the maintenance of common areas, including, if applicable, private streets.
- c) When necessary, the application shall be accompanied by a Preliminary Plat of the proposed development, consistent with the application requirements of the Subdivision Regulations (Chapter 8, Columbus City Code).

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- d) The application shall be presented at a City staff meeting to review preliminary PUD eligibility and consistency with City Code requirements, and provide comments to the application.
 - e) The PUD application and Preliminary Plat shall be reviewed concurrently at a City Planning Commission hearing, consistent with the procedures for a review of a conditional use permit.
 - f) If the PUD is approved by the City Council, the City shall issue a conditional use permit to the applicant, including conditions of approval, and record it with the Anoka County Recorder.
 - g) When a plat is required, after approval of a Preliminary Plat and PUD, application shall be made for a Final Plat, consistent with the documentation required in the Subdivision Regulations.
 - h) Review and approval of the Final Plat does not require review and recommendation by the Planning Commission, unless the Final Plat is not consistent with the approved PUD and Preliminary Plat.
3. **Private Streets.** Whenever it does not contradict the provisions of this Ordinance as it relates to an adopted transportation plan or the protection of opportunities for reasonable development of surrounding land adjacent to a development proposed in the application, streets which are intended to be kept continuously closed to public travel or that are at all times posted as private streets may be retained as private streets and made a part of the PUD, provided a homeowner association agreement acceptable to the City contains provisions for street maintenance and replacement, and all private streets are constructed according to standards approved by the City.
4. **Outlots or Common Open Space.** No outlots or other remnants of land shall be included in any plat, except outlots with public access and future development potential.
5. **Accessory Uses.** Senior Citizen Housing may include accessory uses that are customarily and commonly associated with Senior Citizen Housing, such as medical and foodservice facilities.
6. **Development Agreement.** Any approved PUD shall require a development agreement between the applicant and the City to ensure the approved PUD is constructed and maintained as approved, including but not limited to installation, design, and maintenance of streets, utilities, amenities, or other aspects of the PUD. Any such development agreement shall be recorded against all parcels within the approved PUD.

[§ 7A-819, Subsection C is added by Ord. No. 15-07, effective December 17, 2015.]

SECTION 7A-820. PERFORMANCE STANDARDS FOR LANDSCAPING.

A. **Minimum Quantities.** All proposed development activities, including site modifications or use intensifications, shall be subject to landscaping improvements. The following table illustrates requirements within each zoning district:

<u>District</u>	<u>Overstory Trees</u>	<u>Foundation Plantings</u>
RR	2 trees/unit/street frontage ¹	
SR	2 trees/unit/open space exposure ^{2 3}	

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C/I	4 trees or 1/6000 sq. ft. site area ⁴
CR	4 trees or 1/6000 sq. ft. site area ⁴
C/S	4 trees or 1/6000 sq. ft. site area ⁴
LI	4 trees or 1/6000 sq. ft. site area ⁴
P/I	4 trees or 1/6000 sq. ft. site area ⁴

¹Trees shall be deciduous (shade or ornamental) and planted at the boulevard, except on cul de sacs where one (1) of the required trees may be planted off the boulevard but in the front yard area.

²Trees shall be deciduous (shade or ornamental). Unit exposures with street frontage shall be planted at the boulevard.

³Tree spacing must include trees at the boulevard at minimum fifty (50) feet intervals.

⁴The required number of trees is based upon a minimum of four (4) trees or one (1) tree per six thousand (6,000) square feet of site areas (net of wetlands, surface waters and existing road easements), whichever is greater. Tree spacing must include trees at the boulevard at minimum fifty (50) feet intervals.

B. Foundation Plantings. Foundation plantings (perennial flowers, deciduous shrubs, and coniferous shrubs) are encouraged in all commercial and industrial zoning districts. Suggested locations include building entrances, sign bases, berms and other similar visible locations.

C. Minimum Standards.

1. Overstory Trees

a. Deciduous Trees: Two-and-a-half (2-1/2) inch caliper planting size, balled, and burlapped.

b. Coniferous Trees: Six (6) feet in height planting size, balled, and burlapped.

2. Foundation Plantings. Coniferous and deciduous shrubs should be planted at a minimum of one-third (1/3) of the mature spread and height of a typical growth habits.

3. Boulevard Trees. All boulevard trees shall be hardwood shade trees or flowering trees.

4. Overstory Mix. When multiple quantities of overstory trees are required, at least fifty percent (50%) of the trees required shall be deciduous.

5. Hardiness. All landscape materials proposed shall be consistent with Minnesota hardiness zones, whether indigenous or foreign. Plant species must also be tolerant to snow storage, exposure to salt and sun scald in parking areas.

6. Diversity. In any development, in which at least eight (8) overstory trees are required, at least three (3) varieties of plantings are required.

7. Warranty. All required landscape materials shall be warranted for growth a minimum of two (2) years after planting.

D. Exceptions. In larger sites or in sites with phased development plans, the Planning Commission may recommend and the City Council may alter, at its sole discretion, the minimum quantity requirements and minimum standards in this Section.

E. Clear Zones. No landscaping over two (2) feet in height shall be planted or maintained in a "sight triangle" at the intersection of two public streets. Such a clear zone is a triangle measured thirty (30) feet from the intersection of two rights-of-way along each right-of-way.

[§ 7A-821, added by Ord. No. 03-03, effective June 19, 2003, § 7A-820, formerly 7A-821 amended (renumbered) by Ord. No. 04-04A, effective June 3, 2004, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 13-01, effective January 31, 2013.]

SECTION 7A-821. SEASONAL OUTDOOR HOLIDAY EXHIBITION AND ASSEMBLY. A Seasonal Outdoor Holiday Exhibition and Assembly is any activity defined in Chapter 4 of this Code that is an outdoor "entertainment" or "amusement" or "social event," that is a "large assembly," that requires an "admission charge," and that is associated with a national holiday or special observance. A special observance includes Valentine's Day, St. Patrick's Day, Halloween, community celebrations, and similar days or events that are customary observances but not national holidays.

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- A. A Seasonal Outdoor Holiday Exhibition and Assembly located in the Rural Residential (RR) District must be on property abutting and with approved access to an “A Minor Reliever” Principal Arterial Highway as identified in the Columbus 2030 Comprehensive Plan.
- B. A Seasonal Outdoor Holiday Exhibition and Assembly located in the Rural Residential (RR) District requires an Interim Use Permit as provided in Sections 7A-530 through 7A-533 of this Code and a license (Special Event License) as provided in Article II, Chapter 4 of this Code.
- C. Seasonal Outdoor Holiday Exhibition and Assembly located in the Rural Residential (RR) District shall be permitted per parcel/property one time per calendar year for a period not exceeding 31 consecutive days.
- D. No Seasonal Outdoor Holiday Exhibition and Assembly located in the Rural Residential (RR) District shall operate between the hours of 10:00 p.m. and 9:00 a.m., Sunday through Thursday, or between the hours of 12:00 a.m. through 9:00 a.m., Friday, Saturday, holidays and special observances, and the evening before holidays and special observances.
- E. Findings necessary for the issuance of an Interim Use Permit for a Seasonal Outdoor Holiday Exhibition and Assembly shall include but not be limited to:
1. Adequate highway access controls and traffic safety considerations.
 2. Adequate site parking and vehicle maneuvering.
 3. Adequate site security.
 4. Adequate event setback or site screening to minimize disturbances and inconveniences to adjacent properties.
 5. Consistency with City Code standards regulating site lighting, noise, and public nuisance.
 6. Consistency with all building, plumbing and electrical code requirements.
 7. Consistency with all Americans with Disabilities Act requirements.
 8. Provisions for potable water and portable sanitation facilities if appropriate.
 9. Provisions for trash collection, recycling and cleanup.
 10. Provisions for public safety services, emergency medical services, and fire protection services.
 11. Provisions for an escrow payment in an amount sufficient to guarantee performance of any conditions attached to the approval of the Interim Use Permit.
- F. Application submittal information shall be consistent with requirements in Article II, Chapter 4 of this Code and Section 7A-531 of this Code.
- G. The City may impose any conditions to an Interim Use Permit and Special Event License for a Seasonal Outdoor Holiday Exhibition and Assembly deemed necessary to meet the requirements of this Section of the city Code and to protect the public health, safety, and welfare.

[§ 7A-821, added by Ord. No. 10-08, effective September 2, 2010.]

ARTICLE IX

ADULT USE REGULATIONS

SECTION 7A-900. DEFINITIONS.

1. “**Adult Uses**” - Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other

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premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” (as such terms and phrases are defined below) which are capable of being seen by members of the public:

- (a) Specified Anatomical Areas:
 - (i) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
 - (ii) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
 - (b) Specified Sexual Activities:
 - (i) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
 - (ii) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
 - (iii) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 - (iv) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
 - (v) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
 - (vi) Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 - (vii) Human excretion, urination, menstruation, vaginal or anal irrigation.
2. **“Adult Uses - Accessory”** - A use, business, or establishment having 10 percent or less of its stock in trade or floor area allocated to, or 20 percent or less of its gross receipts derived from movie rentals, magazine sales, or sales of other merchandise in which there is an emphasis on “specified sexual activities” or “specified anatomical areas.”
3. **“Adult Uses - Principal”** - A use, business, or establishment having more than 10 percent of its stock in trade or floor area allocated to, or more than 20 percent of its gross receipts derived from, any adult use.
4. **“Adult Use - Body Painting Studio”** - An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
5. **“Adult Use - Bookstore”** - A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture file if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age and if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”

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6. **“Adult Use - Cabaret”** - A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”
7. **“Adult Use - Companionship Establishment”** - A companionship establishment, which excludes minors by reason of age and which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment, and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
8. **“Adult Use - Conversation/Rap Parlor”** - A conversation/rap parlor which excludes minors by reason of age and which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
9. **“Adult Use - Health/Sport Club”** - A health/sport club which excludes minors by reason of age and if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
10. **“Adult Use - Hotel or Motel”** - Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
11. **“Adult Use - Massage Parlor, Health Club”** - A massage parlor or health club which restricts minors by reason of age and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
12. **“Adult Use - Mini-Motion Picture Theater”** - A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age and if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
13. **“Adult Use - Modeling Studio”** - An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
14. **“Adult Use - Motion Picture Arcade”** - Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
15. **“Adult Use - Motion Picture Theater”** - A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age and if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
16. **“Adult Use - Novelty Business”** - A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

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17. **“Adult Use - Sauna”** - A sauna which excludes minors by reason of age and which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

18. **“Adult Use - Steam Room/Bathhouse Facility”** - A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

19. **“Church”** - A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and associated accessory uses.

20. **“School”** - A public school as defined in Minnesota Statute, Section 120A.05, as amended or a nonpublic school or a nonsectarian nonpublic school as defined in Minnesota Statute, Section 123B.41, as amended.

21. **“Youth Facility”** - A public playground, park, public swimming pool, public library or licensed day care facility.

[Chapter 7A, Article IX, Section 7A-900 amended by Ord. No. 09-03, effective March 5, 2009.]

SECTION 7A-901. PURPOSE. The City Council finds it necessary to provide for the regulation of businesses or commercial enterprises which operate as massage parlors, saunas, rap parlors, conversation parlors, adult sensitivity groups, adult encounter groups, escort services, dancing services, hostess services, and similar adult uses operating under different names in order to protect the public health, safety, and welfare, and to guard against the inception and transmission of disease. The City Council further finds that commercial enterprises such as the type described above, and all other similar establishments whose services include sessions offered to adults, conducted in private by members of the same or the opposite sex, and employing personnel with no specialized training, are susceptible to operating in a manner contravening, subverting, or endangering the morals of the community by being sites of acts of prostitution, illicit sex, and occurrences of violent crimes, thus requiring close inspection, licensing and regulation.

The City Council finds that control and regulation of commercial enterprises of these types, in view of the abuses often perpetrated, require intensive police and public health efforts by the City and local governmental units contracting with the City to provide such services. As a consequent, the concentrated use of such services in such control detracts from and reduces the level of services available to the rest of the community and thereby diminishes the ability of the City to promote the general health, welfare, morals, and safety of the community. The City Council finds that the regulations of this Ordinance will protect property values, eliminate or reduce blight, prevent deterioration of neighborhoods, prevent the exodus of residents and businesses from City neighborhoods, and prevent the increase of crime and juvenile delinquency.

[§ 7A-901 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-902. ADULT USES.

A. **Purpose.** The nature of adult uses is such that they are recognized as having adverse secondary characteristics, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of

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adult uses is necessary to ensure that the adverse secondary effects do not contribute to the blighting or downgrading of the surrounding property and lessening of its value.

B. General. Adult uses as defined in this Chapter shall be subject to the following general provisions:

1. Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
2. Adult uses, either principal or accessory, shall be prohibited from locating in any place which is also used to dispense or consume alcoholic beverages.
3. An adult use which does not qualify as an accessory use pursuant to subsection C of this Ordinance, shall be classified as an adult use - principal.

SECTION 7A-903. ADULT USES - PRINCIPAL.

A. Adult use-principal shall be located at least 1,000 feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located, from the property line of:

1. A licensed day care center;
2. A public or private educational facility classified as a preschool, or an elementary, junior high or senior high school;
3. A public library;
4. A public park;
5. Another adult use - principal;
6. An on-sale liquor establishment;
7. Any church, or church related facility or organization; or
8. Any residential property.

B. Adult use-principal activities will be allowed only by Conditional Use Permit in Commercial/Industrial as specified in the Comprehensive Plan and implemented by the City Zoning Ordinance.

C. Adult use-principal activities, as defined by this Ordinance, shall be classified as one use. No two adult uses-principal shall be located in the same building or upon the same property and each use shall be subject to this Section.

D. Adult use-principal shall adhere to the following signing regulations.

1. Sign messages shall be generic, not graphic in nature and shall only identify the type of business which is being conducted.
2. Sign messages shall not contain material classified as advertising.
3. Signs shall comply with the requirements of size and number for the district in which they are located.

E. Adult use-principal shall be limited to 10 a.m. to 10 p.m. for its hours of operation. A differing time schedule may be approved by the City Council if it can be satisfactorily demonstrated by the operator to the City that extended operational hours:

1. Will not adversely impact or affect uses or activities within 1,000 feet.
2. Will not result in increased policing and related service calls.
3. Are critical to the operation of the business.

[§ 7A-903 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-904. ADULT USES - ACCESSORY.

A. Adult use-accessory shall:

1. Comprise no more than 10 percent of the floor area of the establishment in which it is located.

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2. Comprise no more than 20 percent of the gross receipts of the entire business operation.
 3. Not involve or include any activity except the sale or rental of merchandise.
- B. Adult use-accessory shall be located at least 1,000 feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located, from the property line of:
1. A licensed day care center;
 2. A public or private educational facility classified as a preschool, or an elementary, junior high or senior high school;
 3. A public library;
 4. A public park;
 5. Another adult use - principal;
 6. An on-sale liquor establishment;
 7. Any church, or church related facility or organization; or
 8. Any residential property.
- C. Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:
1. **Movie Rentals.** Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation of the business.
 2. **Magazines.** Publications classified or qualifying as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 3. **Other Use.** Adult Uses-Accessory not specifically cited shall comply with the intent of this Section, subject to the approval of the City Council.
- D. Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

[§ 7A-904 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 7A-905. VIOLATION. The City may enforce any provision of this Ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

[Article IX added by Ord. No. 98-1, effective March 13, 1998.]



History of ordinances affecting the text of Chapter 7A (since codification on August 26, 1981):

Ord. No. 82-3, effective September 8, 1982.

Ord. No. 89-1, effective July 21, 1989.

Ord. No. 89-17, effective December 8, 1989.

Ord. No. 89-12, effective December 29, 1989.

Ord. No. 89-15, effective December 29, 1989.

Ord. No. 89-8, effective January 19, 1990.

Ord. No. 90-3, effective March 23, 1990.

Ord. No. 90-4, adopted March 28, 1990, and retroactively effective to July 21, 1989.

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Ord. No. 90-1, effective May 18, 1990.
Ord. No. 90-5, effective August 17, 1990.
Ord. No. 91-1, effective April 19, 1991.
Ord. No. 92-2, effective April 17, 1992.
Ord. No. 91-2, effective June 12, 1992.
Ord. No. 92-4, effective August 28, 1992.
Ord. No. 93-7, effective November 11, 1994.
Ord. No. 95-1, effective August 4, 1995.
Ord. No. 94-5, effective January 12, 1996.
Ord. No. 93-1, effective February 2, 1996.
Ord. No. 95-3, effective May 3, 1996.
Ord. No. 96-7, effective August 29, 1996.
Ord. No. 96-3, effective September 19, 1996.
Ord. No. 96-6, effective January 30, 1997.
Ord. No. 96-10, effective January 30, 1997.
Ord. No. 97-3, effective June 13, 1997.
Ord. No. 97-4, effective August 29, 1997.
Ord. No. 97-5, effective January 23, 1998.
Ord. No. 96-11, effective February 13, 1998.
Ord. No. 98-1, effective March 13, 1998.
Ord. No. 98-10, effective December 31, 1998.
Ord. No. 99-09, effective June 22, 2000.
Ord. No. 00-1, effective February 24, 2000.
Ord. No. 00-06, effective August 17, 2000.
Ord. No. 00-07, effective August 17, 2000.
Ord. No. 00-08, effective August 31, 2000.
Ord. No. 01-01, effective May 17, 2001.
Ord. No. 01-03, effective May 17, 2001.
Ord. No. 01-04, effective May 17, 2001.
Ord. No. 02-01, effective May 17, 2002.
Ord. No. 02-04, effective October 10, 2002.
Ord. No. 03-03, effective June 19, 2003.
Ord. No. 04-03, effective April 1, 2004.
Ord. No. 04-04A, effective June 3, 2004.
Ord. No. 04-04, effective July 22, 2004.
Ord. No. 04-07, effective January 27, 2005.
Ord. No. 05-01, effective December 1, 2005.
Ord. NO. 07-02, effective March 1, 2007.
Ord. No. 07-03, effective July 26, 2007.
Ord. No. 08-03, effective April 17, 2008.
Ord. No. 06-04/2, effective October 2, 2008.
Ord. No. 08-08, effective December 18, 2008.
Ord. No. 09-03, effective March 5, 2009.
Ord. No. 09-05, effective May 21, 2009.
Ord. No. 09-06, effective July 30, 2009.
Ord. No. 10-07, effective June 10, 2010.
Ord. No. 11-03, effective May 19, 2011.
Ord. No. 11-04, effective June 30, 2011.
Ord. No. 11-06, effective August 4, 2011.
Ord. No. 12-03, effective May 17, 2012.

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Ord. No. 13-01, effective January 31, 2013.

Ord. No. 14-02, effective May 1, 2014.

Ord. No. 14-06, effective August 21, 2014.

Ord. No. 15-02, effective June 4, 2015.

Ord. No. 15-03, effective November 5, 2015.

Ord. No. 15-06, effective November 5, 2015 (uncodified).

Ord. No. 15-07, effective December 17, 2015.

Ord. No. 15-10, effective January 14, 2016.

This Chapter has been updated through the date of the latest ordinance listed above.

