

January 2010

CITY OF MELROSE

ZONING ORDINANCE NO. 1989-1-A

MELROSE, MINNESOTA

February 21, 1989

ORDINANCE NO. 1989-1-A

AN ORDINANCE ADOPTING ZONING REGULATIONS AND REPEALING ZONING ORDINANCE 1981-1-C BE IT ORDAINED BY THE CITY OF MELROSE: ORDINANCE NO. 1981-1-C IS HEREBY REPEALED AND ORDINANCE NO. 1989-1-A IS HEREBY ADOPTED AS FOLLOWS:

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SECTION 100. PURPOSE, AUTHORITY AND DEFINITIONS

101. Short Title

This Ordinance shall be known as the "Melrose Zoning Ordinance", may be cited as such and will be referred to herein as "this Ordinance".

102. Purpose

The basic purpose of this Ordinance is to insure public health, safety, and general welfare in accordance with the adopted Comprehensive Plan and related development goals, plans and policies. This Ordinance is intended to protect the character and stability of the residential, commercial, institutional, public and industrial areas and to promote the orderly development of such areas; to promote and enhance the image of the City; to promote an economic base capable of supporting a desirable standard of living; to prevent overcrowding of land and provide adequate light, air, and convenience of access to property; to divide the City into use districts for the purpose of regulating the use of buildings and land in the City; to promote efficient and desirable utilization of land by recognizing special land features such as topography, soils, vegetation, hydrologic systems, and wildlife; to provide compatibility between different land uses; and to provide for administration and amendment of this Ordinance. Toward this end, this Ordinance shall divide the geographic area within its jurisdiction, into Use Districts and shall establish regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within said area.

103. Geographic Jurisdiction

The entire area within the corporate limits of Melrose, Minnesota.

104. Legal Authority

Minnesota Laws 1965, Section 462.357 and amendments thereto.

105. Application

Except as herein provided, no building or land within the City of Melrose shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with applicable regulations herein specified.

106. Essential Public Utilities Services Exemption

Essential public utility services and structures such as fire hydrants, utility lines, sewer lift stations and substations of less than 550 KVA shall be exempted from the provisions of this Ordinance.

107. Private Agreements

This Ordinance does not abrogate any easement, covenant, or any other private agreement where such is legally enforceable provided that where the regulations of this Ordinance are more restrictive than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

108. Conflicting Provisions

If any provision of this Ordinance conflicts with any other provision of City ordinances, the provision that places the greater restrictions shall be applicable. Where the provision of any statute imposes greater restrictions than this Ordinance, the provisions of such statute shall be applicable.

109. Definitions

For purposes of this Ordinance, certain words used herein are defined as follows:

001.01 Abutting

Means two or more parcels of property which contact each other or are separated only by a public right-of-way including a street, alleyway or a trail/pathway. *(Ord No 1-21-2010)*

001.00 Accessory Building or Use

(See Building, Accessory and Use, Accessory)

002.00 Agricultural Use

The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals and fowl.

003.01 Building

Any structure having a roof intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

003.02 Building, Accessory

A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use clearly incidental to the principal use.

003.03 Building, Principal

A building in which the primary use of the lot on which it is located is conducted.

004.00 City

The City of Melrose, Minnesota

005.00 City Council or Council

The City Council of the City

006.00 Clerk-Treasurer or Clerk

The City Clerk-Treasurer/Coordinator of the City

007.00 Commission

Melrose Planning and Zoning Commission

008.00 Community Residential Facility

Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with a twenty-four hour per day substitute for care, food, lodging, training, educating, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Community residential facilities include, but are not limited to: State institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults or schools for handicapped children.

- 009.00 Compatible**
Any building or use that does not cause a:
- (1) likeness to a degree to cause uniform sameness;
 - (2) difference to a degree to cause incongruity or conflict by virtue of scale, materials, or siting;
 - (3) lower value so as to cause depreciation of neighborhood property values; and
 - (4) nuisance compared to existing or other proposed buildings or uses. Types of nuisance characteristics include: noise, dust, odors, glare, unsightly building exterior, unsightly exterior storage, traffic generation, signs, refuse or lack of landscaping and maintenance.
- 010.00 Day Care Facility**
Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis for periods of less than twenty-four hours per day, in a place other than the persons own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult day care centers and day services.
- 011.00 Development**
Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of materials or equipment.
- 012.00 Dwelling**
A building, or portion thereof, which is intended to be used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple family dwellings, but not including hotels, motels, nursing homes, congregate care facilities, boarding or rooming houses, tourist homes or manufactured/mobile homes.
- 012.01 Dwelling, Attached**
A dwelling which is joined to another dwelling or building at one or more sides by a common party wall or walls.
- 012.02 Dwelling, Detached**
A dwelling which is entirely surrounded by open space on the same lot.
- 012.03 Dwelling, Efficiency Unit**
A dwelling unit with one primary room which doubles as living room, dining room and bedroom.
- 012.04 Dwelling, One-family**
A residential structure containing only one dwelling unit.

- 012.05 Dwelling, Two-family (duplex)**
A residential structure containing two dwelling units.
- 012.06 Dwelling, Multiple-family (apartment buildings)**
A building or portion thereof containing three or more dwelling units.
- 012.07 Dwelling, Unit**
One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family.
- 012.08 Dwelling, Townhouse (Ord No 1995-D)**
Single family attached units in structures housing two or more but not to exceed six contiguous dwelling units sharing a party wall, each having separate and individual front and rear entrances; the structure must be a row type as distinguished from multiple dwelling apartment buildings.
- 013.00 Easement**
A grant by or from a property owner for the use of land for a specific purpose.
- 014.00 Family**
One or more persons related by blood, marriage or adoption or a group of not more than six persons not so related, maintaining a common household in a dwelling unit.
- 015.00 Flood Plain**
The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
- 016.00 Flood, Regional**
A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
- 016.01 Flood, Regulatory Flood Protection Elevation (Ord No 1991-1-H)**
The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood level plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 016.02 Flood Fringe (Ord No 2002-C)**
That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.
- 016.03 Floodway (Ord No 2002-C)**
The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

- 017.00 Floor Area**
- (1) For the purpose of calculating the number of off-street parking spaces, floor areas is the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings excluding those areas used for storage, building maintenance, rest rooms, dressing rooms and utilities.
- (2) For all other purposes floor area is the sum of the gross horizontal area of the floors of a building or buildings measured to the centers of all partitions.
- 018.00 Garage, Private**
A detached accessory building or portion of the principal building, including a carport, which is used for storing passenger vehicles or major recreational vehicles by a resident of the property.
- 018.01 Garage, Public**
Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.
- 019.00 Home Occupation**
A business carried on by the occupants and two additional non-resident persons of a dwelling in a residential district as a secondary use.
- 020.00 Hotel, Motel**
A facility offering transient lodging accommodations to the general public with or without provision of additional services such as meals and recreational facilities.
- 021.00 Industry**
A building or use which involves the production, processing or storage of materials, goods or products.
- 022.00 Junk Yard**
Land or buildings used for the storage or keeping of junk, including scrap metals, or the dismantling or wrecking of automobiles or other vehicles or machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.
- 023.00 Lot**
A piece, parcel or plot of land intended for transfer of ownership.
- 023.01 Lot Area**
The area of a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.
- 023.02 Lot, Corner**
A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
- 023.03 Lot Coverage**
Total area of a lot covered by principal and accessory buildings.

- 023.04 Lot Depth**
The mean distance measured from the front lot line to the rear lot line.
- 023.05 Lot, Interior**
A lot other than a corner lot.
- 023.06 Lot Line**
The lines bounding a lot dividing one lot from another or from a public or private street.
- 023.07 Lot Line, Front**
The lot line separating a lot from a street right-of-way. In the case of a corner lot, the front shall be the lot side having the shortest dimension on a public street. If the dimensions are equal, the owner may select either lot line as the front lot line.
- 023.08 Lot Line, Rear**
The lot line opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, connecting the side lot lines and parallel to the front lot line.
- 023.09 Lot, Through or Double Frontage**
A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines but in case of two or more continuous through lots, there shall be a common front yard.
- 023.10 Lot Width**
The horizontal distance between the side lot lines of a lot measured at the building setback line.
- 023.11 Lot Line, Zero** (*Ord No 1995-D*)
A line separating two parcels of property on which is located a party wall, which separate townhouse units and is established by platted legal description.
- 024.00 Material, Durable Surface**
A hard surfaced material such as concrete or asphalt, but not including gravel or crushed rock. This pertains to ground surfacing.
- 025.00 Manufactured/Mobile Home**
A movable or portable dwelling built on a chassis, connected to utilities and designed for year-round living and as regulated by state law. A mobile home is also designed to enable placement upon a permanent foundation.
- 026.00 Non-conforming Building or Use**
A building or use which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails, by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district within which it is located.

- 027.00 Parking Space, Automobile**
A suitable surfaced and permanently maintained area off the public street right-of-way, either within or outside of a building, of sufficient size to store one standard automobile, but in no event less than 200 square feet, exclusive of passageways, driveways or other means of circulation or access.
- 028.00 Particulate Matter**
Dust, smoke or any other form of airborne pollution in the form of minute separate particles.
- 029.00 Planned Unit Development**
A tract of land which contains or will contain two or more principal buildings, developed or to be developed under unified ownership or control, the development of which is unique and of a substantial different character than that of the surrounding areas.
- 030.00 Recreational Equipment, Major**
Major recreational equipment shall include, but not be limited to travel trailers, converted buses, coaches, pick-up campers, campers, motor homes, race cars, and dune buggies, but excludes vehicles which are used predominantly for domestic or employment related transportation.
- 031.00 Retail Service**
An establishment that involves the offering of a service or entertainment to the general public for compensation.
- 032.00 Retail Trade**
An establishment that involves the offering of a product to the general public for compensation.
- 033.00 Setback**
The minimum horizontal distance between a building and the street or lot line, (unless specifically related to the street center line), disregarding steps, unroofed porches and overhangs.
- 034.00 Semitrailer**
Means a vehicle of the truck type so designed and used in conjunction with the truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor, semitrailer combination.
- 035.00 Street, Arterial**
A street which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land.
- 035.01 Street, Collector**
A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- 035.02 Street, Local**
A street of little or no continuity, designed to provide access to abutting property and ideally leading into collector streets.

- 036.00 Structure**
Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.
- 037.00 Truck**
Means any motor vehicle designed, used, or maintained primarily for the transportation of property and not for the carrying of passengers.
- 037.01 Truck-Tractor**
Means any motor vehicle designed and used primarily for drawing other vehicles and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- 038.00 Use**
The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
- 038.01 Use, Accessory**
A use subordinate to the principal use or building on the same lot and customarily incidental thereto as well as detached there from.
- 038.02 Use, Incompatible**
A use which is incapable of direct association with certain other uses because it is monotonous, contradictory, incongruent or discordant, negatively impacts neighborhood property values or is a nuisance (see compatible building or use).
- 038.021 Use, Interim:**
A use which is similar to a Use, Conditional (109.038.06) but differs in that its particular circumstances dictate that it be allowed for a specific period of time in accordance with the procedures specified in this Ordinance. (*Ord No 1-21-2010*)
- 038.03 Use, Non-conforming**
A building or use which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails, by reason of such adoption, revision or amendment to conform to the present use regulations of the zoning district in which such building or use is located.
- 038.04 Use, Permitted**
A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such district.
- 038.05 Use, Principal**
The main use of land or buildings as distinguished from a subordinate or accessory use.
- 038.06 Use, Conditional**
A use, either public or private, which, because of its particular characteristics, may be a compatible use in that district only upon certain findings and conditions.

- 038.07** **Variance** (*Ord No 1991-1-H*)
A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.
- 039.00** **Yard**
An open space on a lot which is unobstructed from the lowest level to the sky, except as hereinafter permitted. A yard extends along a lot line at right angles to such lot lines to a depth or width specified in the yard regulations for the district in which such lot is located.
- 039.01** **Yard, Front**
A yard extending along the full width of the front lot line between side lot lines.
- 039.02** **Yard, Rear**
The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot.
- 039.03** **Yard, Side**
A yard extending along a side lot line between the front and rear yards.
- 040.00** **Zoning District**
An area or areas for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.
- 041.00** **Zoning Map**
The map setting forth the boundaries of the Zoning Districts of Melrose which map is a part of this Ordinance.

SECTION 200. DISTRICT USE REGULATIONS

This Ordinance divides the geographic area within its jurisdiction into Use Districts and establishes regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures, buildings and land within said area.

201. Use Districts

The City is hereby divided into the following use districts:

- R-1 Residential
- R-2 Moderate Density Residential
- R-3 Multiple Family Residential
- R-MH Residential Manufactured/Mobile Home Subdivision
- C-1 Commercial Downtown
- C-2 Commercial Highway
- C-3 Commercial Limited (*Ord No 1995-F*)
- M-1 Medical Services (*Ord No 1999-G*)
- I Industry
- I-2 Light Industrial (*Ord No 2003-D*)
- P Public-Institutional
- FDD Future Development District

202. District Boundaries

The location and boundaries of the above use districts are as shown on the Zoning Districts Map which is incorporated as part of this Ordinance. District boundary lines as indicated on such map follow lot lines, right-of-way lines of streets or alleys existing and projected, railroad right-of-way lines and section lines and their customary divisions to one-half, one-fourth and one-eighth section lines.

203. Annexed Territory

Any land which may be annexed to the City shall be placed in the FDD-Future Development District until special action of the Council shall definitely assign such land to another district.

204. Unlawful Use of Buildings and Land

It shall be unlawful to use or permit the use of any building or premises within the City for any purpose other than as listed in the district regulations below.

210. Residential Districts

- 211. R-1 – Residential
 - .01 Intent

The intent in establishing the Residential District is to provide for compatible in-fill residential development within the developed portions of the City and to permit a greater housing density.

.02 Permitted Uses

- (1) One and two family detached dwellings including single-family manufactured/mobile homes located outside of a manufactured/mobile home park provided the manufactured/mobile homes are in compliance with this Section and with M.S. Sections 327.31 through 327.35 and amendments thereto. Manufactured/mobile homes manufactured before July 1, 1972 and not already located in the City are prohibited. (*Ord No 1-21-2010*)
- (2) Farmsteads and agricultural operations including residences of the farm owners or tenants and their immediate families
- (3) Neighborhood public parks, playgrounds, athletic fields and other neighborhood scale recreational uses of a non-commercial nature
- (4) A licensed day care facility serving 12 or fewer persons
- (5) A community residential facility serving not more than 6 persons
- (6) Townhouses (*Ord No 1995-D*)

.03 Permitted Accessory Uses

Accessory uses are permitted in the rear yard and side yard only, unless specifically noted otherwise. Accessory buildings and principal buildings together shall not cover more than 40% of a lot. All accessory uses and buildings shall be constructed with materials compatible with the principal building unless otherwise specifically exempted and shall be maintained in a manner which contributes to the appearance of the property. Accessory uses are limited to two buildings. (*Ord No 1995-D; 1999-G; 3-20-2008-1*)

- (1) The renting of rooms by a resident family for lodging purposes only, and for not more than two roomers in a one-family dwelling
- (2) Customary home occupations located in the principal or accessory building(s) provided that:
 - (2.1) Not more than 25 percent of the gross floor area of the residence is used for this purpose
 - (2.2) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service
 - (2.3) No articles for sale shall be displayed so as to be visible from any street
 - (2.4) No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet residential environment of the neighborhood
 - (2.5) Such occupation is engaged in by at least the resident(s) of said home, provided that two non-resident persons may be permitted if sufficient off-street parking is provided

- (3) Private garage with door height of nine feet or less or a parking space
 - (4) Private swimming pool
 - (5) An accessory building of different materials than the principal building provided that it contains less than 120 square feet with a sidewall height of not more than 6 feet (*Ord No 1-21-2010*)
 - (6) Living quarters for people employed on the premises
 - (7) Signs as regulated by Section 700
- .04 Uses by Conditional Use Permit
- (1) Planned Unit Developments as defined herein
 - (2) Hospitals, nursing homes, old age homes, rest homes, cemeteries, municipal facilities such as fire stations, city offices, libraries and museums and similar uses of a public service nature
 - (3) Nurseries and greenhouses
 - (4) Private garages with door openings greater than nine feet in height
 - (5) New farm operation buildings in which farm animals are to be kept or other similar use of property which may be objectionable to adjacent property owners is an eligible conditional use only after written consent of 75 percent of all property owners within 500 feet of the proposed use, after review by the Commission and approval of the Council
 - (6) Churches and public and parochial schools
 - (7) Community wide recreational facilities such as special use parks and golf courses
 - (8) Essential public utility service structures not exempted by Subsection 106
 - (9) Special use residential as defined in Section 800
 - (10) Accessory buildings in excess of two
 - (11) Manufactured/mobile home parks complying with Section 214. R-MH – Residential Manufactured/Mobile Home Subdivision and any other applicable regulations. (*Ord No 1-21-2010*)
- .05 Townhouse Regulations (*Ord No 1995-D*)
- (1) Townhouse Utilities
If the Utilities Commission determines that it is necessary, each residential unit must be provided separate sanitary sewer, water, electricity, natural gas, telephone and other utilities.
 - (2) Townhouse; Minnesota Statutes
Applications for townhouses must comply with the provisions of The Minnesota Common Interest Ownership Act and furnish proof of compliance at any time upon request of the Zoning Officer.

- (3) Declaration of Covenants, Conditions and Restrictions
Applications for townhouses must be accompanied by a Declaration of Covenants, Conditions and Restrictions, which document shall set forth the rights of the individual owners sharing a single structure, including maintenance, repair and construction, building and use restrictions, party walls and separate or shared services. The intent of the required declaration is to promote harmony between the neighbors, sharing a single structure, and to protect the City and neighborhood from improper maintenance and/or disputes. The City, as well as the individual property owners, shall be considered the beneficiary of these Declaration of Covenants, Conditions and Restrictions. The Declaration of Covenants, Conditions and Restrictions must be approved by the City Attorney and recorded with the County Recorder at or before the time of filing the subdivision plat.
- (4) Townhouse Plat
Property utilized for the construction of townhouses must be platted in such manner that the party wall property line for the residential units will have a zero lot line and each lot must meet all other City requirements.

.06 Dwelling Unit Guidelines (*Ord No 1-21-2010*)

- (1) Regulations: Single-family detached dwelling units, which shall include manufactured/mobile homes meeting the regulations of this Section, two-family detached dwelling units and townhouses shall be governed by the following restrictions:
 - (1.1) Foundation; Anchoring: All dwellings shall be anchored by being placed on a permanent concrete or treated wood foundation which is solid for the complete circumference of the dwelling and that meets the requirements of the current State of Minnesota Building Code.
 - (1.2) Width; Minimum Ground/Main Floor and Habitable Area: A dwelling shall have a minimum width for the main habitable portion of the structure of not less than 24 feet. No dwelling shall have a finished ground/main floor space of less than 800 square feet excluding a basement.
 - (1.3) Roof: Roofing materials shall not be of a galvanized steel.
 - (1.4) Exterior Wall; Exposed Surfaces: The exterior walls shall look like wood or masonry, regardless of their actual composition. All metal and vinyl siding shall overlap in sections no wider than 12 inches. Sheet metal siding is not permitted.

212. R-2 – Moderate Density Residential
- .01 Intent

The intent in establishing the Moderate Density Residential District is to provide for the compatible residential expansion of the City according to current standards of development and to protect the desired quiet and attractive living environment from potential conflicting uses.
 - .02 Permitted Uses
 - (1) All uses permitted in the R-1 District
 - (2) Single family attached dwellings provided that no more than 5 dwelling units are contained in any one structure
 - .03 Permitted Accessory Uses
 - (1) All accessory uses permitted in the R-1 District
 - .04 Uses by Conditional Use Permit

All conditional uses permitted in the R-1 District
 - .05 Townhouse Regulations (*Ord No 1995-D*)
 - (1) All townhouse regulations provided for in the R-1 District
 - .06 Dwelling Unit Guidelines
 - (1) All Dwelling Unit Guidelines provided for in the R-1 District shall apply to this District. (*Ord No 1-21-2010*)
213. R-3 – Multiple-Family Residential
- .01 Intent

The Multiple-Family Residential District is intended to provide housing at moderate densities to offer a full range of housing types while providing special amenities for individual and family living.
 - .02 Permitted Uses

Before issuance of any building permit, all permitted, accessory and conditional uses require submission and approval of a site plan by the Council after review of the Commission.

 - (1) Multiple-family residential from 3 to 24 units
 - (2) Licensed day care facilities providing services to less than 24 persons
 - .03 Permitted Accessory Uses
 - (1) Off-street parking spaces, lots and garages
 - (2) Enclosed or unenclosed swimming pools
 - (3) Tennis courts
 - (4) Home occupations as provided in the R-1 District
 - (5) Signs as regulated by Section 700
 - .04 Uses by Conditional Use Permit
 - (1) Single family residential
 - (2) All conditional uses permitted in the R-1 and R-2 Districts
 - (3) Multiple-family uses with more than 24 units
 - (4) Two-family residential
 - (5) State licensed community residential facilities providing for not more than 16 persons

- .05 Townhouse Regulations (*Ord No 1995-D*)
 - (1) All townhouse regulations provided for in the R-1 District
- 214. R-MH – Residential Manufactured/Mobile Home Subdivision (*Ord No 1-21-2010*)
 - .01 Intent

The intent of the Residential Manufactured Mobile Home District is to recognize the desirability of a range of housing types within the City and the special requirements of manufactured/mobile homes in that housing mix. This form of single family housing provides for grouping within specified districts because of their particular unit space requirements, construction type and style. By grouping this building style, recognition of the common community and design needs is acknowledged.
 - .02 Permitted Uses
 - (1) Single family manufactured/mobile homes as regulated by this section and applicable state laws and developed in accord with a duly approved subdivision plan
 - (2) A licensed day care facility serving 12 or fewer persons
 - (3) Community residential facilities serving not more than 6 persons
 - .03 Permitted Accessory Uses
 - (1) Off-street parking
 - (2) All accessory uses and buildings shall be constructed with materials consistent with the character, color, and scale of the principal structure
 - (3) Essential public utility service structures not exempted by Subsection 106
 - (4) Emergency community shelters
 - (5) Home occupations as provided in the R-1 District regulations
 - .04 Uses by Conditional Use Permit
 - (1) Mobile home subdivision community buildings
 - (2) Recreational facilities
 - (3) Laundromats
 - (4) Storage buildings and mini-storage buildings (*Ord No 1997-F*)
 - .05 Zoning District and Subdivision Application

In order to obtain approval for zoning and developing a manufactured/mobile home subdivision or for developing a manufactured/mobile home subdivision within an existing Manufactured/Mobile Home District, the property owner shall first apply in writing to the Zoning Officer stating the action requested and including a subdivision or development plan prepared by and bearing the seal of a Minnesota Registered Surveyor or Engineer, and containing the following information:

 - (1) The location and legal description of the site
 - (2) Site boundaries

- (3) Topography showing 2 foot contour intervals before development
- (4) The size, location, and species of existing vegetation to remain, vegetation to be removed and proposed vegetation
- (5) The size and arrangement of manufactured home lots and the foundations and location of all accessory buildings
- (6) A typical manufactured home lot plan
- (7) The location and plan for emergency community shelters
- (8) Areas to be set aside for community buildings and recreational facilities
- (9) A drawing of the proposed foundation, support system, tie downs and skirting for individual manufactured/mobile homes
- (10) Conditional use permit application for all proposed community buildings and recreational facilities
- (11) All streets, driveways, parking areas and sidewalks
- (12) Fencing and landscaping plan for the exterior boundaries of the subdivision
- (13) Utility plan showing location of gas, electric, street lighting, telephone, water, sanitary sewer systems
- (14) Applicable state permits or applications for permits
- (15) Provisions for the storage and removal of trash and garbage
- (16) Grading and storm water management plan

.06 Manufactured/Mobile Home Subdivision Development Standards

These regulations shall supercede City Subdivision Regulations and shall be compatible with State regulations.

- (1) Minimum subdivision area = 20 acres
- (2) Minimum lot size = 4,500 square feet
- (3) Minimum interior lot width = 45 feet
- (4) Minimum corner lot width = 60 feet
- (5) Minimum lot depth = 100 feet
- (6) Setbacks:
 Front yard = 20 feet
 Rear yard = 10 feet
 Side yards = 10 feet
- (7) Foundations and tie downs – each manufactured home shall have a foundation support system and tie-downs meeting the requirements of the State of Minnesota
- (8) Emergency Community Shelter – an emergency storm shelter capable of housing all of the occupants of the manufactured/mobile home subdivision shall be constructed in a central location. Such structure shall be of all masonry construction capable of withstanding severe storm winds. Such structure may house other common facilities such as vending machines, laundry equipment, recreational equipment, etc. if authorized by approval of a conditional use permit.

- (9) Skirting – all manufactured home units shall have skirts around the entire mobile home made of appropriate, non-combustible material consistent with the design and appearance of the area
- (10) Minimum floor area = 600 square feet
- (11) Maximum height = 20 feet (*Ord No 1-21-2010*)
- (12) Interior circulation – all lots shall obtain access from interior streets. Connection of interior streets to external public roads shall occur at least at two different points. All streets shall be paved with installed curb and gutter.
- (13) Walkways – walkways shall be constructed along main roadways and provide access to community buildings and recreational facilities
- (14) Parking – each unit shall have a minimum of one off-street parking space which shall not located in the front yard setback or closer than 4 feet to the side lot line unless combined with an adjacent parking area. Private garages may be constructed no closer than 4 feet to a side or rear lot line and no closer than 20 feet to a front lot line. The garage shall not exceed 75% of the floor area of the dwelling unit to which the garage is an accessory use.
- (15) Antennas and/or satellite dishes – no individual unit exterior antennas and/or individual satellite dishes shall be permitted
- (16) Storage buildings – there shall be a storage building for each 2 mobile home lots, located within 50 feet of the mobile homes they serve and containing not less than 600 cubic feet of weather tight storage. Construction shall be of wood or masonry adhering to accessory building setbacks as stipulated for garages. The storage may be incorporated into private garages. Storage building doors shall not face the front lot line.

.07 Security Agreement

The owner shall provide a cash deposit, performance bond or letter of credit in amount equal to 50% of cost of installation of all of the streets, curb and gutter, landscaping, trash facilities, walkways, grading, and utilities to assure construction and implementation of the development plan. Upon completion, the owner shall request an inspection, and if the terms of the subdivision approval have been met, apply for release of the designated securities.

220. Commercial Districts

221. C-1 – Commercial Downtown

.01 Intent

The intent of the Commercial Downtown District is to foster the historical downtown commercial center as a compact, unique, diverse, and attractive district, to promote pedestrian usage and amenities and to reinforce supporting district systems such as parking.

- .02 Permitted Uses
 - (1) Commercial retail and service establishments including, but not limited to the following:
 - (1.1) Retail establishments such as grocery, hardware, drug, clothing and furniture stores; eating and drinking places; auto dealers; and automobile service stations
 - (1.2) Personal services such as laundry, hair styling salons, shoe repair shops and photography studios
 - (1.3) Professional services such as medical and dental clinics and attorney offices
 - (1.4) Repair services such as automobile, jewelry and radio and television repair shops
 - (1.5) Entertainment and amusement services such as motion picture theatres and bowling alleys
 - (1.6) Lodging services such as hotels and motels
 - (1.7) Finance, insurance and real estate services
 - (2) Public and semi-public buildings such as post offices, fire stations, libraries, museums, community centers and city offices
 - (3) Private clubs
 - (4) Apartments provided they are located above the first floor level
 - (5) Licensed day care facilities
- .03 Permitted Accessory Uses
 - (1) Automobile parking lots
 - (2) Loading and unloading areas
 - (3) Automobile garages
 - (4) Warehousing, assembly, and manufacturing when incidental to the principal use
 - (5) Signs as regulated by Section 700
- .04 Uses by Conditional Use Permit
 - (1) High performance manufacturing and assembly determined upon recommendation of the Commission and defined as that which produces no exterior noise, vibrations, odors, or emissions
 - (2) Other uses similar in nature to the above uses and which, in the opinion of the Council, after review and recommendation by the Commission, will not be detrimental to the integrity of this District

222. C-2 – Commercial Highway

.01 Intent

The intent of the Commercial Highway District is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise, and which are not necessarily compatible with the desired character of the Downtown District.

- .02 Permitted Uses
 - (1) Commercial establishments which are oriented to serving the motorist such as eating places and motels
- .03 Permitted Accessory Uses
 - (1) Off-street parking
 - (2) Signs as regulated by Section 700
- .04 Uses by Conditional Use Permit
 - (1) Commercial establishments requiring large sites for outdoor display and sales such as farm implement sales, mobile home sales, marine and recreational vehicle sales
 - (2) Facilities such as fast food restaurants, off-sale liquor stores, and financial institutions
 - (3) Private clubs and commercial recreational facilities such as roller rinks, racquet ball courts, bowling alleys, etc.
 - (4) Convenience grocery stores provided that total floor space is 3,200 (*Ord No 1999-F*) square feet or less, and provided further that it is operated in conjunction with a gasoline filling station business or a motel which is a part of said business. Grocery stores provided that total floor space is 10,000 square feet or more. (*Ord No 1990-1-A*)
 - (5) Billboards and advertising signs as regulated by Section 700
 - (6) Public and semi-public buildings such as post offices, fire stations, libraries, museums, community centers and city offices
 - (7) Vehicle services such as repair, body work, fuel and truck stops
 - (8) Vehicle sales including parts, supplies and vehicles
 - (9) Other uses similar in nature to the above uses and which, in the opinion of the Council and after review and recommendation by the Commission, will not be detrimental to the integrity of this District
- 223. C-3 – Commercial Limited (*Ord No 1995-F*)
 - .01 Intent

The intent of the Commercial Limited District is to provide areas which are related to and may adjoin residential districts for the location and development of businesses permitted in this Section. These uses are subject to restrictive controls to assure compatibility with surrounding properties, traffic facilities and other environmental factors. No exterior display or retail sales shall be made to the general public.
 - .02 Permitted Uses
 - (1) Public and semi-public buildings such as post offices, fire stations, libraries, museums, community centers and city offices
 - (2) Schools
 - (3) Radio and television studios

- (4) Telemarketing offices
- (5) Apartments provided they are located above the first floor level
- (6) Licensed day care facilities
- .03 Permitted Accessory Uses
 - (1) Off-street parking
 - (2) Signs as regulated by Section 700
- .04 Uses by Conditional Use Permit
 - (1) Service establishments, including but not limited to, the following:
 - (1.1) Personal services such as laundry, hair styling salons, shoe repair shops and photography studios
 - (1.2) Professional services such as medical and dental clinics and attorney offices
 - (1.3) Public professional services such as community health and social services
 - (1.4) Finance, insurance and real estate services
 - (2) Other uses similar in nature to the above uses and which in the opinion of the Council, after review and recommendation by the Commission, will not be detrimental to the integrity of this District
- 224. M-1 – Medical Services (*Ord No 1999-G*)
 - .01 Intent

The intent of the Medical Services District is to provide areas which are related to and may adjoin residential districts for the location and development of medical services businesses permitted in this Section. These uses are to meet the needs of the community.
 - .02 Permitted Uses
 - (1) Hospitals and medical clinics
 - (2) Nursing homes, assisted living facilities, congregate care facilities
 - (3) Pharmacies, dental clinics, eye clinics, chiropractic clinics
 - (4) Public professional services such as community health and social services
 - (5) Chapels related to principal uses
 - (6) Gift or floral services, and medical supply dispensaries provided that such store or shop be operated subordinate to principal use
 - .03 Permitted Accessory Uses
 - (1) Off-street parking
 - (2) Signs as regulated by Section 700
 - .04 Uses by Conditional Use Permit
 - (1) Other uses similar in nature to the above uses and which, in the opinion of the Council, after review and recommendation by the Commission, will not be detrimental to the integrity of this District

230. Industrial Districts

231. I – Industry

.01 Intent

The intent of the Industrial District is in recognition of existing industrial development within the community and of the desirability of reserving additional land for possible new, expanded or relocated industries of a similar nature.

.02 Permitted Uses

All permitted uses shall be undertaken within completely enclosed buildings. Storage of raw materials or finished products shall be enclosed.

- (1) Fabricating, manufacturing, production, storage, or processing of materials, goods, and products
- (2) Wholesaling, all commodities except live animals
- (3) Sexually Oriented Businesses as defined in Section 115.03 of the Melrose City Code (*Ord No 5-04-2006-2*) Regulations outlined in Section 233

.03 Permitted Accessory Uses

- (1) Off-street parking
- (2) Off-street loading and unloading areas
- (3) Signs as regulated by Section 700

.04 Uses by Conditional Use Permit

- (1) Manufacture of acid, cement, lime, gypsum or plaster of paris
- (2) Distillation of bones, coal, tar, petroleum, fertilizer, refuse, grain, or wood
- (3) Manufacture or storage of explosives
- (4) Reduction or dumping of garbage, offal, dead animals or fish
- (5) Slaughter of animals
- (6) Excavation, crushing, washing and/or grading of rock, gravel or sand
- (7) Billboards and advertising signs as regulated by Section 700
- (8) Outdoor storage of raw materials and finished products subject to complete screening from adjacent properties and streets and highways
- (9) Repealed (*Ord No 10-16-2008*)
- (10) Special use residential as regulated by Section 800
- (11) Other uses similar in nature to the above uses and which, in the opinion of the Council, after review and recommendation by the Commission, will not be detrimental to the integrity this District

232. I-2 – Light Industrial (*Ord No 2003-D*)

.01 Intent

The intent of the Light Industrial District is to provide for industrial and commercial uses that may be suitably located in areas which are in relatively close proximity to non-industrial areas. Any facility which is noxious or hazardous or which would violate any Minnesota Statute will be restricted from this District.

- .02 Permitted Uses
 - (1) Light manufacturing
 - (2) Motor vehicle sales and service. No vehicle repairs may be undertaken outside of roofed structures
 - (3) Motor vehicle washing facilities
 - (4) Motor vehicle fuel stations
 - (5) Warehousing, storage, distribution, and wholesale facilities excluding live animals
 - (6) Animal clinics
 - (7) Printing and publishing
 - (8) Mini or self storage facilities
 - (9) Bulk fuel storage
 - (10) Municipal service buildings
- .03 Permitted Accessory Uses
 - (1) Off-street parking
 - (2) Signs as regulated by Section 700
- .04 Uses by Conditional Use Permit
 - (1) Commercial and public radio and television transmitting antennas and public utility microwave antennas
 - (2) Farm implement sales and service
 - (3) Contracting businesses with outdoor storage
 - (4) Trucking and freight terminals
 - (5) Other uses similar in nature to the above uses and which, in the opinion of the Council, after review and recommendation by the Commission, will not be detrimental to the integrity of this District
- .05 Special District Regulations

All property must be landscaped. Site plans must accompany building permit requests. No visible, unfenced, or unenclosed outside storage of waste, debris, recyclables, and excess materials, supplies, non-useable products, or equipment shall be permitted.
- 233. Sexually Oriented Businesses (*Ord No 5-4-2006-2*)
 - .01 Location Requirements for Sexually Oriented Businesses

Sexually Oriented Businesses are permitted uses in Industrial Districts, subject to the following location requirements:

 - (1) A Sexually Oriented Business shall not be located within 1,000 feet of an existing Sexually Oriented Business
 - (2) A Sexually Oriented Business shall not be located within 1,000 feet of any existing school or place of worship
 - (3) A Sexually Oriented Business shall not be located within 400 feet of any PUD District, Residential District, or residential property
 - (4) A Sexually Oriented Business shall not be located within 400 feet of any property being used as a park

- (5) A Sexually Oriented Business shall not be located within 400 feet of any premises licensed under Chapter 113, Liquor Regulations, of the Melrose City Code
- (6) For purposes of this Ordinance, the 400 and 1,000 foot distances shall be the shortest horizontal measurement from the property line of any Residential District, residential property, PUD property, school, place of worship, park, licensed premises, or a Sexually Oriented Business to the property line where the proposed Sexually Oriented Business is to be located

.02 Findings

The City Council makes the following the following findings regarding the effect sexually oriented businesses have on the character of the City's neighborhoods. In making these findings, the City Council accepts the recommendation of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* dated June 6, 1989, a copy of which is adopted by reference and included in Appendix II of Chapter 115 of the Melrose City Code. This ordinance shall have no force and effect until the City Council accepts these recommendations by resolution of a majority of its members.

- (1) Sexually Oriented Businesses have an impact on the neighborhoods surrounding them which is distinct from the impact caused by other uses.
- (2) Residential and commercial neighborhoods located within close proximity to sexually oriented businesses experience the following negative impacts:
 - (1.1) Increased crime rates, particularly in sex-related crimes such as rapes, prostitution, indecent exposure and other lewd and lascivious behavior;
 - (1.2) Property values which are either diminished or fail to appreciate at the rate of other comparable properties not located in proximity of sexually oriented businesses;
 - (1.3) Increased transiency and decreased stability of ownership;
 - (1.4) Deteriorated neighborhood appearance from litter and graffiti;
 - (1.5) Sex-related harassment of residents and customers by motorists and pedestrians;
 - (1.6) A perception that the area is "unsafe;" and
 - (1.7) Difficulty in attracting and retaining customers, employees, and desirable tenants.
- (3) The adverse impacts which Sexually Oriented Businesses have on surrounding areas diminish as the distance from the sexually oriented business increases.
- (4) The adverse impacts of Sexually Oriented Businesses are exacerbated when the uses are located near each other.

- (5) The presence of liquor establishments in the immediate vicinity of Sexually Oriented Businesses also compounds the adverse impacts on the neighborhood.
- (6) Sexually Oriented Businesses can exert a dehumanizing influence on persons attending places of worship, children attending day care centers or schools, and people using public parks and libraries.
- (7) Sexually Oriented Businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area where they are located, thereby exacerbating the shortage of affordable and habitable housing for city residents.
- (8) The concentration of Sexually Oriented Businesses in an area can have a substantially detrimental effect on that area and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of Sexually Oriented Businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating; other businesses move out of the vicinity and residents flee from the area. The resulting decline in real estate values erodes the City's tax base and contributes to overall urban blight.
- (9) Land use regulations are appropriate to minimize the detrimental effects that Sexually Oriented Businesses have on adjacent land uses.

240. Public-Institutional Districts

241. P – Public-Institutional

.01 Intent

The intent of the Public-Institutional District is in recognition of the substantial amount of land within the City now devoted to public use, and the need to provide land for expansion of existing facilities and/or sites for new facilities.

.02 Permitted Uses

- (1) Hospitals, rest homes, nursing homes, schools, churches and similar uses of an institutional nature
- (2) Athletic fields, parks, fairgrounds, golf courses, camping areas and similar uses of a recreational open space nature
- (3) Public and semi-public buildings such as post offices, fire stations, libraries, museums, community centers and city offices

.03 Permitted Accessory uses

- (1) Off-street parking
- (2) Signs as regulated by Section 700

- .04 Public Facilities Financed by Third Parties
 - (1) In recognition of the City's need to obtain financing for the development of public facilities from third parties (herein "Lender"), this subsection recognizes the possibility of a transfer, voluntarily or involuntarily, by operation of law or otherwise, of the public facility to the Lender. If such a transfer occurs, then the Lender or third party to whom such facility is later transferred, may continue to use the facility for such purposes as may constitute uses permitted under Subsection 2 of this Section 241, or uses described in Subsection 5 of Section 241. In the circumstances described in this subsection, the Lender or its transferee shall not be required to obtain a Conditional Use Permit under any Section of this Ordinance for such continued use of the facility, and such a use shall be deemed not to be in violation of this Ordinance.
- .05 Uses by Conditional Use Permit
 - (1) Public Buildings such as Wastewater Treatment Facilities
 - (2) Other uses similar or allied to the above uses but of a private nature, and any other uses in the opinion of the Council, and after review and recommendation by the Commission will not be detrimental to the integrity of this District

250. Reserve Districts

251. FDD – Future Development District

.01 Intent

The Future Development District is intended for areas where public utilities are not presently available. A density of not more than one lot per 40 acres will retain these lands in their natural state and in agricultural uses pending the proper timing for the economical provision of utilities, streets, parks, storm drainage and other public facilities and services so that orderly development will occur. Rezoning to proposed Comprehensive Plan uses will be considered when the required public utilities and services are scheduled to be extended or provided, or upon determining that such extensions are not feasible, the provision of these services privately.

SECTION 300. SPECIAL DISTRICT REGULATIONS

310. Flood Plain District

The Flood Insurance Study for the City prepared by the Federal Insurance Administration and dated November 19, 1980 and the Flood Boundary and Floodway map and Flood Insurance Rate map and the letter of map revision issued by the Federal Emergency Management Agency dated February 1, 1989 which revises the Floodway Boundary, Floodway map, and Floodway Data Table contained therein and amendments thereto are hereby adopted by reference and declared to be a part of this Ordinance. (*Ord No 2002-C*)

The Flood Insurance Study shall be on file in the Office of the City Clerk-Treasurer. The District for the City shall include those areas which lie within the 100 year Flood Boundary on the Flood Boundary and Floodway maps. This District shall function as an overlay of the other use districts designated within the City. Where interpretation is needed as to the exact location of the boundaries of the Flood Plain District as shown on the Flood Boundary and Floodway maps, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Council shall make the necessary interpretation based on elevations on the regional (100 year) flood profile contained in the Flood Insurance Study and other available technical data.

.01 Intent

The intent of the Flood Plain District is in recognition of significant areas of land which are located within the path of potential future urban expansion, and which are subject to periodic flooding; and in recognition of the objective to minimize potential damage to property, human suffering, and loss of life due to flooding within such land areas.

.02 Permitted Uses

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the District to the extent that they are permitted uses in the underlying zoning district and provided they do not require structures, fill or storage of materials or equipment.

- (1) Agricultural uses such as general farming, pasture, grazing, forestry sod farming, and wild crop harvesting
- (2) Parking and loading areas
- (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks and park shelters, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails
- (4) Residential uses such as lawns, gardens, parking areas, and play areas
- (5) All other uses and all uses that require structures, fill or the storage of materials or equipment shall be prohibited, except as allowed by uses by Conditional Use Permit

.03 Permitted Accessory Uses

.04 Uses by Conditional Use Permit

- (1) Accessory structures to existing public utilities such as lift stations and wastewater treatment facilities, including remodeling, additions to, and expansion of said facilities or structures; provided that any structures are elevated on fill at or above the 100-year flood elevation or that such structures or facilities are flood proofed in accordance with the State Building Code (*Ord No 2002-C*)

- (2) Structures, fill, and storage of materials or equipment accessory to permitted uses (*Ord No 2002-C*)
 - (3) Railroads, streets, bridges, utility transmission lines and pipelines (*Ord No 2002-C*)
- .05 Standards for Conditional Uses (*Ord No 2002-C*)
- (1) Accessory structures shall not be designed for human habitation
 - (2) No accessory structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected
 - (3) The conditional use shall be allowed in the underlying Zoning District if one exists
 - (4) All conditional uses shall be subject to the procedures and standards contained in Section 800 of this Ordinance
 - (5) Accessory structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - (6) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classification in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment and does not exceed 500 square feet in size. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - (6.1) The structure must be adequately anchored to prevent floatation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - (6.2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed
 - (7) Placement of fill for the purpose of elevating structures must be protected from erosion by vegetative cover, mulching, riprap or other acceptable methods. Fill placement for purposes other than elevating structures shall be limited to the Flood Fringe District. Fill placement within the Flood Fringe District shall be limited to less than 1,000 cubic yards unless an erosion/

sedimentation control plan is submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City.

320. Shoreland Overlay District (reserved)

330. Planned Unit Development Overlay District – PUD

.01 Intent

This section is intended to encourage residential, commercial and industrial uses to develop in an organized and planned manner which is consistent with the natural resources, amenities, and characteristics of the proposed uses and neighboring uses. To foster creativity and sensitivity to these concerns, the Planned Unit Development Overlay District is designed to provide variation to the strict application of lot related zoning regulations while at the same time preserving the health, safety, order, convenience and general welfare of the City. Permitted uses may include any combination of residential, commercial, industrial or agricultural uses planned and developed in an orderly and compatible relationship to one another and to the community.

.02 General Conditions

- (1) Three or more acres in single or coordinated ownership is required to be eligible for a planned unit development
- (2) Two or more principal buildings must be proposed
- (3) Protection of natural features, creativity of layout or provision of special amenities must be clearly demonstrable
- (4) Subdivision requirements in force and effect shall apply
- (5) Industrial Planned Unit Developments would only be permitted in industrially zoned areas with no residential uses

.03 Permitted Uses

The use and residential densities prescribed by the underlying zoning districts shall prevail with the following modifications:

- (1) 20% of the land area in the PUD may be put to uses not permitted in the underlying district
- (2) Residential densities may be increased by an additional 5% over the requirements as permitted or conditional uses in the underlying district

.04 Permitted Accessory Uses

.05 Uses by Conditional Use Permit

Any land use not clearly designated by type and location on the approved final development plan shall be permitted in a planned unit development only upon issuance of a Conditional Use Permit under the provisions of that section.

.06 Procedure

(1) Application

In order to obtain approval for a PUD, the property owner shall first apply in writing to the Zoning Officer stating the action requested and containing the following information:

- (1.1) The location and legal description of the site
- (1.2) Site boundaries
- (1.3) Topography showing 2 foot contour intervals before development
- (1.4) The size, location, and species of existing vegetation to remain, vegetation to be removed and proposed vegetation
- (1.5) A development plan indicating general building locations, use, size and arrangement
- (1.6) Building floor plans as appropriate
- (1.7) Areas to be set aside for community buildings and recreational facilities
- (1.8) All streets, driveways, parking areas and sidewalks
- (1.9) Utility plan showing location of gas, electric, street lighting, telephone, water, and sanitary sewer systems
- (1.10) Grading and storm water management plan
- (1.11) Written text containing area calculations, parking calculations, and descriptive narrative of the proposal and compliance with the intent of the Planned Unit Development District and Comprehensive Plan
- (1.12) Covenants and association agreements
- (1.13) Phasing plan, if appropriate

- (2) All applications shall be referred to the Commission for review, report, and recommendation to the Council
- (3) At the option of the applicant, a concept plan review may be presented to the Commission for review and comment
- (4) A public hearing shall be conducted by the Commission in accord with the procedures and notification requirements contained in Section 1200
- (5) The adopted development plan shall be filed with the City Clerk-Treasurer and the official zoning map amended to indicate the approved PUD. No building permit shall be issued until a certified copy of the development plan, development agreement, and association agreements are recorded.

.07 Planned Unit Development Standards

- (1) Access – all land uses shall abut a public street or have adequate and protected access to a public street by a private drive. All streets shall be improved and comply with the standards and specifications of the City.

- (2) Architectural style – the architectural style of individual structures shall be compatible with other structures in the PUD, with the overall site design, and with surrounding land uses
- (3) Common open space – common open space shall be of size, shape, usability, and location consistent with the natural features of the area and the proposed uses. Common open space shall be linked to the open space areas of surrounding development where possible and appropriate. At least 20% of the residential portion of the PUD shall be preserved as usable open space.
- (4) District standards – lot area, coverage, setbacks, height, parking and landscaping shall adhere to the basic provisions of the underlying zoning district, but may be varied if it can be demonstrated that such variance is consistent with the provisions of this section and in accord with the general public health and general welfare requirements of the City

340. Wetlands Overlay District (reserved)

350. Billboard Overlay District
(See Section 706)

SECTION 400. DISTRICT LOT REGULATIONS

It shall be unlawful to erect or alter any building within the City unless the following minimum lot and yard areas are provided and maintained in connection with such building.

401. Minimum Lot Requirements by District

REQUIREMENTS	FDD Acres	R-1 Sq ft Per Dwelling Unit	R-2 Sq ft Per Dwelling Unit	R-3 Sq ft Per Dwelling Unit	R-MH Sq ft	C-1 Sq ft	C-2 C-3 & M-1 Sq ft	I & I-2 Sq ft	P Sq ft
Lot Area (lots of record before 4/1/08) (corner lot add 10%)									
Single Family	20	8000	11000	-	-	-	-	-	-
Two Family	-	4000	5500	-	-	-	-	-	-
Townhouse	-	4000	5500	5500	-	-	-	-	-
Multi-family	-	-	-	3000	-	-	-	-	-
Mobile Home	-	-	-	-	4500	-	-	-	-
Non-residential	-	-	-	-	-	-	10000	21000	15000
PUD	-	8000	11000	3000	-	-	-	-	-
Lot Area (lots of record after 4/1/08) (corner lot add 10%)									
Single Family	20	11000	11000	-	-	-	-	-	-
Two Family	-	5500	5500	-	-	-	-	-	-
Townhouse	-	5500	5500	5500	-	-	-	-	-
Multi-family	-	-	-	3000	-	-	-	-	-
Mobile Home	-	-	-	-	4500	-	-	-	-
Non-residential	-	-	-	-	-	-	10000	21000	15000
PUD	-	11000	11000	3000	-	-	-	-	-
FRONTAGE (lots of record before 4/1/08)									
Interior Lot	1250'	50'	80'	100'	45'	25'	100'	100'	100'
Corner Lot	1250'	75'	100'	100'	60'	25'	100'	100'	100'
FRONTAGE (lots of record after 4/1/08)									
Interior Lot	1250'	80'	80'	100'	45'	25'	100'	100'	100'
Corner Lot	1250'	100'	100'	100'	60'	25'	100'	100'	100'
SETBACKS									
HIGHWAYS									
State Highways									
Apply Principal and Accessory Building Setbacks as Designated by this Section; contact with the Stearns County Highway Department for input is suggested.									
County Highways									
Apply Principal and Accessory Building Setbacks as Designated by this Section; contact with the Stearns County Highway Department for input is suggested.									
Interstate 94									
Apply Principal and Accessory Building Setbacks as Designated by this Section; contact with the Stearns County Highway Department for input is suggested.									

REQUIREMENTS	FDD Acres	R-1 Sq ft Per Dwelling Unit	R-2 Sq ft Per Dwelling Unit	R-3 Sq ft Per Dwelling Unit	R-MH Sq ft	C-1 Sq ft	C-2 C-3 & M-1 Sq ft	I & I-2 Sq ft	P Sq ft
YARDS									
Principal Building									
Front Yard	100'	25'	35'	40'	20'	-	25'	25'	25'
Rear Yard	100'	25'	35'	40'	10'	-	25'	25'	25'
* Side Yard									
Sides Combined	200'	12'	12'	20'	20'	-	35'	35'	35'
Minimum	100'	6'	6'	10'	10'	-	15'	15'	15'
Side Corner									
Sides Combined	200'	31'	41'	50'	30'	-	40'	40'	40'
Public Street									
Side Yard	100'	25'	35'	40'	20'	-	25'	25'	25'
Accessory Building									
Front Yard		25'	35'	40'	20'				
Rear Yard		4'	4'	4'	4'				
Side Yard		4'	4'	4'	4'				
Side Corner		25'	35'	40'					
MAXIMUM STRUCTURE									
LOT COVERAGE	50%	40%	40%	40%	40%	100%	40%	40%	40%
MAXIMUM IMPERVIOUS SURFACE									
COVERAGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	70%**	N/A
MAXIMUM									
*** HEIGHT	40'	40'	40'	40'	20'	40'	40'	40'	40'

* Townhouse - Minimum 12' side yard and 0' on party wall line (zero lot line)

** A storm water management plan will be required for impervious surface coverage in excess of 70%.

***Structure heights will be measured from the average finished front yard ground elevation at the structure to its highest point excluding equipment such as air handlers and HVAC units.

(Ord No. 1990-1-A; 1995-D; 1995-F; 1999-G; 1999-H; 2003-D; 3-20-2008-1; Ord No 1-21-2010)

402. Additional Regulations

- .01 Deleted (*Ord No 1995-D*)
- .02 Where adjacent structures have front and rear setbacks different from those required, the minimum front and rear setbacks shall be the average of such structures, but in no case, except in the C-1 and R-MH Districts, shall the front yard setbacks be less than 15 feet and the rear yard setbacks be less than 25 feet.
- .03 A one family dwelling may be erected on a lot in the R Districts having less than the minimum required area and width provided the lot existed by virtue of a recorded plat or deed before September 11, 1981; however, in no event shall a one family dwelling be erected on a lot less than 7,000 square feet in area or less than 50 feet in width.
- .04 Repealed (*Ord No 1990-1-A*)
- .05 Survey Monuments (*Ord No 1-21-2010*)
All building and zoning permit applications for the construction of a new structure, including a pool or fence, or the expansion of an existing structure must be accompanied by a site plan with the appropriate survey monuments shown. The survey monuments must be exposed at the site prior to approval of the building or zoning permit application. This requirement does not apply to accessory buildings containing less than 120 square feet and not resting on a concrete slab.

SECTION 500. PARKING, LOADING AND STORAGE REGULATIONS

501. Off-Street Parking Requirements

- .01 Minimum Number of Off-Street Parking Spaces Required:
 - (1) None required in the C-1 District where a parking system plan has been adopted
 - (2) One and two family dwellings: 1 per dwelling unit
 - (3) Multiple family dwellings: 1.5 per dwelling unit
 - (4) Churches, auditoriums, mortuaries, and other similar places of assembly: 1 per every 4 seats
 - (5) Manufactured/Mobile Homes: 1 per dwelling unit
 - (6) Sanitariums, convalescent homes, hospitals, rest homes, nursing homes: 1 per every 6 beds
 - (7) Senior citizen housing, congregate care facilities: .25 per dwelling unit
 - (8) Commercial retail trade other than in the C-1 District:
 - (8.1) Restaurants – 1 per every 3 seats
 - (8.2) Other retail – 1 per every 200 square feet or fraction thereof of retail floor area
 - (9) Commercial retail service other than in the C-1 District:
 - (9.1) Motels – 1 per unit
 - (9.2) Personal and professional offices – 1 per every 150 square feet of gross floor area
 - (9.3) Other service commercial – 1 per every 200 square feet of gross floor area

- (10) Industrial including wholesale: 1 per every 2 persons of maximum employment during any work period
 - (11) Public buildings:
 - (11.1) Government offices – 1 per every 200 square feet of gross floor area
 - (11.2) Library, museums, community centers – 1 per every 100 square feet of gross floor area
 - (11.3) Fire and ambulance station, public safety offices – 1 per shift employee
 - (11.4) Parks and recreation – number to be determined by peak activity needs of facilities to be provided
 - (12) Other: If required spaces are not enumerated within this Ordinance, the applicant shall provide adequate and sufficient information by which the Zoning Officer can make a determination of required parking. If the Zoning Officer cannot conclude or there is disagreement over off-street parking requirements, then the matter shall be referred to the Board of Adjustments and Appeals for its determination under the procedures for a variance.
- .02 Minimum Size of Parking Space
Two hundred fifty (250) square feet of standing and maneuvering space. Fractional spaces over one-half count as one space.
 - .03 Location of Parking Spaces
 - (1) Spaces for dwellings: on the same lot as the dwelling unit
 - (2) Spaces for commercial uses not in the C-1 District or for public-semi public buildings – within 300' of the main entrance of the building served
 - (3) Spaces for industrial uses within 800 feet of the main entrance of the building being served
 - (4) No off-street parking spaces to be located within five feet of any street right-of-way
 - .04 Surfacing and Drainage
Off-street parking areas and access ways other than those for one and two family dwellings shall be surfaced with a durable material to control dust, and shall be graded so as to dispose of all surface water.
 - .05 Screening
All open off-street parking areas having more than six parking spaces shall be effectively screened by a compact hedge or a similar landscaped element along all sides which adjoin or are directly across a street or alley from property in R Districts.

502. Off-Street Loading and Unloading Requirements

- .01 Minimum number of off-street loading and unloading spaces shall be provided for all structures which require the receipt and distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of both pedestrians and motor vehicles throughout the active areas of the City.

- .02 Minimum Size of Off-street Loading Berths
 - a. Width 12 feet
 - b. Length 25 feet
 - c. Vertical Clearance 14 feet
- .03 Location of Off-street Loading Berths
No closer than 25 feet from the intersection of two street rights-of-way.
- .04 Surfacing and Drainage
Off-street loading berths and access ways shall be hard surfaced with durable materials to control dust and shall be graded to dispose of all surface water.

503. Vehicle and Exterior Storage Requirements

- .01 Truck and Trailer Storage in R Districts
Except as provided below, it shall be illegal to park or store, or permit to be parked or stored on residential property, a truck licensed for more than 10,000 pounds gross vehicle weight, a truck-tractor or a semi-trailer.

This section shall not apply to major recreational equipment or any motor vehicle which is being actively loaded or unloaded or which is being utilized to render a service.

- (1.2) One truck licensed for more than 9,000 pounds gross vehicle weight and one truck-tractor per dwelling unit may be parked on residential property, provided that the vehicle is owned or operated by a resident of the property, any such vehicle is parked in the driveway or a private parking area on such residential property, and provided further, that the engine of any such vehicle shall not be allowed to idle for more than a total of one hour within any six hour period

- .02 Major Recreational Equipment Storage
 - (1) Major recreational equipment in R Districts shall conform to the following standards:
 - (1.1) No major recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except that one major recreational vehicle shall be allowed for occasional living purposes to accommodate visitors
 - (1.2) No major recreational equipment shall be stored on a public street right-of-way
 - (1.3) Major recreational equipment stored outside shall be in condition for the safe and effective performance of its intended function or it shall be repaired to put such equipment in such condition. Equipment being repaired shall not be stored longer than 60 days.

- (1.4) There shall be no more than one major recreational vehicle per residential dwelling unit parked in the front yard; however, no more than a total of two per residential dwelling unit shall be allowed
- .03 Vehicle Repair and Vehicle Storage
 - (1) Standards in R Districts
 - (1.1) No commercial auto repairs shall be made in any R Districts and auto repair shall not be considered a home occupation
 - (1.2) The parking, storage, repairing, dismantling, demolition, salvaging or abandonment of vehicles shall occur only within an enclosed building
 - (2) Standards in non-residential districts

The parking, storage, repairing, dismantling, demolition, salvaging or abandonment of vehicles is allowed only if incidental to a permitted use and if the vehicles are being actively repaired or used. Such vehicles shall be stored within an enclosed building or be so screened that they are not visible from public streets or adjoining properties unless such vehicles are in the process of being loaded or unloaded.
- .04 Exterior Storage

In all Districts, all materials including vehicles, shall be stored within a building or fully screened so as not to be visible from adjoining or adjacent lands, except for the following: laundry drying and recreational equipment; construction materials, machinery and equipment currently being used on the premises; landscaping and agricultural equipment and machinery currently being used or intended for use on the premises; off-street parking of passenger automobiles, pick-up trucks, motor homes and all major recreational equipment in R Districts. Properties determined to be in non-conformance with exterior storage provisions shall be brought into conformance within six (6) months of the effective date of this Ordinance.

SECTION 600. GENERAL REGULATIONS

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with such general regulations shall be made by the Council or its duly appointed agent.

601. Residual Features

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

602. Glare

Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property.

603. Refuse

All waste material, debris, refuse, or garbage not disposed of through the public sanitary sewage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Garbage and refuse containers shall not be kept or permitted to stand within 75 feet or any streets of avenues within the City, except on the day on which garbage pickup is scheduled. Containers shall be promptly removed from the street on the same day that garbage pickup is made.

604. Landscaping

In all but the C-1 District, all developed uses shall provide a landscaped yard along all streets. Such yard shall be kept clear of all structures and storage except off-street parking. Such yard shall be at least eight feet in depth along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

605. Drainage

No land shall be developed and no use shall be permitted that result in water run-off, flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm sewer drain or water course ponding area.

606. Dwelling Below Ground Level

No interior space below ground level shall be occupied for dwelling purposes unless such a space is part of a structure having at least one full story above ground level and giving its exterior portion in a structurally finished state. This restriction shall not prohibit construction of earth sheltered homes where one side is exposed.

607. Conservation of Natural Features and Amenities

In the development of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed developments.

608. Buffer Zone Between Residential and Non-Residential Districts

Where a Commercial, Industrial or Public District abuts R Districts, any new development shall include a buffer zone. There shall be a protective strip of not less than 25 feet in width. This protective strip shall contain no structures, shall not be used for parking, off street loading and unloading, or storage and shall be landscaped. The landscape treatment shall include a compact screen wall, landscape hedge or fence, but shall not extend within 15 of the street right-of-way. The planting and fence design must be approved by the Commission as being in harmony with the residential neighborhood and providing sufficient screening of the

non-residential area. The wall, hedge, or fence shall be no less than 6 nor more than 8 feet in height. A public street shall not be considered part of the required buffer strip.

609. Sanitary Facilities

In addition to other requirements herein, no building designed for residential, public or commercial purposes shall be erected in the City without indoor toilet facilities. This is to include buildings moved into the City or moved within the City, as well as accessory buildings converted into residential or commercial purposes. Only flush toilets shall be provided. Buildings for public recreational purposes such as park shelters shall be exempt from this provision. Where lots are served by sanitary sewer, required toilet facilities shall be connected to said sewer. Where lots are not served by sanitary sewer, a private sewer system may be constructed provided it is in conformity with applicable structural and sanitary regulations, and in no event shall it be closer than 20 feet from any residence, and it shall not be closer than 10 feet from any lot line nor 50 feet from any well. Prior to construction of any private sewer system, there shall be filed with the City Clerk-Treasurer, a map drawn to scale showing the locations of the proposed private sewage system in relation to lot lines, wells, and places of residence. Existing outdoor privies are hereby declared to have the status of non-conforming use in all districts.

610. Construction and Temporary Facilities

Temporary construction offices and storage facilities may be maintained within any district by permit following review and approval by the Commission. A time limit shall be stipulated along with such other conditions deemed appropriate. A performance bond may be required to assure timely removal.

611. Pipeline Setback Requirements *(Ord No 1991-1-J)*

For the purpose of protecting the public from the hazards of a pipeline leak, setback requirements are established requiring new buildings designed for human use or occupancy and places of public assembly, to meet minimum setback requirements as follows:

.01 Definitions

(1) Pipeline

A pipe operated at a pressure of more than 275 pounds per square inch that carries gas or a pipe with a nominal diameter of 6 inches or more used to transport hazardous liquids, but does not include pipe used to transport the hazardous liquid by gravity, and pipe used to transport or store a hazardous liquid within a refinery, storage or manufacturing facility.

(2) Building

Any structure designed primarily for human use or occupancy including, but not limited to, businesses, offices, residences, institutions. Decks, overhangs, porches or any similar attached structures shall be considered a part of the building.

- (3) Place of Public Assembly
A site that is occupied by twenty (20) or more persons at least five (5) days per week for ten (10) weeks in any twelve (12) month period. The days and weeks need not be consecutive.
- (4) Pipeline Easement
Existing easement or a subsequent easement resulting from the negotiation from a change in the boundaries of the existing easement.
- .02 Applicability
This setback requirement applies to any new subdivision, building or addition to existing buildings. It does not apply to development that has occurred or for which development permits have been issued before the effective date of this Ordinance.
- .03 Setback
All buildings and all places of assembly subject to this Ordinance shall be designed and located to accommodate a setback from the pipeline equal to or greater than the pipeline easement boundaries.
- .04 Variances
Variance procedures are set forth in Zoning Ordinance No. 1989-1-A and amendments thereto.
- .05 Pipeline Location
At time of application for a building permit, site plan review or preliminary plat, the applicant shall provide a scaled site plan that shows the location of any pipeline located on the premises involved.

612. Easements (*Ord No 3-20-2008-1*)

Buildings are prohibited and shall not be maintained on or in an easement, except by variance granted pursuant to Section 1000 of this Ordinance.

SECTION 700. SIGN REGULATIONS

701. Permits

Signs are permitted in all use districts, subject to the provisions of this Section. No sign as hereinafter defined shall be erected, or attached to a structure, fence or wall without a permit from the Zoning Officer, except that for sale and political signs in R Districts and such other signs as specifically exempted shall be exempt from this requirement.

702. Definitions

Signs – Any device, object, display, structure or portion thereof that is used for visual communication for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization, or a sign providing direction to a public facility. Such device may be either stationary or movable. A sign shall be considered as a structure or a part of a structure for the purpose of applying height regulations except as provided in Subsection 705.02 (3). (*Ord No 1995-H*)

- .01 Advertising Sign
A sign which does not direct attention to a business, its name or address, located on the premises of the business, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, including all signs not otherwise expressly permitted by this Ordinance. (*Ord No 1995-H*)
- .02 Billboard
An advertising sign located off the premises where the advertised product is sold or offered.
- .03 Business Sign
A sign which directs attention to a business, its name or address, located on the premises of the business, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.
- .04 Flashing Sign
Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a "flashing sign".
- .05 Gross Surface Area
Each surface utilized for display shall be included in area calculation and also symbols, flags, wording, figures or other forms of graphics painted, attached to any structure or otherwise suspended; advertising on people, animals or vehicles shall be considered as a sign to be included. The area of said signs shall be calculated from the outside dimensions of the frame. For dual-faced business signs, the larger face shall be considered in computing the gross surface area. All areas referred to in this Ordinance shall be gross surface areas unless otherwise stated.
- .06 Ground Sign
Any sign, other than a pylon sign, placed upon or supported by the ground independent of any other structure.
- .07 Illuminated Sign
A sign on which artificial light is directed on or from. Illuminated signs shall include "reader" board signs.
- .08 Marquee Sign
A sign which is constructed as an integral part of the structure and projects more than 12" from the building plane.
- .09 Mobile Sign
A sign mounted or carried on a trailer or motor vehicle or person for the primary purpose of exhibiting such sign.
- .10 Name Plate Sign
A sign which states only the name or address or both of the business or occupant of the lot where such sign is placed.
- .11 Projecting Sign
A sign attached to or supported by a building and projecting more than 12" from the building face plane.

- .12 Pylon Sign
A freestanding sign supported by its own structure and not attached to any building.
- .13 Reader Board Sign
See Illuminated Sign
- .14 Roof Sign
A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- .15 Rotating Sign
A sign or display which rotates on its axis by mechanical means. A rotating sign may be an illuminated sign.
- .16 Wall Sign
A sign constructed on a panel attached to a structure, or raised letters or symbols attached to a wall or combination thereof. No part of such sign is painted on the wall surface.
- .17 Window Sign
A business sign attached temporarily or permanently to the window or windows of the establishment for purposes of viewing, either inside or outside.

703. Prohibited Signs

- .01 The following signs shall be prohibited within the City
 - (1) Signs, that by reason of position, shape or color, would interfere with the proper functioning of a traffic sign or signal
 - (2) Signs that resemble any official marker erected by a government agency or that display the words "Stop" or "Danger"
 - (3) Signs or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure. Signs painted on windows or doors are exempt.
 - (4) Roof signs
 - (5) Balloon signs
 - (6) Mobile signs
 - (7) Advertising and billboard signs except as expressly provided in this Section
 - (8) Rotating signs
 - (9) Signs painted directly on the outside wall or roof of the building. Signs painted directly on fences, rocks, or similar structures or features
 - (10) Paper or similar signs directly attached to a building or structure by adhesive or similar means
 - (11) No sign shall be permitted within the public rights-of-way or easements except bench signs, newspaper and cab stands, directional signs to public facilities, public traffic control, real estate, informational signs and residential for sale signs

704. Permitted Signs

- .01 City of Melrose Billboards and Signs (*Ord No 1995-H*)
- (1) The following billboard signs shall be permitted within the City: two (2) billboard signs for non-commercial purposes, to be used solely for the purpose of providing recognition of the City and for public interest announcements to be located within one hundred and fifty feet (150') of Interstate 94. The signs shall be no larger than 600 square feet in area including borders and trim.
 - (2) City signs for non-commercial purposes, to be used solely for the purpose of providing recognition of the City, shall be allowed in all districts. The signs shall be no larger than 100 square feet in area including borders and trim. (*Ord No 1995-H*)
 - (3) No permit shall be required. (*Ord No 1995-H*)
- .02 Billboards
Billboards may be allowed by Conditional Use Permit in designated billboard districts only.
- .03 For Sale Signs
- (1) For sale signs for the purpose of selling, renting or leasing any residential property shall be permitted in R Districts provided they do not exceed 10 square feet in area and in all other districts provided they do not exceed 30 square feet in area. On-site multiple family for sale or lease signs may not exceed 100 square feet.
 - (2) For sale or lease signs for commercial projects may not exceed 100 square feet and are permitted during the construction period
 - (3) No permit shall be required
- .04 Political Signs
- (1) Temporary poster signs for political advertising or elections conducted in the City may be posted not more than twenty-one days before primary elections or if no primary election, twenty-eight days before the general election
 - (2) Political signs must be removed by those responsible for their being posted within ten days following the primary and/or general elections for which the sign was posted
 - (3) Political signs shall not exceed 16 square feet in area
 - (4) No permit shall be required
- .05 Directional signs
Directional signs may be included in site plans for approval along with development plans. Such signs shall not be larger than 18" x 36" and must only convey traffic informational messages. If any site plan approves a site access plan with a one way drive-way access system, the site plan shall include traffic directional signs.
- .06 Reader Board Signs
Reader Board signs shall be allowed in the C-1, C-2 and I Districts and shall be no less than 8 feet above ground. All signs shall be set back at least 10 feet from the property line and meet the limitations as set forth in Subsection 705.02 (3). (*Ord No 1995-H*)

705. District Sign Regulations

The following sign regulations shall apply in the City.

.01 R Districts

- (1) In R Districts, home occupation or name plate signs no larger than 3 square feet and not illuminated shall be allowed
- (2) In R-3 Districts, 1 name plate sign with not more than two faces and no larger than 10 square feet shall be allowed
- (3) In R-3 Districts, 1 ground sign for each group of buildings with no more than two faces limited to one square foot in size for each dwelling unit not to exceed 100 square feet shall be allowed
- (4) Churches, schools and other institutional uses located in R Districts may have an illuminated name plate sign or ground sign not greater than 50 square feet in gross surface area
- (5) All signs shall be set back at least 10 feet from the property line except as provided in Section 700 (*Ord No 1995-H*)

.02 Commercial and Industrial Districts

- (1) Business signs shall be permitted in C-1, C-2 and I Districts including name plate, wall, pylon, ground, window, projecting and marquee signs. Those signs expressly prohibited by Section 703 of this Ordinance shall not be permitted.
- (2) All signs shall be set back at least 10 feet from the property line except as provided in Section 700 (*Ord No 1995-H*)
- (3) General size limitations. (*Ord No 1995-H*)
 - (3.1) Business signs in the C-1 District are permitted up to 50 square feet in area. Additional square feet up to 100 square feet for each foot of frontage over 50 feet is also permitted for a combined maximum square footage of 150 square feet.
 - (3.2) Business signs in the C-2 or I Districts are permitted up to 85 square feet in area. Additional square feet up to 170 square feet for each foot of frontage over 50 feet is also permitted for a combined maximum square footage of 255 square feet.
 - (3.3) Pylon signs in the C-1, C-2 and I Districts are permitted up to 75 square feet in area. Additional square feet up to 150 square feet for each foot of frontage over 75 feet is also permitted for a combined maximum square footage of 225 square feet.
 - (3.4) Pylon signs in the C-2 District shall be no higher than 70 feet nor less than 8 feet above ground and in the C-1 and I Districts shall be no higher than 30 feet nor less than 8 feet above ground.
- (4) Wall business sign or signs shall not exceed 20% of the surface area of the side of the building to which the sign is attached and, in no case, shall be greater in area than 150 square feet (*Ord No 1995-H*)

- (5) Where more than one business or industry is housed in a single building, allowable signs and sign area may be shared, but shall not exceed the maximum allowance for the building
- (6) Illuminated name plate signs, ground signs or wall signs not larger than 100 square feet including borders and trim shall be allowed in the C-3 Districts *(Ord No 1995-H)*

.03 Sexually Oriented Business Sign Restrictions *(Ord No 5-04-2006-2)*

In order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding Sexually Oriented Businesses, the following sign regulations shall apply to all Sexually Oriented Businesses in the City.

- (1) All signs shall be flat wall signs. No signs shall be free standing, located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages. No sign shall contain any message or image which identifies Specified Sexual Activities or Specified Anatomical Areas as defined in Section 115.03 of the Melrose City Code.
- (2) The amount of allowable sign area shall be one (1) square foot of sign per foot of lot frontage on a street, not to exceed eighty (80) square feet
- (3) No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the Sexually Oriented Business is located
- (4) No signs shall be placed in any window. A one (1) square foot sign may be placed on the door to state hours of operation and admittance to adults only.

706. Billboard Overlay District

.01 Billboards may be allowed by Conditional Use Permit within the Billboard Overlay District on property zoned C-2 or I according to the following regulations:

- (1) Setbacks
No closer than 500 feet from county road rights-of-way; 50 feet from Interstate 94; 30 feet from any street right-of-way and 50 feet from R Districts
- (2) Spacing
No closer than 1000 feet from any other billboard
- (3) Size
No larger than 600 square feet in size including border and trim whether a single sign face or each face of two back to back or V-type signs

- .02 Conditions
The Council, upon recommendation of the Commission, may establish such conditions as are appropriate and necessary to protect the public health, safety and welfare. Such conditions may include a provision that the permit holder certify on a periodic basis that the terms and conditions of the permit have been met and that the billboard and surrounding area has been maintained in a manner consistent with the surrounding properties. The permit may also specify the type and operating hours for illuminated billboards.

707. Miscellaneous Requirements

- .01 The owner, lessee, or manager of any ground, pylon or billboard sign or the owner of the land on which the sign is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.
- .02 Any sign or sign structure which may be, or may hereafter become, rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner or manager of the property at their expense, upon which the sign stands upon written notice of the Zoning Officer.

SECTION 800. CONDITIONAL USE PERMITS

801. Permit Required

Before a building or premises is devoted to any use classified under "Uses by Conditional Use Permit" in this Ordinance, a Conditional Use Permit must be granted by the Council following a Public Hearing and recommendation by the Commission.

802. Procedures to Follow *(Ord No 2002-C)*

- .01 The following exhibits shall be required unless waived by the Commission:
 - (1) The boundary survey and plot plan as required for building permit applications
 - (2) Building plan, drainage information and soil conditions
- .02 Procedures shall be followed by the City in considering Conditional Use Permit applications within the Flood Plain District. *(Ord No 2002-C)*
 - (1) Require the applicant to furnish the following information and additional information as deemed necessary by the City for determining the suitability of the particular site for the proposed use:
 - (1.1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures and the relationship of the above to the location of the stream channel

- (1.2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities
- (2) One copy of the information described in Subsection .02(1) shall be transmitted to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters
- (3) Based upon the technical evaluation of the designated engineer or expert, the City shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard

803. Notice

A notice of the time and place of the Public Hearing shall be published in the official newspaper of the City, at least ten (10) days prior to the date of the hearing. A similar notice shall be mailed at least ten (10) days before the date of said hearing, to each owner of affected property, and property situated, wholly or partly, within three hundred fifty feet (350') of the property to which the Conditional Use Permit relates. A copy of the notice and a list of the owners and addresses to which notice was sent, shall be attested by the responsible person and shall be made a part of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this provision has been made. If a Conditional Use Permit is requested in the Flood Plain District, the City shall submit, by mail to the Commission of Natural Resources, a copy of the application for proposed conditional use at least ten (10) days before the date of said hearing. *(Ord No 2002-C)*

804. Standards for Granting Conditional Use Permits

A Conditional Use Permit may be granted by the Council after presentation of evidence by the applicant demonstrating that: *(Ord No 3-20-2008-1)*

- .01 The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- .02 The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.
- .03 The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in this District.
- .04 Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

- .05 Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- .06 The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- .07 In the Flood Plain District, the Council shall consider all relevant factors specified in other sections of the Zoning Ordinance and: *(Ord No 2002-C)*
 - (1) The danger to life and property due to increased flood heights or velocities caused by encroachments
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner
 - (5) The importance of the services provided by the proposed facility to the community
 - (6) The requirements of the facility for a waterfront location
 - (7) The availability of alternative locations not subject to flooding for the proposed use
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future
 - (9) The relationship of the proposed use to the City's Comprehensive Plan and Flood Plain Management program for the area
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles
 - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site
 - (12) Such other factors which are relevant to the purposes of the Zoning Ordinance

In recommending and granting a conditional use permit, the Commission and the Council shall clearly identify in writing: *(Ord No 3-20-2008-1)*

- (1) the specific evidence which demonstrates that the standards stated in this Ordinance will be satisfied
- (2) how granting a conditional use permit is consistent with the City's Comprehensive Plan

In denying a conditional use permit, the Commission and the Council shall clearly identify in writing:

- (1) the specific evidence which demonstrates that the standards stated in this Ordinance will not be satisfied

- (2) the standards stated in this Ordinance for which the applicant failed to provide adequate evidence demonstrating that the standards will be satisfied
- (3) how granting a conditional use permit is inconsistent with the City's Comprehensive Plan

805. Conditions

The Commission may recommend, and the Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary for the protection of the public interest and to secure compliance with the requirements specified in this Ordinance. In the Flood Plain District, such conditions may include, but are not limited to, the following: (*Ord No 2002-C*)

- .01 Modification of wastewater treatment and water supply facilities.
- .02 Limitations on period of use, occupancy, and operation.
- .03 Imposition of operational controls, sureties, and deed restrictions.
- .04 Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- .05 Flood proofing measures, in accordance with the State Building Code and the Zoning Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

806. Revocation of Conditional Use Permits

Where a Conditional Use Permit has been issued pursuant to the provisions of this Ordinance, such permit shall become null and void without further action by the Commission or the Council unless work thereon commences within one (1) year of the date of granting such conditional use. A Conditional Use Permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than twelve consecutive months. The work shall be completed within 12 months of the granting of the Conditional Use Permit unless an approved staging plan is adopted at the time of the original Conditional Use Permit action. Two six-month extensions may be granted by the Zoning Officer administratively upon receipt of a written request from the applicant. Additional extensions, if necessary, require Council action.

807. Rehearing

No applicant or representative shall be entitled to present any reapplication for a Conditional Use Permit within six months of the time the original application was denied by the Council when such application is substantially the same as the original application. This provision shall not apply to applications withdrawn before Council action.

808. SUR – Special Use Residential

.01 Intent

It is the intent of this Ordinance to establish a very restricted and limited conditional use which provides for one (1) residential dwelling to be constructed on a large lot, together with one (1) warehouse facility for use only by the occupant of the dwelling and to restrict the construction and use of said warehouse facility so that the area will be compatible with R Districts.

.02 Uses Permitted

(1) A single one-family detached dwelling shall be permitted on each lot

(2) One (1) warehouse or storage building may be constructed on each lot for the storage and keeping of motor vehicles, equipment, supplies and merchandise, subject to the following conditions:

(2.1) Prior to construction of said structure, a building permit shall be secured with approval of the Commission, and such conditions or restrictions may be attached to such permit as are deemed necessary

(2.2) Structures shall be set back not less than two hundred (200) feet from the north right-of-way line of County Road 65 and shall be kept in alignment with existing structures having similar use. This provision shall apply only to the Spaeth-Van Beck Addition.

(2.3) No outside storage shall be permitted on the premises

(2.4) No storage of gasoline or petroleum products shall be permitted on the premises, except for the normal heating requirements of the structures on the premises and gasoline sufficient for small motors or heaters. Gasoline for use in motor vehicles shall not be stored on the premises.

(2.5) Warehouse and storage buildings may be used only by the occupant of the dwelling located on said lot and shall not be leased or rented to others

(2.6) No manufacturing or retail sales or services shall be permitted

(3) Customary home occupations

.03 Lot requirements

(1) All lots shall consist of not less than three (3) acres and shall be at least one hundred seventy-five (175) feet in width

(2) Dwelling house shall be set back at least seventy-five (75) feet from north right-of-way line of County Road 65 and shall be kept in alignment with existing houses in the area. This provision shall apply only to the Spaeth-Van Beck Addition.

(3) All structures shall have a side yard of not less than fifteen (15) feet

(4) Lots granted a Conditional Use Permit shall not be reduced in size so long as this conditional use provision remains in effect

809. Manufactured Homes *(Repealed – Ord No 1-21-2010)*

SECTION 900. ADMINISTRATION AND ENFORCEMENT

901. Zoning Officer

- .01 The Council shall appoint a person to serve as the Zoning Officer to administer and enforce the provisions of this Ordinance.
- .02 The specific duties of the Zoning Officer shall include, but not be limited to:
 - (1) Providing zoning information upon request
 - (2) Receiving applications for building permits, reviewing such applications to determine if they comply with Ordinance provisions, and issuing or denying permits
 - (3) Receiving applications for Conditional Use Permits, variances, amendments and appeals, referring such applications to the appropriate agency, notifying affected property owners of required Public Hearings, and publishing notice of such hearing
 - (4) Conducting inspections
 - (5) Investigating violations
 - (6) Maintaining permanent and current records of the Zoning Ordinance including all reports, maps, amendments, Conditional Use Permits, certificates of occupancy and variances
 - (7) Issuing certificates of occupancy
 - (8) Providing technical assistance to the Commission

902. Permits

- .01 **Building Permits**

Hereafter, no person shall erect, alter, remodel, wreck or move any kind of structure or building or part thereof without first securing a building permit except no such permit shall be required for essential public utility service structures such as water towers, and 550 KVA or larger substations. Necessary public utility buildings may be located in any District; however, a Conditional Use Permit shall be required. No building permit shall be issued for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this Ordinance have been fully complied with.
- .02 **Occupancy Permits**

Hereafter, no new building or addition and no land whose use has been changed shall be occupied other than for a public utility use until an occupancy permit has been issued by the Zoning Officer.
- .03 **Permit Fees**

The Council shall establish the schedule of fees for building and occupancy permits and other related permits.

- .04 Exhibits
Each application for a building permit and for an occupancy permit for the use of land shall be accompanied by the following exhibits unless waived by the Zoning Officer.
- (1) Boundary survey of an area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings and easements. Foilage, topography, waterways and soil borings are to be included if pertinent.
 - (2) Plot plan indicating location, size and placement of proposed structure and yards, parking, loading and unloading facilities, vehicular access and egress, and utility plan including surface drainage.
- .05 Denial of Building Permit: In the event of a denial of a building permit based on the requirements in this Ordinance, the matter may be referred to the Commission acting as the Board of Adjustments and Appeals. The Board of Adjustments and Appeals may refuse to grant a permit for the construction or location of any building in such a manner as to significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community. (*Ord No 1-21-2010*)

903. Violations and Penalties

Any person or corporation who shall violate or refuse to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not more than \$700.00 or imprisonment in the County jail for not more than 90 days or both, for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

904. Planning and Zoning Commission Duties in Zoning Administration

The duties of the Commission in zoning administration, in addition to acting as the Board of Adjustments and Appeals, shall be:

- .01 To hold public hearings on applications for amendments to this Ordinance. The Council shall refer all amendment requests not initiated by the Commission to the Commission for study, hearing, report and recommendation. The Commission shall not have the authority to make changes or amendments to this Ordinance; it shall act in an advisory manner to the Council making recommendation in all cases referred to it, and transmitting them to the Council for final action. Such report and recommendation shall be forwarded to the Council within 60 days from the date of referral. If no report is forthcoming, the Council may act without the advice of the Commission.
- .02 To hold public hearings on applications for Conditional Use Permits provided for within this Ordinance and to transmit its recommended action to the Council for final action.

- .03 To periodically review the adequacy and scope of this Ordinance in relationship to City policies and the Comprehensive Plan and make reports and findings to the Council.
- .04 To initiate such studies and amendments as it deems necessary or as directed by the Council, to conduct public hearings as provided on any and all proposed amendments and to report its findings and recommendations to the Council.

SECTION 1000. VARIANCES

1001. Board of Adjustments and Appeals

- .01 Establishment
There is hereby established a Board of Adjustments and Appeals, vested with such administrative authority as is hereinafter provided and as provided by state law. The Commission shall be designated as the Board until such time as other membership is so designated by the Council. Each member shall serve until a successor is appointed.
- .02 Powers
The powers of the Board of Adjustments and Appeals shall be:
 - (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative office in the enforcement of this Ordinance
 - (2) To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to recommend to the Council to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance and only after notice and public hearing
 - (3) To interpret the meaning of this Ordinance and to determine the location of district boundaries in cases of ambiguity and to make rulings with respect to the application of this Ordinance
- .03 Operating Rules
 - (1) The Board is empowered to prepare and adopt its own rules and operating procedures subject to the limitations contained herein
 - (2) A majority of the members shall constitute a quorum and a quorum shall be present to hear and decide all matters. All meetings shall be open to the public
 - (3) The Board shall elect a chair and vice-chair from its members. The Secretary to the Commission shall serve as Secretary to the Board. The Board shall keep minutes of its proceedings showing the vote of each member on each question

.04 Procedures

- (1) Application for any variance or relief from an alleged error shall be made to the Secretary of the Board of Adjustments and Appeals. The application shall be in writing. The application shall state the nature of the appeal, the basis for the appeal and contain a drawing to scale illustrating the nature of the variance sought as appropriate. Upon receipt of any application, a time and place for a public hearing shall be set before the Board, and such notice given as the Board shall deem proper.
- (2) The Board of Adjustments and Appeals may impose such restrictions and conditions upon the premises benefited by a variance as it considers necessary so that the public health, safety and general welfare may be secured.
- (3) If an application is approved, the Board shall report the matter to the Council for confirmation and approval or denial. No permit shall be granted or application allowed until the Council has approved same. All Council decisions remain subject to judicial review through normal judicial processes.
- (4) If an application is denied, the action of the Board shall be final and no further action shall be taken upon it unless appealed to the Council within 10 days. The Council may hear the appeal and decide to uphold the decision of the Board or to grant the application. If the application is granted, reasons for such decision shall be documented. All Council decisions remain subject to judicial review through normal judicial processes.

1010. Notice

A notice of the time and place of the Public Hearing shall be published in the official newspaper of the City, at least ten (10) days prior to the date of the hearing. A similar notice shall be mailed at least ten (10) days before the date of the hearing, to each owner of affected property, and property situated, wholly or partly, within one hundred feet (100') of the property to which the variance relates. A copy of the notice and a list of the owners and addresses to which notice was sent, shall be attested by the responsible person and shall be made a part of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this provision has been made.

Notice shall be given to the applicant for a variance that: *(Ord No 1991-1-H)*

- .01 The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.
- .02 Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

1011. Standards for Granting Variances (*Ord No 3-20-2008-1*)

- .01 The Board of Adjustments and Appeals may, in specific cases, approve and recommend that a variance from the literal interpretations of the regulations of this Ordinance be granted by the Council in instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and when it is demonstrated by the applicant that such actions would be consistent with the spirit and intent of this Ordinance.
- .02 Undue hardship means:
 - (1) The property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance
 - (2) The plight of the landowner is due to circumstances unique to the property, not created by the landowner
 - (3) The variance, if granted, would not alter the essential character of the neighborhood
- .03 In determining whether undue hardship exists in each specific case, the Board may consider any relevant evidence, including evidence which indicates that:
 - (1) Because of the particular physical surroundings, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out
 - (2) The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought and one not applicable, generally, to other property with the same zoning district
 - (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land
 - (4) The alleged difficulty or hardship is caused by the provisions of this Ordinance and has not been created by any persons presently or formerly having an interest in the parcel of land
 - (5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located
 - (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the vicinity
- .04 Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of this Ordinance.

- .05 No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.
- .06 In approving and recommending a variance, the Board shall clearly identify in writing:
 - (1) The specific conditions which justify a determination that undue hardship exists
 - (2) How granting a variance is consistent with the spirit and intent of this Ordinance
- .07 In denying a variance, the Board shall clearly identify in writing:
 - (1) The specific conditions which justify a determination that no undue hardship exists
 - (2) The specific conditions for which the applicant failed to provide adequate evidence demonstrating that undue hardship exists
 - (3) How granting a variance is inconsistent with the spirit and intent of this Ordinance

1012. Rehearing

No applicant or representative shall be entitled to present any appeal for interpretation or variance from this Ordinance within six (6) months of the time the original application was denied by the Board of Adjustments and Appeals when such appeal is substantially the same as the original appeal. This provision shall not apply to an appeal withdrawn before Board of Adjustment and Appeals action.

1013. Administrative Variance *(Repealed – 1990-1-A)*

SECTION 1100. NON-CONFORMING USES AND STRUCTURES

The lawful use of any land or buildings existing at the time of the adoption of this Ordinance may be continued, even if such use does not conform to the regulations of this Ordinance, except when such building or use is reconstructed or altered as provided below:

1101. Non-Conforming Buildings

With respect to the lot size, setbacks, height and other lot requirements for non-conforming buildings, the following shall apply:

- .01 Alterations

Except as provided by Section 1101.03 Restoration, a non-conforming building or structure shall not be reconstructed or altered to an extent exceeding 25 percent of its market value for assessment purposes unless said building or structure is changed to conform with site, building or setback regulations of this Ordinance. *(Ord No 1-21-2010)*
- .02 Enlargement

Except as provided by Section 1101.03 Restoration, a non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this Ordinance. *(Ord No 1-21-2010)*

- .03 Restoration (*Ord No 10-16-2008*)
 - (1) A non-conforming building or structure which is damaged by fire or other causes to the extent of more than 50 percent of its market value shall not be restored except in conformity with the regulations of this Ordinance, unless a building permit is applied for within 180 days of the date that said building or structure was damaged.
 - (2) In the event a building permit to replace or repair a damaged non-conforming building or structure is applied for within 180 days of the date that said building or structure was damaged, the Council may impose reasonable conditions upon the permit to mitigate any newly created impact on adjacent property.
- .04 Dwelling Enlargement

A non-conforming dwelling existing on January 1, 2010 and located in a residential district may be reconstructed, altered, or enlarged to an extent not exceeding 25 percent of its market value for assessment purposes provided such reconstruction, alteration or enlargement: a) does not further reduce any existing front, rear or side/side corner setback non-conformity, and b) conforms in all other respects with the regulations of the Ordinance. (*Ord No 1-21-2010*)

1102. Non-Conforming Use of Building or Land

- .01 Extension
 - (1) A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other Codes or Ordinances
 - (2) A non-conforming use of land shall not be expanded or enlarged
- .02 Relocation

A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted prior to September 11, 1981.
- .03 Abandonment

A non-conforming use of a building or land which has been discontinued for a period of one (1) year shall not be reestablished and any future use shall be in conformity with the regulations of this Ordinance.

1103. Farmstead and Agricultural Uses

If farmstead and agricultural uses including accessory farm animal buildings use cease to exist for a period of one (1) year in a District in which it is not currently a permitted use, the use is to revert to the District in which it is located.

1104. Flood Plain District Uses (*Ord No 10-16-2008*)

- .01 Alterations

A non-conforming building or structure located in the Flood Plain District shall not be reconstructed or altered unless said building or structure is changed to conform with the regulations of this Ordinance.

- .02 Enlargement
A non-conforming building or structure located in the Flood Plain District shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this Ordinance.
- .03 Restoration
A non-conforming building or structure located in the Flood Plain District which is damaged by any means, including flooding, to the extent of more than 50 percent of its market value shall not be restored except in conformity with the regulations of this Ordinance.

1105. Billboard *(Repealed – Ord No 10-16-2008)*

SECTION 1200. AMENDMENTS

1201. Adoption

This Ordinance may be amended, changed or altered by a majority vote of all of the Council. An amendment of this Ordinance that changes all or part of a zoning district from a residential classification to either a commercial classification or an industrial classification shall require a two-thirds majority vote of all of the Council. No amendment to this Ordinance shall be adopted until after a Public Hearing has been duly advertised and held by the Commission. *(Ord No 10-16-2008)*

1202. Kinds of Amendments

An amendment of this Ordinance may be one of the following:

- .01 A change in a district's boundary (rezoning)
- .02 A change in a district's regulations
- .03 A change in any other provision of this Ordinance

1203. Initiation of Proceedings

Proceedings for amending this Ordinance shall be initiated by at least one of the following three methods:

- .01 By petition of an affected owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed
- .02 By recommendation of the Commission
- .03 By action of the Council

1204. Exhibits Required

The following are exhibits which are required for rezoning or district regulation changes initiated by property owners:

- .01 The boundary survey and plot plan as required for building permit applications
- .02 Legal description of the affected property
- .03 A written description of the request setting out the nature of the request, its relationship to the Comprehensive Plan, and possible impacts of granting the application

1205. Notice

A notice of the time and place of the Public Hearing shall be published in the official newspaper of the City, at least ten (10) days prior to the date of the hearing. When an amendment involves changes in district boundaries affecting an area of five (5) acres or less, a similar notice shall be mailed at least ten (10) days before the date of the hearing, to each owner of affected property, and property situated, wholly or partly, within three hundred fifty feet (350') of the property to which the amendment relates. A copy of the notice and list of the owners and addresses to which the notice was sent, shall be attested by the responsible person and shall be made a part of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this provision has been made.

1206. Flood Plain Amendment

Any amendment involving a change in the Flood Plain District boundary or requirements within the Flood Plain District must be submitted to and approved by the Commissioner of Natural Resources and the Federal Emergency Management Agency prior to adoption.

1207. Rehearing

No applicant or representative shall be entitled to present any petition for rezoning within six (6) months of the time the original petition was denied by the Council when such petition and request is substantially the same as the originally denied petition and request. This provision shall not apply to petitions withdrawn before Council action.

SECTION 1300. REGULATION OF BUILDING MOVES *(Ord No 10-19-2006-2)*

1301. Building Requirements

- .01 Buildings or structures, excluding manufactured/mobile homes, which are moved into or within the City must comply with the provisions of this Section, the City Zoning Ordinance, and the State Building Code for new buildings or structures.
- .02 Manufactured/mobile homes that are moved into or within the City must comply with the provisions of this Section, the City Zoning Ordinance and the State Manufactured Home Building Code.

1302. Moving Permit Required

- .01 A person must not move, or cause to be moved, a building or structure, including a manufactured/mobile home, into, within, or out of the City without first obtaining a permit to do so.
- .02 Public Hearing Required *(Ord No 6-5-2008-2; Ord No 1-21-2010)*
 - (1) Before a building or structure, excluding a manufactured/mobile home or a residential accessory structure, may be moved into or within, the City, a permit must be granted by the City Council, following a public hearing and recommendation by the Commission. See Section 1302.04 regarding the moving of a manufactured/mobile home.

- (2) Before a residential accessory structure may be moved into or within the City, a permit must be issued by the Zoning Officer.
- .03 A notice of the time and place of the public hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. A similar notice shall be mailed at least ten (10) days before the date of said hearing to each owner of property situated within a radius of 350 feet of the property to which the building is proposed to be moved. Notice containing the same information shall be posted on the property to which the building is proposed to be moved not less than ten (10) days prior to the date of the hearing. A copy of the published notice, the posted notice, and a list of the owners and addresses to whom notice was sent, shall be attested to by the responsible person and shall be made a part of the proceedings. Failure to receive mailed notice by individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this provision has been made.
- .04 **Manufactured/Mobile Home Permit Requirements**
 - (1) Before a previously occupied manufactured/ mobile home may be moved into or within the City, excluding into or within a designated manufactured/mobile home park, a permit must be granted by the City Council following a public hearing and recommendation by the Commission. *(Ord No 1-21-2010)*
 - (2) If a previously owned manufactured/mobile home is moved into or within a designated manufactured/mobile home park, the Zoning Officer shall issue the permit. *(Ord No 1-21-2010)*
 - (3) If a new manufactured/mobile home is moved into the City, whether or not into a designated manufactured/mobile home park, the Zoning Officer shall issue the permit. *(Ord No 1-21-2010)*
- .05 Before a building or structure, including a manufactured/mobile home or a residential accessory structure, may be moved out of the City, a permit must be issued by the Zoning Officer. *(Ord No 6-5-2008-2; Ord No 1-21-2010)*
- .06 Permits are not required for moving a residential accessory building which has a floor area that is less than 120 square feet. *(Ord No 1-21-2010)*

1303. Moving Permit Application

- .01 An application for a moving permit must include the following:
 - (1) A certificate from the City Building Official that the building or structure meets the requirements of the State Building Code
 - (2) The address, tax identification number, and legal description of the premises from which the building is to be moved
 - (3) The address, tax identification number, and legal description of the premises to which the building will be moved

- (4) A plot plan showing:
 - (4.1) the proposed location of the building on the premises to which the building will be moved
 - (4.2) the proposed grade and elevation as it relates to adjacent lots
 - (4.2) the proposed elevation of the first floor and finished height of the building
 - (4.4) all drainage and fill requirements
- (5) Photos showing:
 - (5.1) all sides of the building or structure
 - (5.2) the proposed building location
 - (5.3) photographs of all adjacent lots and structures
- (6) A list of the highways, streets, and other property over which the building is proposed to be moved
- (7) The proposed moving date and hours
- (8) Evidence that all taxes, assessments, and other charges against the lots from which, and to which, the building is to be moved are currently paid
- (9) Evidence showing that the applicant is the owner of the building and is entitled to move the building
- (10) The City Building Official inspection fee, as established by the City Council
- (11) The permit fee, as established by the City Council
- (12) A bond or certified check from the property owner in an amount established by the City Council payable to the City of Melrose to ensure that:
 - (a) the City is reimbursed for the cost of removing and replacing electric wires, street lamps, and poles belonging to the City
 - (b) the structure is properly removed from the former property
 - (c) the structure is properly located on the proposed property and attached to the foundation
 - (d) all work is performed in compliance with the permit, the State Building Code, and this Section
- (13) The name, address and telephone number of proposed building mover
- (14) Any additional information requested by the City

1304. Permit Issuance

- .01 The Commission may refuse to recommend and the City Council may refuse to issue a moving permit if it finds that:
 - (1) A requirement has not been met
 - (2) The building is too large to move or that no route is available that does not endanger persons or property, or that no route is available that does not seriously inconvenience traffic in the City. Limited vegetation trimming or removal may be allowed in the permit.

- (3) The proposed route includes the use of private property and no consent from the owner has been obtained
 - (4) People or property in the City would be endangered by moving the building
 - (5) The building is structurally unsafe or unfit for the purpose for which it is being moved, if the proposed location is in the City
 - (6) The building is a manufactured/mobile home that does not comply with the provisions of the City Zoning Ordinance, the State Manufactured Home Building Code or other applicable regulations. (*Ord No 1-21-2010*)
 - (7) The proposed building mover's equipment is unsafe and persons and property would be endangered by its use
 - (8) The proposed building mover does not have a current license issued by the state under Minn. Stat. §221.81
 - (9) The proposed building mover has been shown to be unreliable and irresponsible in complying with City requirements
 - (10) The building to be moved is not worth at least 50 percent of the cost of a similar new building
 - (11) The building in the proposed location in the City would fail to comply with a provision of the City Code of Ordinances
 - (12) The building in the proposed location in the City would not conform to the general character of, and the types of architecture in, the use district to which the building would be moved
 - (13) The building in the proposed location in the City is not compatible with the houses in the neighborhood to which the applicant wishes to move the house or building, with respect to height, age, style, condition, or design and, as a result, would reduce the values of existing houses in the neighborhood to which the building would be moved. If the building to be moved is more than ten years older than the oldest building situated on a lot adjacent to the proposed location, such fact shall be evidence that the building to be moved is not compatible with the houses in the neighborhood.
- .02 The permit must specify the permitted days, hours, route, movement, parking, speed limit, and vegetation removal for the proposed move.
 - .03 The City Council may impose additional conditions or requirements in the permit.
 - .04 The issuance of a permit by the City does not relieve the applicant of the obligation to obtain required permits from other governmental agencies and does not permit the use of private property, except with the written consent of the landowner.

1305. Supplemental Information

- .01 At least ten business days before the actual move is to take place, the applicant must submit to the Zoning Officer the following supplemental information:

- (1) Confirmation of the proposed moving date and hours
 - (2) A copy of the proposed building mover's state license and an insurance certificate showing that the mover has current insurance coverage required by state law
 - (3) A signed statement from the applicant or a contractor agreeing to fence or secure the foundation at the original building location, to fill the foundation cavity, and to keep the area safe and clean, if the original building location is in the City
 - (4) A signed statement from the applicant or a contractor agreeing to properly abandon and seal any wells, fill or remove any septic tanks and properly shut off and disconnect any utilities if the original building location is in the City
 - (5) A signed statement from the applicant or a contractor agreeing to connect the building to its new foundation if the proposed building location is in the City
- .02 A permit for a building move is void if the additional information required by Section 1305.01 above is not provided in a timely manner.
- .03 In consultation with the Chief of Police and the Public Works Director, the Zoning Officer may deny the proposed moving date and hours if the move at that time would unreasonably interfere with the public's use of a street or highway or would otherwise adversely affect the public interest.
- .04 The Zoning Officer may deny use of the proposed building mover if the proposed building mover's equipment is not in compliance with federal and state requirements, the proposed building mover does not have a current license or insurance as required by state law, or the proposed building mover has previously been unreliable or irresponsible in complying with City requirements.
- .05 The Zoning Officer must notify the applicant in writing of a denial at least three business days before the proposed moving date, giving the reasons for the denial. The applicant may file a written appeal of this decision with the City Clerk to be heard by the Council at its next available meeting, unless the applicant selects a later date.

1306. Building Moving Conditions

- .01 A licensed building mover must comply with the following when moving buildings into, within or out of the City. The building mover must:
- (1) Move a building only in compliance with the permit conditions and only over the streets and other property designated for that use in the permit
 - (2) Obtain prior permission from the Chief of Police and Public Works Director for any changes in the route or times for the move
 - (3) Notify the Police Department at least one hour in advance of the proposed move

- (4) Notify the Public Works Director of all damage done to property during the move within 24 hours after the damage has occurred
 - (5) Be responsible for all damage caused by the move and pay the cost to correct the damage or the value of the property lost because of the damage
 - (6) Comply with state and county requirements for over-sized vehicles and loads
 - (7) When necessary, erect and maintain barricades across the streets to protect the public from damage or injury because of the move
 - (8) Complete the move within 48 hours after either:
 - (8.1) the building crosses into the City, if moved from a location outside of the City; or
 - (8.2) the building is raised from its original foundation, if moved from a location within the City

A move is complete when the structure has been moved to the precise location shown on the approved plot plan and the equipment used to move the building has been removed.
 - (9) Pay the expense of employees or other individuals who are required by the City to accompany or monitor the movement of the building for the purpose of ensuring compliance with the moving permit or protecting the public health, safety or welfare
 - (10) Comply with all applicable state laws and local ordinances
- .02 A building mover cannot transfer its obligations under Section 1306.01 to the building owner or any other party, except where the responsibility for damage is insured by a contract for liability insurance.
- .03 Within 120 days after the date of the permit issuance, the building must be moved, the State Building Code requirements met as they apply to the structure at its new location, and a certificate of occupancy or a satisfactory final inspection report from the City Building Official for the building received.
- .04 Within 180 days after the date of the permit issuance, all proposed exterior improvements to the building shall be completed; and within 240 days after the date of the permit issuance, all landscaping on the premises shall be completed.
- .05 A person must not cause or permit a structure that has been raised from a foundation and placed on supports to:
- (1) Remain at a location or locations in the City, other than the new permanent location, for longer than 48 hours
 - (2) Remain on any property without the property owner's permission
- .06 The applicant, the landowner and the contractor hired to be responsible for the work must not leave rubbish or other materials at the site from which the building is moved or otherwise allow that site to remain in an unsafe, unsanitary or unsightly condition.

- .07 The applicant, the landowner and the contractor hired to be responsible for a building foundation must not allow an open and unattended foundation to remain unsecured for more than a two-hour period immediately after a building has been raised from the foundation. Foundations must be fenced or secured in some other manner to prevent uninvited access, particularly by children, to the open foundation.
- .08 The applicant, the landowner and the contractor hired to be responsible for a building foundation must not allow a foundation from which a building has been removed to remain open longer than seven days after the building was removed. The foundation must be removed and the cavity filled with appropriate earth materials that are graded level with the adjacent areas, or be used in the construction of a new building, if approved by the building official.
- .09 No later than the time required by Section 1306.08 above for filling the foundation from which a building has been removed, the applicant, the landowner, and the contractor hired to be responsible for the work must properly:
 - (1) Abandon and seal any wells
 - (2) Fill or remove any septic tanks remaining on the original site of the building
 - (3) Properly shut off and disconnect any utilities, as specified by the utility provider
- .10 The building must be connected to the foundation at its new location in accordance with the City Building Code within ten days after the move has been completed.
- .11 The applicant, the landowner and the contractor hired to be responsible for the work must construct and provide all necessary and proper drainage and erosion control for the premises on to which the building is to be moved or moved from, such drainage to be installed and constructed according to plans submitted by the landowner and approved by the Public Works Director. Erosion control measures shall be in accordance with all City storm-water/NPDES requirements and watershed district standards.
- .12 Variances from the provisions of this Subsection 1306 may be granted by the City Council upon good cause shown.
- .13 A failure to comply with a permit provision, State Building Code requirement, or condition in this Section will result in a forfeiture of the bond or cash deposit. The City may use the bond proceeds or cash deposit to complete unfinished work required by the permit, the State Building Code, or this Section, or to pay for any damage caused by the move.

1307. Enforcement (*Ord No 10-19-2006-2*)

This Section will be will be enforced by the Zoning Officer, the Chief of Police, and authorized agents.

SECTION 1400. SOLID FUEL HEATING DEVICE REGULATIONS *(Ord No 3-20-2008-1)*

1401. Definitions

- .01 **Solid Fuel**
Solid Fuel includes, but is not limited to, wood chips, wood pellets, bark, sawdust, shelled and unshelled corn, cereal grains, corn cobs, nut shells, seed shells, fruit pits, weed seeds, pine cones, straw, or any other plant waste.
- .02 **Solid Fuel Heating Device**
Solid Fuel Heating Device means a device designed for wood or other Solid Fuel combustion so that usable heat is derived for the interior of a building. Solid Fuel Heating Device does not include propane or natural gas-fired fireplace logs.
- .03 **Outdoor Solid Fuel Heating Device**
Outdoor Solid Fuel Heating Device means a Solid Fuel Heating Device designed for installation outdoors, including combination fuel furnaces and boilers which burn wood or other Solid Fuel.
- .04 **Interior Solid Fuel Heating Device**
Interior Solid Fuel Heating Device means a Solid Fuel Heating Device designed for installation within a dwelling or other building; including stoves, cooking stoves, fireplaces, combination fuel furnaces, and boilers which burn wood or other Solid Fuel.
- .05 **Solid Fuel Storage Building**
Solid Fuel Storage Building means any accessory building in which Solid Fuel is stored for use as fuel to heat a building.

1402. Prohibition of Outdoor Solid Fuel Heating Devices

Outdoor Solid Fuel Heating Devices are prohibited, and shall not be installed, within the City of Melrose. Existing Outdoor Solid Fuel Heating Devices installed before April 1, 2008, are hereby declared to have the status of non-conforming use in all districts.

1403. Prohibited Materials

The following materials shall not be burned in Solid Fuel Heating Devices within the City of Melrose: garbage, refuse, grass, leaves, oils, rubber, plastics, tires, railroad ties, construction debris, painted or chemically treated materials such as treated lumber, composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint, hazardous waste, and industrial solid waste.

1404. Solid Fuel Heating Device Requirements

- .01 All Solid Fuel Heating Devices installed in the City of Melrose shall meet emission requirements currently required by the Environmental Protection Agency, which are hereby adopted by reference, together with any amendments or modifications made to them in the future.
- .02 A Mechanical Permit/Building Permit shall be required to install any Solid Fuel Heating Device within the City of Melrose.

1405. Solid Fuel Storage Building Requirements

- .01 Any building used for storing Solid Fuel in the City of Melrose shall comply with all use and lot regulations applicable to accessory buildings in the zoning district in which the Solid Fuel Storage Building is located.
- .02 Any building used for storing Solid Fuel in the City of Melrose shall be constructed of materials compatible with the character, color, and scale of the principal building.
- .03 Any building used for storing Solid Fuel in the City of Melrose shall be located in the rear yard of the lot on which it is located.
- .04 Any building used for storing Solid Fuel in the City of Melrose shall not exceed 100 square feet with a side wall of not more than six feet in height.
- .05 The maximum height of any building used for storing Solid Fuel in the City of Melrose shall be at least one foot less than the height of the side wall of the principal structure.

SECTION 1500. SWIMMING POOL REGULATIONS *(Ord No 6-5-2008-2)*

1501. Definition

Swimming pool means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use, which incorporates a filtration system, but excluding spa pools and wading pools as defined by Minnesota Rules Chapter 4717.0250.

1502. Permit Required

No swimming pool shall be installed without a permit from the Zoning Officer.

1503. Swimming Pools are an Accessory Use Under This Ordinance

1504. Swimming Pools Shall Comply with the Following Standards:

- .01 The swimming pool and pool deck shall meet any required set back for an accessory building.
- .02 The swimming pool shall be considered an accessory building for determining permitted lot coverage.
- .03 The swimming pool shall not be located in the front yard of the lot.
- .04 No swimming pool shall be located within ten (10) feet, (measured horizontally) from any underground or buried utility lines.
- .05 No swimming pool shall be located within ten (10) feet, (measured horizontally) from any overhead utility lines.
- .06 No swimming pool or pool deck shall be located within any public or private utility easement, ingress or egress easement, drainage easement or wetland.

SECTION 1600. FENCE AND WALL REGULATIONS *(Ord No 6-5-2008-2)*

1601. Definitions

- .01 As used in paragraphs 1603 through 1606 of this section, the terms “fences” and “walls” refer to structures erected for the purpose of enclosing a lot, yard, or a portion thereof; fences and walls do not include:
 - (1) Retaining walls
 - (2) Decorative or landscaping walls that are two feet or less in height
- .02 As used in paragraphs 1602 and 1607 of this section, the terms “fences” and “walls” refer to structures erected for the purpose of enclosing a lot, a yard, or a portion thereof, retaining walls, and decorative or landscaping walls.

1602. Fences and Walls are Permitted in All Use Districts, Subject to the Provisions of These Regulations

1603. No Fence or Wall Shall be Constructed Without a Permit From the Zoning Officer

1604. Fence and Wall Height

- .01 Fences and walls located within the front yard of a lot in a residential district shall not exceed a height of four (4) feet.
- .02 Fences and walls located within the rear or side yard of a lot in a residential district shall not exceed a height of six (6) feet.
- .03 Fences and walls located in all other use districts shall not exceed a height of ten (10) feet, unless a higher fence is approved as part of a conditional use permit allowing the use.
- .04 If two different zones abut, the higher fence or wall requirements shall apply.

1605. Fence Materials

- .01 Fences shall be constructed of wood, metal, plastic, or other durable material. All wooden fences, other than those constructed out of redwood or cedar, shall be stained or painted on both sides. Metal fences shall be made of non-rusting material or treated to prevent rust.
- .02 The use of creosote lumber as fencing or wall material is prohibited.
- .03 The use of chicken wire, cattle panels, wire mesh, or other non-durable, plastic or metal products as fencing or wall material is prohibited.
- .04 Barbed wire and electrical fences are prohibited, except as follows:
 - (1) properties actively used for agricultural operations may install barbed wire or electrical fences
 - (2) security fences and walls in commercial and industrial districts may be topped with a barbed wire fence not exceeding two feet in height

1606. General Fence and Wall Standards

- .01 Fences and walls shall be constructed at least three (3) feet inside the property line.
- .02 That side of any fence or wall considered to be its finished side (i.e., the side having no structural supports) shall front abutting property.
- .03 No fence or wall shall be constructed that is approximately parallel to an existing fence and creates an area between the fences or walls that has limited accessibility for purposes of maintenance.
- .04 All fences and walls shall be maintained in a safe condition. The landowner of the property on which the fence or wall is located shall be responsible for the maintenance and repair of the structure.
- .05 No fence or wall may be constructed or maintained in a location that obstructs the ability of a driver of a motor vehicle to see another motor vehicle or pedestrian on any street or alley.
- .06 Fences and walls are prohibited, and shall not be permitted, within the flood plain district.

1607. Fences and Walls within Easements

- .01 Fences and walls are prohibited, and shall not be maintained, on or in an easement, except by written permit granted pursuant to the following procedures:
 - (1) The landowner, together with the landowner's permit application, shall submit a written request describing the easement to be effected
 - (2) The Zoning Officer shall refer the permit application and request to the Public Works Director for review and recommendations
 - (3) Based upon the recommendations of the Public Works Director, the Zoning Officer shall approve or deny the request
 - (4) Any approval must be accompanied by specific conditions or modifications to the original request as deemed appropriate to protect the City's easement interests; the permit must contain the specific conditions stated in the approval
- .02 If the request for the fence or wall is approved:
 - (1) The City retains the right to require the landowner to remove or abate the fence or wall where the fence or wall interferes in any manner with the City's use of the easement
 - (2) If there is an emergency necessitating immediate access to the easement, the City reserves the right to remove the fence or wall to obtain access to the easement
 - (3) The landowner shall bear all costs for removal of the fence or wall in the event the landowner is required to remove the fence or wall for access to the easement, or in the event the City removes the fence or wall in the case of an emergency

- (4) The landowner shall be responsible for, and bear all the costs of, restoration of the fence or wall in the event the landowner is required to remove the fence or wall for access to the easement, or in the event the City removes the fence or wall in the case of an emergency
- .03 If the request for the fence or wall is approved, the City specifically reserves all rights of an easement holder afforded under the common law of the State of Minnesota.

SECTION 1700. WIND ENERGY CONVERSION SYSTEMS *(Ord No 1-21-2010)*

1701. Purpose

The purpose of the ordinance is to provide for the regulation of the construction and operation of Wind Energy Conversion Systems (WECS) subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

1702. Definitions

- .01 Facility Operator
The entity responsible for the day-to-day operation and maintenance of the WECS.
- .02 Facility Owner
The entity or entities having controlling or majority equity interest in the WECS, including their respective successors and assigns.
- .03 WECS, Small
A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used for on-site consumption. A small WECS consists of a single wind turbine, tower, and associated control or conversion electronics, which has a total rated capacity less than 5 KW.
- .04 WECS, Large
A WECS consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of 5 or more KW.
- .05 Substation
The apparatus that connects the electrical collection system of a large WECS and increases the voltage for connection with the Utilities' transmission lines.
- .06 Wind Power
The conversion of wind energy into another form of energy.
- .07 Wind Turbine Height
The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

1703. Conditional Use

WECS shall be allowed as a conditional use in the zoning districts listed below:

District	Small WECS	Large WECS
R-1, R-2	CUP	Not Permitted
R-3, R-MH	CUP	Not Permitted
C-1, C-2, C-3, P, M-1	CUP	Not Permitted
I, I-2	CUP	CUP

1704. Permit Application

Application for a WECS permit shall be accompanied by drawings that show the following:

- .01 Location of the proposed WECS and any other auxiliary equipment.
- .02 Property lines and physical dimensions of the lot or parcel.
- .03 A photograph or detailed drawing of the WECS, including the tower.
- .04 Specific information about the WECS, including type, size, rated power output, rotor material and performance, safety and noise characteristics.
- .05 Specific information regarding the type, height and material of the tower.
- .06 Clearance distances between the farthest extension of the WECS blades to property lines.
- .07 Location, dimensions and types of existing structures and uses on the lot or parcel.
- .08 Location of all above ground utility lines within a distance equivalent to the total height of the WECS.
- .09 Location and size of structures, trees and other objects within 300 feet which are taller than the lowest extent of the blades of the proposed WECS.
- .10 Required manufacturer's clear space.
- .11 Copy of UL listing.
- .12 Decibels at property line.

1705. Size Regulations; Compliance

- .01 Rotors
 - (1) Controlled by blade distance from ground and overall height
 - (2) The minimum height of the lowest extent of any WECS rotor blade shall be 25 feet above the ground.
- .02 Height
 - (1) Freestanding wind turbine height limits:

District	WECS
R-1, R-2	40 feet
R-3, R-MH	40 feet
C-1, C-2, C-3, P, M-1	40 feet
I, I-2	40 feet

- .03 Compliance with Regulations
All WECS shall comply with federal aviation administration notification requirements and any other applicable regulations.

1706. Installation and Design

- .01 Towers
 - (1) All WECS tower structures shall be designed and constructed to be in compliance with pertinent provisions of the current State of Minnesota Building Code. Evidence of compliance may be obtained from the manufacturer's engineering staff or a State-registered professional engineer.
 - (2) The compatibility of the tower structure with the rotors and other components of the WECS shall be certified by the manufacturer's engineering staff or by a State-registered professional engineer.
 - (3) WECS towers shall either have tower climbing apparatus located not closer than 12 feet to the ground or be unclimbable by design for the first 12 feet.
 - (4) All WECS towers shall be constructed in a monopole design of self-supporting tubular steel in a non-obtrusive color such as white, off-white, or grey. Roof-mounted WECS structures are prohibited.
- .02 Over-Speed Controls
Every WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer's engineering staff or by a State-registered professional engineer. UL listing of the over-speed control shall be provided.
- .03 Electrical Requirements
 - (1) All electrical components of the WECS shall be in compliance with the applicable requirements of the current National Electrical Code as currently adopted by the State of Minnesota Building Code Division (the "current National Electrical Code") and shall be inspected by a qualified electrical inspector. The interconnection between the WECS and the electric utility shall be in compliance with the current National Electrical Code. Certification will be supplied in writing that the WECS will automatically disconnect from the utility when there is no power input from the utility.
 - (2) The interconnection of the WECS with the local electrical utility shall comply with all applicable Federal and State regulations. Every applicant for a WECS permit must notify the electrical utility in advance of installation and enter into an Interconnection Agreement with the Melrose Public Utilities. All feeder lines shall be buried.

- (3) Every battery storage unit associated with a WECS shall be in compliance with the current National Electrical Code and shall be inspected by a qualified electrical inspector.
- (4) The WECS, including the blades, shall be grounded and shielded to protect against natural lightning strikes in conformance with the current National Electrical Code.
- (5) No WECS shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those devices required by the Federal Aviation Administration.

.04 Structural Components

- (1) The safety of structural components of every WECS and the compatibility of the rotors with the towers of WECS shall be certified by a State-registered professional engineer. The safety of electrical components of every WECS shall be certified by a State- registered electrical engineer.
- (2) The safety of all modifications of any WECS shall be certified by a State-registered professional engineer. Certification of safety is required before the building permit is granted for modifications made prior to installation. Certification of the safety of modifications made after the WECS is installed and the permit is granted is also required. Failure to have the safety of modifications certified after the permit has been granted shall result in revocation of the permit until certification has been obtained.

.05 Signs Required

At least one sign shall be posted at the base of the WECS tower and shall contain the following information:

- (1) Notice of no trespassing.
- (2) Warning of high voltage.
- (3) Identification of the turbine manufacturer, facility owner and facility operator.
- (4) Display advertising including flags, streamers or decorative items is prohibited.

1707. Siting

- .01 The base of the tower of any WECS shall be set back from any property line a minimum of:

District	Small WECS	Large WECS
R-1, R-2	1.1 times the WECS' height	N/A
R-3, R-MH	1.1 times the WECS' height	N/A
C-1, C-2, C-3, P, M-1	1.1 times the WECS' height	N/A
I, I-2	1.1 times the WECS' height	Same as Small WECS

- .02 No part of a WECS shall be located within or over drainage, utility or other established easements.
- .03 No part of a WECS shall be located on or over property lines.
- .04 The base of a WECS tower shall not be on any required minimum front, side or rear yard setbacks.
- .05 Clearance between a WECS and electrical lines shall be in compliance with the requirements outlined in the current National Electrical Code.
- .06 A wind turbine must not be within 1,500 feet of any public parks.

1708. Temporary Meteorological Equipment

Temporary meteorological equipment located upon a temporary tower used on an interim basis to gather wind and meteorological data to determine feasibility of the WECS shall require the processing of a Zoning Permit and shall comply with the following standards:

- .01 No more than one such temporary tower shall be permitted on a lot or parcel at one time.
- .02 The tower shall be placed on property for no longer than eighteen (18) months from the date of Zoning Permit issuance. Any abandoned or obsolete temporary towers shall be removed within 30 days from the cessation of operation at the site.
- .03 The tower shall be temporary by nature and shall not have permanent foundations. Guy wires may be used as long as the connections to the ground are temporary and the wires are designed to support the wind and ice load of the tower.
- .04 The tower shall meet the minimum wind and ice load design required by the current State of Minnesota Building Code.
- .05 The tower and any related guy wires shall be protected against unauthorized climbing.
- .06 The tower shall be set back a distance at least equal to its height from any lot line or recreational field, dwelling, school, business or other habitable structure.
- .07 The tower shall be grounded and shielded to protect against natural lightning strikes, in conformance with the current National Electrical Code.
- .08 No tower shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those devices required by Federal Aviation Administration.

1709. Nuisance Concerns

- .01 Noise Control
Noise area classification, (NAC1, NAC2, etc.), established by the Minnesota Pollution Control Agency (MPCA) shall be used to evaluate and regulate noise from every WECS. The audible sound from a WECS will be measured at the property boundary line. Every owner of a WECS that is found to be in violation of MPCA's noise standards

and/or Chapter 93 (Assessable Services; Nuisances) of the City Code shall cooperate in taking reasonable mitigating measures. If the problem cannot be eliminated or reduced to a reasonable level, the WECS may be shut down.

- .02 Electrical or Radio Frequency Interference
Efforts should be taken by the proposed WECS owner to purchase, build or recondition an electrical generator that will not create electrical or radio frequency interference to the reception of communication signals. Complaints about electrical or radio frequency interference shall be directed to the Federal Communications Commission. If the problem cannot be eliminated or reduced to a reasonable level, the WECS may be shut down.
- .03 Communication Interference
Efforts should be made to site each WECS to reduce the likelihood of blocking or reflecting television or other communications signals. If signal interference occurs, the WECS owner shall make reasonable efforts to resolve the problem. If the problem cannot be eliminated or reduced to a reasonable level, the WECS may be shut down.

1710. Other Regulations

- .01 Supplying More Than One Structure
A WECS that supplies energy to two (2) or more structures shall be allowed as long as the proposed WECS complies with all applicable regulations.
- .02 Wind Access
Adequate wind access is essential to the safe and efficient operation of a WECS and the City encourages the use of private and restrictive covenants to protect wind access.
- .03 Maintenance Requirements; Abandonment; Nuisance
It shall be a public nuisance if any of the following conditions exist:
 - (1) A WECS is not maintained in operational condition and poses a potential safety hazard.
 - (2) A WECS is not maintained and operated in compliance with applicable zoning provisions and State and Federal laws.
 - (3) A WECS has not generated electricity for a period of 12 consecutive months and the Wind Energy Facility Owner has failed to remove the WECS or make it operational within 30 days after the City has given written notice to remove the WECS.
 - (4) A decibel level in excess of 50 at the property line shall constitute a nuisance.
 - (5) The City has a right to abate a public nuisance under the procedures set forth in Chapter 93 (Assessable Services; Nuisances) of the City Code.
- .04 Exemptions From Provisions
Any WECS that is by nature ornamental, rather than functional, shall be exempt from this section if total height is less than 15 feet.

- .05 Inspections
Each WECS shall be inspected yearly to verify that the WECS is operational and that all requirements of installation continue to be met.
- .06 All wind turbines shall comply with all applicable state and federal regulatory standards, including the current State of Minnesota Building Code; current National Electrical Code as currently adopted by the State of Minnesota; Federal Aviation Administration (FAA) requirements; and Minnesota Pollution Control Agency (MPCA)/ Environmental Protection Agency (EPA) regulations including those addressing hazardous waste, construction, and storm water.
- .07 Violation of any provision of this section is grounds for revocation of a conditional use permit for a WECS.

SECTION 1800. SOLAR ENERGY SYSTEMS *(Ord No 1-21-2010)*

1801. Purpose

The purpose of the ordinance is to provide for the regulation of the construction and operation of Solar Energy Systems (SES) subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

1802. Definitions

- .01 Active SES
A SES that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical or chemical means.
- .02 Building-Integrated SES
An active SES that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated SES include, but are not limited to, photovoltaic or hot water SES that are contained within roofing materials, windows, skylights and awnings.
- .03 Grid-Connected SES
A photovoltaic SES that is connected to an electric circuit served by an electric utility company.
- .04 Off-Grid SES
A photovoltaic SES in which the circuits energized by the SES are not electrically connected in any way to electric circuits that are served by an electric utility company.
- .05 Passive SES
A SES that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- .06 Photovoltaic SES
An active SES that converts solar energy directly into electricity.

- .07 Renewable Energy Easement, Solar Energy Easement
An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
- .08 Renewable Energy System
A solar energy or wind energy conversion system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
- .09 Roof Pitch
The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively in twelfths, such as 3/12, 9/12, 12/12.
- .10 Solar Access
A view of the sun from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
- .11 Solar Collector
A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
- .12 Solar Collector Surface
Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
- .13 Solar Daylighting
A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
- .14 Solar Energy
Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- .15 Solar Energy Device
A system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. A passive SES shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

- .16 **SES**
A device or structural design feature a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.
- .17 **Solar Heat Exchanger**
A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
- .18 **Solar Hot Water System**
A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
- .19 **Solar Mounting Devices**
Devices that allow the mounting of a solar collector onto a roof surface or the ground.
- .20 **Solar Storage Unit**
A component of a solar energy device that is used to store solar generated electricity for later use.

1803. Conditional Use Permit

An active SES shall be allowed as a use by Conditional Use Permit in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:

- .01 **Height**
An active SES must meet the following height requirements:
 - (1) A building or roof-mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, all SES other than building-integrated systems shall be considered to be mechanical devices.
 - (2) A ground or pole-mounted SES is not permissible.
- .02 **Setback**
 - (1) **Roof-Mounted SES**
In addition to the building setback, the collector surface and mounting devices for a roof-mounted SES shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a sideyard exposure.
- .03 **Visibility**
An active SES shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector, if consistent with the provisions of this Ordinance, is not required to be consistent with other roofing materials unless specified in the Conditional Use Permit.

- (1) Building-Integrated Photovoltaic SES
Building-integrated photovoltaic SES shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use and performance standards for the district in which the building is located.
 - (2) SES with Mounting Devices
SES using roof-mounting devices or ground-mounted SES shall not be restricted if the system is not visible from the closer edge of any public right-of-way other than an alley. Roof-mounted SES that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch greater than five (5) percent steeper than the roof pitch on which the SES is mounted, and shall be no higher than ten (10) inches above the roof.
- .04 Approved Solar Components
Electric SES components must have a UL listing.
- .05 Plan Approval Required
By virtue of the Conditional Use Permit requirement, all SES shall require Planning and Zoning Commission and City Council approval.
- (1) Plan Applications
Plan applications for a SES shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building.
 - (1.1) Pitched Roof-Mounted SES
For all roof-mounted SES other than on a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (1.2) Flat Roof-Mounted SES
For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the SES from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- .06 Compliance with Building Code
All active SES shall comply with the City's Zoning Ordinance and with the current Building Code as adopted by the State of Minnesota.
- .07 Compliance with State Electric Code
All photovoltaic SES shall comply with the current National Electrical Code as currently adopted by the State of Minnesota Building Code.

- .08 Utility Notification
No grid-connected photovoltaic SES shall be installed until evidence has been given to the Planning and Development Department that the owner has submitted notification to and received approval from the utility company of the customer's intent to install an interconnected customer-owned generator. An Interconnect Agreement with the Melrose Public Utilities will be required. Off-grid SES are exempt from this requirement.
- .09 Aesthetic Conditions
The SES must blend into the building on which the system is mounted.
- .10 Safety Conditions
The SES must be anchored in such a manner so as to withstand windspeeds of 90 mph and must be set back from adjoining properties far enough so as to insure that no reasonable risk of accidental contact with electrical components from adjoining properties will occur.

1804. Certification

All solar collectors and solar water heating systems sold, offered for sale, or installed in the State must bear a Solar Rating and Certification Corporation (SRCC) certification label evidencing the manufacturer's compliance with the design, reliability, durability, safety, operation, servicing, installation, and manual criteria contained in the Operating Guidelines and Standards. In addition, in accordance with the Operating Guidelines and Standards, every seller of solar collectors and solar water heating systems for installation in the State must provide every bona fide prospective buyer a copy of the certification award issued by the SRCC.

1805. Enforcement

The Planning and Development Department shall not issue any permits required for installation of the electrical, mechanical, or structural aspects of the SES until the seller has furnished to the Department a copy of the completed certification award required by this part. The Department need not determine the accuracy of the seller's certification award or otherwise determine the extent to which the seller's SES meets or exceeds the Operating Guidelines and Standards.

SECTION 1900. INTERIM USE PERMITS *(Ord No 1-21-2010)*

1901. Purpose and Intent

- .01 The purpose and intent for allowing interim uses is:
 - (1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
 - (2) To allow a use that is presently judged acceptable by the Commission and/or City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

- (3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

1902. Procedures

- .01 Uses of a building or premises proposed to be determined as interim uses under the Ordinance shall:
 - (1) Be processed according to the standards and procedures for a Conditional Use Permit.
 - (2) Require the granting of an Interim Use Permit by the Council following a Public Hearing and recommendation by the Commission.

1903. General Requirements

- .01 An interim use shall comply with the following:
 - (1) Meet the standards of a Conditional Use Permit.
 - (2) State that certain date or event that will terminate the use.
 - (3) Shall not impose additional unreasonable costs on the public.
 - (4) Meet any conditions that the Commission and/or Council deems appropriate for permission of use.

1904. Termination

- .01 An Interim Use Permit shall terminate on the happening of any of the following events, whichever occurs first:
 - (1) The date stated in the Interim Use Permit.
 - (2) Upon violation of conditions under which the permit was issued.
 - (3) Upon change in the City's zoning regulations, which renders the use non-conforming.
 - (4) The redevelopment of the use or property.

SECTION 2000. RESERVED

SECTION 2100. RESERVED

SECTION 2200. RESERVED

SECTION 2300. RESERVED

SECTION 2400. RESERVED

SECTION 2500. RESERVED

SECTION 2600. RESERVED

SECTION 2700. RESERVED

SECTION 2800. RESERVED

SECTION 2900. RESERVED

SECTION 3000. RESERVED

SECTION 3100. RESERVED

SECTION 3200. RESERVED

SECTION 3300. RESERVED

SECTION 3400. RESERVED

SECTION 3500. RESERVED

SECTION 3600. RESERVED

SECTION 3700. RESERVED

SECTION 3800. RESERVED

SECTION 3900. VALIDITY *(Ord No 1-21-2010)*

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4000. EFFECTIVE DATE *(Ord No 1-21-2010)*

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

Includes all amendments through January 2010

Adopted by the Council this 21st day of February, 1989.

Allen L. Horn, Mayor

(S E A L)

ATTEST: _____
Rose Ann Inderrieden, City Clerk-Treasurer