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CITY OF MELROSE

ZONING ORDINANCE NO. 1989-1-A

MELROSE, MINNESOTA

June 26, 2019

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SECTION 100. PURPOSE, AUTHORITY AND DEFINITIONS

101. Short Title

This Ordinance shall be known as the "City of Melrose Zoning Ordinance 1989-1-A, as amended, and adopted by reference as Chapter 153 of the City of Melrose Code of Ordinances," and will be referred to herein as "this Ordinance".
(Ord No 12-10-2015-2)

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 and Minnesota Statute, Chapter 103F for floodplain management. **(Ord No 12-15-2011-1)**

105. Application

Except as herein provided no structure, building or land within the City of Melrose shall hereafter be used or occupied and no structure, building or part thereof shall be erected, moved or altered unless in conformity with applicable regulations herein specified. **(Ord No 12-10-2015-2)**

106. Essential Public Utilities Services Exemption

Essential public utility services and structures such as fire hydrants, utility lines, sewer lift stations, transformers, communications equipment and substations of less than 1000 KVA shall be exempted from the provisions of this Ordinance.
(Ord No 12-10-2015-2)

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:

001.05 Abutting

Two or more parcels of property which contact each other or are separated by a paved public right-of-way. **(Ord No 1-21-2010, 7-21-2016-2)**

001.10 Accessory Building or Use

(See Building, Accessory and Use, Accessory)

001.15 Adjacent (Ord No 12-10-2015-2)

Two or more parcels of property which contact each other with no separation.

001.20 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.

001.25 Applicant (Ord No 12-10-2015-2)

The owners, their agent, or representative having interest in land where an application for City review of any permit, use, or development is required by this Ordinance.

002.05 Basement (within the floodplain) (Ord No 12-15-2011-1)

Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

002.10 Bed and Breakfast (Ord No 12-10-2015-2)

A private, owner-occupied dwelling with guest rooms where temporary lodging facilities and some meals are provided to paying lodgers where the lodging is subordinate and incidental to the main residential use of the dwelling. Indoor recreational facilities for the use of the residents and paying lodgers may be included.

002.15 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.

- 002.20 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.
- 002.25 Building Coverage (Ord No 12-10-2015-2)**
That percentage of the total area of a lot which is covered by structures.
- 002.30 Building Height (Ord No 12-10-2015-2)**
Structure heights shall 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.
- 002.35 Building, Principal**
A building in which the primary use of the lot on which it is located is conducted.
- 003.05 City**
The City of Melrose, Minnesota.
- 003.10 City Administrator/Treasurer (Ord No 12-10-2015-2)**
The City Administrator/Treasurer of the City.
- 003.15 City Council or Council**
The City Council of the City.
- 003.20 Clear View Area (Ord No 12-10-2015-2)**
The triangular area of a corner lot formed by the street lines and a line connecting them at points 35' from the intersection of the street lines, or from the area formed by the intersection of the right-of-way lines and a line connecting them at points 20' from the intersection, whichever is greater, unless otherwise directed by City staff. Within this area, visibility shall be unobstructed between a height of 24" and nine feet above the center line grades of the intersecting streets.
- 003.25 Commission**
Melrose Planning and Zoning Commission.
- 003.30 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.

- 003.35 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.
- 003.40 Conditional Use (Ord No 12-10-2015-2)**
The use of land in a district where such use requires additional controls and safeguards not required of permitted uses.
- 004.05 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.
- 004.10 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.
- 004.15 District (Ord No 12-10-2015-2)**
A section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
- 004.20 Drive-Through (Ord No 12-10-2015-2)**
Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.
- 004.25 Durable Surface (Ord No 12-10-2015-2)**
Improved and maintained with asphalt or concrete pavement or such other surface as may be approved by the City, to provide a durable and dust-free surface. Does not include gravel or crushed rock.

- 004.30 Dwelling**
A building, or portion thereof, which is intended to be used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, multiple family dwellings, and manufactured/mobile homes but not including hotels, motels, nursing homes, congregate care facilities, assisted living facilities, boarding or rooming houses or tourist homes. **(Ord No 12-10-2015-2)**
- 004.35 Dwelling, Attached**
A dwelling which is joined to another dwelling or building at one or more sides by a common party wall or walls.
- 004.40 Dwelling, Detached**
A dwelling which is entirely surrounded by open space on the same lot.
- 004.45 Dwelling, Efficiency Unit**
A dwelling unit with one primary room which doubles as living room, dining room and bedroom.
- 004.50 Dwelling-One-family**
A residential structure containing only one dwelling unit.
- 004.55 Dwelling-Two-family (duplex)**
A residential structure containing two dwelling units.
- 004.60 Dwelling-Multiple-family (apartment buildings)**
A building or portion thereof containing three or more dwelling units.
- 004.65 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.
- 004.70 Dwelling, Unit**
A single unit consisting of one or more rooms containing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation for one family. **(Ord No 12-10-2015-2)**
- 005.05 Easement**
A grant by or from a property owner for the use of land for a specific purpose.
- 006.05 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.
- 006.10 Flood, Equal Degree of Encroachment (Ord No 12-15-2011-1)**
A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of

conveying a proportionate share of flood flows.

006.15

Flood Fringe (Ord No 2002-C)

That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study, Stearns County, Minnesota And Incorporated Areas. The flood fringe shall be comprised of those areas designated as Zone AE on the Flood Insurance Rate Map and located outside of the floodway or those Zone A areas shown on the Flood Insurance Rate Map determined to be in the flood fringe in accordance with the procedures in Section 310.06 of this Ordinance. *(Ord No 12-15-2011-1)*

006.20

Flood, Obstruction (Ord No 12-15-2011-1)

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

006.25

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.

006.30

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 floodplain that result from designation of a floodway.

006.35

Floodplain

The areas adjoining a watercourse, wetland or lake which have been or hereafter may be covered by the regional flood. *(Ord No 12-15-2011-1)*

006.40

Floodway (Ord No 2002-C)

The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

006.45

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.

006.50 Frontage (Ord No 12-10-2015-2)

That boundary of a lot that abuts a public roadway.

006.55 Funeral Home (Ord No 12-10-2015-2)

A building or part thereof used for funeral services. The buildings may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall not include facilities for cremation.

007.05 Garage, Private

A detached accessory building or portion of the principal building which is used for storing passenger vehicles or major recreational vehicles by a resident of the property. **(Ord No 12-10-2015-2)**

007.10 Garage, Public

Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.

008.05 Home Occupation

Any occupation or profession carried on by a person residing on the premises, conducted entirely within the dwelling, (not including the garage or accessory structure) which use is clearly incidental and secondary to the use of the residential unit and does not change the character thereof; provided that not more than twenty-five (25) percent of the gross floor area of any one story is used for a home occupation. **(Ord No 12-10-2015-2)**

008.10 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.

009.05 Impervious Surface (Ord No 12-10-2015-2)

The portion of the lot which has a covering which does not permit water to percolate into the natural soil. Impervious surface shall include but not be limited to buildings, all driveways and parking areas (whether paved or not), sidewalks, patios, swimming pools, tennis and basketball courts, covered decks, porches and other structures.

009.10 Industry

A building or use which involves the production, processing or storage of materials, goods or products.

- 010.05 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.
- 012.05 Landscaping (Ord No 12-10-2015-2)**
The planting trees, shrubs, and turf covers such as grasses and shrubs.
- 012.10 Live/Work Units (Ord No 12-10-2015-2)**
A dwelling unit that includes a completely separate space for employment by the resident and up to two (2) employees who are not required to be residents of the dwelling unit.
- 012.15 Lot**
A piece, parcel or plot of land intended for transfer of ownership.
- 012.20 Lot Area**
The area of a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.
- 012.25 Lot, Corner**
A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
- 012.30 Lot Coverage**
Total area of a lot covered by principal and accessory buildings.
- 012.35 Lot Depth**
The mean distance measured from the front lot line to the rear lot line.
- 012.40 Lot, Interior**
A lot other than a corner lot.
- 012.45 Lot Line**
The lines bounding a lot dividing one lot from another or from a public or private street.
- 012.50 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.
- 012.55 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.
- 012.60 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.

- 012.65 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.
- 012.70 Lot Width**
The horizontal distance between the side lot lines of a lot measured at the building setback line.
- 012.75 Lowest Floor (*Ord No 12-15-2011-1*)**
The lowest floor of the lowest enclosed area (including basement).
- 013.05 Manufactured/Mobile Home (*Ord No 12-15-2011-1*)**
A structure, manufactured in compliance with the Manufactured Home Building Code, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle”. (*Ord No 12-10-2015-2*)
- 013.10 Manufacturing (*Ord No 12-10-2015-2*)**
A use engaged in the assembly, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of the products.
- 013.15 Material, Durable Surface**
A hard surfaced material such as concrete or asphalt, but not including gravel or crushed rock. This pertains to ground surfacing.
- 013.20 Modular Home (*Ord No 12-10-2015-2*)**
A factory-built structure, manufactured in compliance with the Minnesota State Building Code, constructed in components for transportation, assembly, and installation on a permanent foundation at a building site.
- 013.25 Motor Fuel Facilities (*Ord No 12-10-2015-2*)**
Any building or premises used for the retail sale of petroleum products for the propulsion of motor vehicles, and including such products as gasoline, kerosene, fuel oil, lubricants, tires, batteries, anti-freeze, motor vehicle accessories and other items customarily associated with the sale of such products; and for the rendering of service and making of adjustments and replacements to motor vehicles; as incidental to other services rendered, washing, waxing, and polishing of motor vehicles and making of repairs to motor vehicles except those of a major type (i.e. engine repair).
- 013.30 Motor Vehicle, Implement, and Recreational Equipment Sales (*Ord No 12-10-2015-2*)**
A business engaged in the sales of new and/or used motor vehicles, implements and recreational equipment sales (boats, campers and the like).

- 013.35 Motor Vehicle Service Facility (Ord No 12-10-2015-2)**
Any building used for major automobile repairs defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof.
- 014.05 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.
- 015.05 Office (Ord No 12-10-2015-2)**
A room, suite of rooms, or a building containing rooms or suites of rooms in which commercial activities, professional services, or occupations are conducted that do not require that goods are stored, produced, sold at retail, or repaired, including, but not limited to, financial institutions, architect or engineer, governmental offices, medical, dental, chiropractic, attorneys-at-law, insurance offices, real estate offices, utility offices, radio broadcasting, and similar uses.
- 016.05 Parking Space, Automobile**
A durably 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 250 square feet, including passageways, driveways or other means of circulation or access. **(Ord No 12-10-2015-2)**
- 016.10 Particulate Matter**
Dust, smoke or any other form of airborne pollution in the form of minute separate particles.
- 016.15 Permitted Uses (Ord No 12-10-2015-2)**
A use that is allowed as a matter of right with a building permit with no additional action being required by the Commission or Council.
- 016.20 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.
- 016.25 Principal Structure (Ord No 12-10-2015-2)**
A structure or group of structures in which a principal use occurs.
- 016.30 Principal Use (Ord No 12-10-2015-2)**
The main use and chief purpose of land or structures, as distinguished from a secondary or accessory use.

- 018.05 Recreational Equipment, Major**
Major recreational equipment shall include, but not be limited to travel trailers, converted buses, coaches, pick-up campers, campers, motor homes and race cars, but excludes vehicles which are used predominantly for domestic or employment related transportation. *(Ord No 12-10-2015-2)*
- 018.10 Recreational Vehicles (Ord No 12-15-2011-1)**
A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- 018.15 Retail Service**
An establishment that involves the offering of a service or entertainment to the general public for compensation.
- 018.20 Retail Trade**
An establishment that involves the offering of a product to the general public for compensation.
- 018.25 Right-of-Way, Public (Ord No 12-10-2015-2)**
An area for public use owned by a government jurisdiction.
- 019.05 Semitrailer**
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.
- 019.10 Setback**
The minimum horizontal distance between a building and the road right-of-way or lot line, (unless specifically related to the street center line), disregarding steps, unroofed porches and overhangs. *(Ord No 12-10-2015-2)*
- 019.15 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.
- 019.20 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.
- 019.25 Street, Local**
A street of little or no continuity, designed to provide access to abutting property and ideally leading into collector streets.

- 019.30 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 (manufactured homes), recreational vehicles not meeting the exemption criteria specified in Section 310(.05)(11) of this Ordinance and other similar items.
(Ord No 12-15-2011-1)
- 019.35 Substantial Improvement (within the floodplain) (Ord No 12-15-2011-1)**
 Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - (2) Any alteration of an “historic structure”, provided that the alteration will not preclude the structure’s continued designation as an “historic structure”. For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.
- 020.05 Truck**
 Any motor vehicle designed, used, or maintained primarily for the transportation of property and not for the carrying of passengers.
- 020.10 Truck-Tractor**
 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.
- 021.05 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.
- 021.10 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.
- 021.15 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.

- 021.30 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).
- 021.35 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)*
- 021.40 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.
- 021.45 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.
- 021.50 Use, Principal**
The main use of land or buildings as distinguished from a subordinate or accessory use.
- 022.05 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 practical difficulty as defined and elaborated upon in a community's respective planning and zoning enabling legislation. *(Ord No 12-10-2015-2)*
- 025.05 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.
- 025.10 Yard, Front**
A yard extending along the full width of the front lot line between side lot lines.
- 025.15 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.
- 025.20 Yard, Side**
A yard extending along a side lot line between the front and rear

yards.

026.05

Zoning District

An area or areas for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

026.10

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
- C-1 Commercial Downtown
- C-2 Commercial Highway
- C-3 Commercial Limited (*Ord No 1995-F*)
- C-4 Commercial/Residential (*Ord No 12-10-2015-2*)
- C-5 Commercial/Residential Downtown (*Ord No 07-19-2018-2*)
- 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 (Ord No 06-21-2018)

- .01 Newly annexed land will be zoned upon annexation. In the event specific zoning is not established at time of annexation, land will be zoned in accordance with the adopted Comprehensive Plan, or at the discretion of the City Council. The Comprehensive Plan map and phasing plan adopted in the Comprehensive Plan shall be referenced for all zoning decisions made with respect to annexations and rezoning requests.
- .02 As part of the annexation process, land proposed to be annexed into the City may be given an initial zoning based on the proposed use if
 - (1) it is consistent with the Comprehensive Plan Future Land Use Map and
 - (2) public utilities are presently available to serve the property.
- .03 Any land which may be annexed to the City that does not have public utilities presently available or anticipated to be available within 18 months 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) Repealed (Ord No 12-10-2015-2)

(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 six persons

(6) Townhouses **(Ord No 1995-D)**

.03 Permitted Accessory Uses

(1) Accessory structures as regulated in Section 604 **(Ord No 1995-D; 1999-G; 3-20-2008-1; 12-10-2015-3)**

(2) The renting of rooms by a resident family for lodging purposes only, and for not more than two roomers in a one-family dwelling

(3) Home occupations located in the principal building provided that: **(Ord No 12-10-2015-2)**

(3.1) Not more than 25% of the gross floor area of any one story is used for a home occupation **(Ord No 12-10-2015-2)**

(3.2) Repealed **(Ord No 12-10-2015-2)**

(3.3) No articles for sale shall be displayed so as to be visible from any street

(3.4) No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet residential environment of the neighborhood

(3.5) Such occupation is engaged only by the resident(s) of said home **(Ord No 12-10-2015-2)**

(3.6) One non-illuminated nameplate sign not larger than two

square feet affixed to the dwelling immediately adjacent to the entrance used for business access and except as otherwise expressly authorized by this chapter, there shall be no evidence of the occupation, activity, or business use visible, audible, or with an odor detectable from the exterior of the dwelling (**Ord No 12-10-2015-2**)

- (3.7) No structural changes to the dwelling or residential driveway shall be permitted which are inconsistent with the residential use and appearance of the property (**Ord No 12-10-2015-2**)
- (3.8) Customer visits related to the home occupation shall be allowed only during the hours of 7:00 a.m. to 9:00 p.m., Monday through Saturday. Deliveries and pickups related to the home occupation shall only be allowed during the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday (**Ord No 12-10-2015-2**)
- (3.9) Deliveries may not be made by semitrailer truck (**Ord No 12-10-2015-2**)
- (3.10) No business activity may be conducted which is illegal or prohibited under any other City ordinance or applicable law (**Ord No 12-10-2015-2**)

- (4) Attached private garage with door height of nine feet or less. If more than one door, both must be of same height. See Section 604 (**Ord No 12-10-2015-2**)
- (5) Fences, as regulated by Section 1600 (**Ord No 12-10-2015-2**)
- (6) Private swimming pool, as regulated by Section 1500 (**Ord No 12-10-2015-2**)
- (7) Repealed (**Ord No 12-10-2015-2**)
- (8) Repealed (**Ord No 12-10-2015-2**)
- (9) Signs as regulated by Section 700

.04 Uses by Conditional Use Permit

- (1) Planned Unit Developments as defined herein
- (2) Hospitals, nursing homes, independent age-restricted housing units (rental or owner-occupied), rest homes, cemeteries, municipal facilities such as fire stations, city offices, libraries and museums and similar uses of a public service nature (**Ord No 12-10-2015-2**)
- (3) Nurseries and greenhouses
- (4) Attached private garages with door openings greater than nine feet in height (**Ord No 12-10-2015-2**)
- (5) Repealed (**Ord No 12-10-2015-2**)
- (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) Repealed (**Ord No 12-10-2015-2**)

- (10) Accessory buildings in excess of two
 - (11) Manufactured/mobile home parks complying with Section 2000 Manufactured Home Park Regulations (**Ord. No 1-21-2010; Ord No 12-10-2015-2**)
- .05 Townhouse Regulations (**Ord No 1995-D**)
- (1) Townhouse Utilities
If the Melrose Public Utilities Commission (MPUC) determines that it is necessary, each residential unit must be provided separate sanitary sewer, water, electricity, natural gas, telephone and other utilities (**Ord No 12-10-2015-2**)
 - (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
 - (5) Floor Area Requirements (**Ord No 12-10-2015-2**)
 - (1.1) A townhouse shall have no more than six dwelling units
 - (1.2) Townhouse dwelling units shall contain at least 800 square feet when it is a one story structure and at least 1,100 square feet when it is a two story structure
 - (1.3) The minimum width of a townhouse shall be 24'
 - (1.4) The maximum building height for townhomes shall be 40'
- .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 and two-family attached dwelling units shall be governed by the following restrictions: **(Ord No 12-10-2015-2)**

- (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 single family dwelling shall have a minimum width for the main habitable portion of the structure of not less than 24'. No single family dwelling shall have a finished ground/main floor space of less than 800 square feet excluding a basement **(Ord No 12-10-2015-2)**
- (1.3) Roof: Roofs shall be shingled with asphalt, wood, tiles or other comparable materials as allowed by the applicable building code. New metal shingles and metal roofing of new materials shall be allowed provided that they:
 - a) Be 26, 24 or heavier gauge steel
 - b) Be standing-seam profiled metal
 - c) Have concealed fasteners
 - d) Have a corrosion resistant coating such as zinc, aluminum, alloys of zinc-aluminum, copper, or tin if the material is non-galvanized painted steel, aluminized steel, zinc-aluminum-coated steel or terne-coated steel
 - e) If painted, have at least a 20-year paint warranty **(Ord No 12-10-2015-2)**
- (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". Metal siding shall have concealed fasteners. Sheet metal siding is not permitted **(Ord No 12-10-2015-2)**

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 six dwelling units are contained in any one structure **(Ord No 12-10-2015-2)**

.03 Permitted Accessory Uses

- (1) All accessory uses permitted in the R-1 District
- .04 Uses by Conditional Use Permit
 - (1) 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
- .06 Floor Area Requirements for Multiple-Family Dwelling Units: (**Ord No 12-10-2015-2**)

Living units in stacked buildings containing more than two units shall have the following minimum floor areas per unit:

 - (1) Efficiency apartments: 400 square feet
 - (2) One bedroom apartments: 640 square feet
 - (3) Two bedroom apartments: 720 square feet
 - (4) More than two bedroom apartments: 120 square feet additional for each bedroom

220. Commercial Districts

221. C-1 – Commercial Downtown

- .01 Intent (Ord No 12-10-2015-2)

The intent of the Commercial Downtown District to provide for the establishment of commercial and service activities which draw from and serve residents from the community and its surrounding areas within the “Downtown” area of the City. This district shall also support 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; and automobile service stations **(Ord No 12-10-2015-2)**
 - (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 provided that: **(Ord No 12-10-2015-2)**
 - (5.1) The structure and operation are in compliance with State of Minnesota Department of Human Services regulations and shall be licensed accordingly meeting all State licensing requirements pursuant to Minnesota Statutes 245A.02 and 245A.11, as amended
 - (5.2) The facility shall provide screening along the shared boundary where outdoor play areas abut commercial or industrial uses or zones, or public right-of-way
 - (5.3) Loading and unloading areas are located so that children do not cross traffic to reach the facility. The loading and unloading areas must be designed to minimize interference with traffic and promote safety of the children
 - (5.4) Parking is located separately from any outdoor play area.
- .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 and conducted entirely within the building **(Ord No 12-10-2015-2)**
- (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 (Ord No 1990-1-A, 12-10-2015-2, 05-17-2018, 12-13-2018-1)

- .01 Intent (Ord No 12-10-2015-2)
The intent of the Commercial Highway District is to provide for the establishment of service and limited retail businesses primarily oriented toward motorists and requiring high volumes of traffic and visibility from major roads.
- .02 Permitted Uses (Ord No 12-10-2015-2)
 - (1) Restaurant, café with no drive-through service
 - (2) Private clubs or lodges serving food and beverages
 - (3) Motels and hotels provided that the lot area contains not less than 500 square feet of lot area per unit
 - (4) Motor vehicle, implement and recreation equipment sales and service with no outdoor storage or display
 - (5) Offices, banks (with no drive-through service), personal and professional services
 - (6) General retail sales and service uses
- .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 outdoor display and sales such as farm implement sales, mobile home sales, automobile sales, garden and landscaping sales, marine and recreational vehicle sales subject to the following: **(Ord No 12-10-2015-2, 12-13-2018-1)**
 - (1.1) Off-street parking and loading areas are provided where required
 - (1.2) No public address system shall be used
 - (1.3) The display areas shall be surfaced with a durable surface approved equivalent to control dust and erosion. The display area shall be architecturally compatible with the principal

- structure of the site through use of similar building materials or fencing around the perimeter of the display areas
- (1.4) All displayed vehicles for sale shall comply with Section 500 of the Zoning Ordinance regarding Surfacing, Drainage, Location of Parking Spaces, Screening, Lighting, and Maintenance requirements. **(Ord No 12-13-2018-1)**
 - (1.5) Compliance with minimum parking dimensions and drive lane requirements is not required for vehicle sales display areas when in a designated vehicle display area on an approved Conditional Use Permit site plan. **(Ord No 12-13-2018-1)**
 - (1.6) There shall be a permanent structure on the parcel or located contiguous or directly across the street from and operating in conjunction with the business's principal structure when both parcels have the same person or entity owning, renting, occupying or having a controlling interest in both parcels. **(Ord No 12-13-2018-1)**
 - (1.7) Open service, sales, display or rental areas shall not encroach on the required off street parking, loading area or traffic maneuvering area required by this chapter **(Ord No 12-13-2018-1)**
 - (1.8) This section does not apply to smaller displays on the internal sidewalk of a business when near a building. Nor does it apply to temporary and seasonal sales areas such as spring plant sales, fireworks sales and similar uses when meeting other City Codes. **(Ord No 12-13-2018-1)**
- (2) Facilities with drive-through subject to the following: **(Ord No 12-10-2015-2)**
 - (2.1) Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on-site to facilitate litter control
 - (2.2) These facilities shall be located only on sites having direct access to a minor arterial street, collector or service road
 - (2.3) The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections
 - (2.4) The location of the drive-through shall accommodate parking lot stacking of at least four vehicles
 - (2.5) Hours of operation of the drive-through shall be limited to 7:00 a.m. to 10:00 p.m. where abutting or adjacent to a residential zoning district
 - (3) Off-sale liquor store **(Ord No 12-10-2015-2)**
 - (4) Commercial recreational facilities such as roller rinks, racquet ball courts, bowling alleys, etc. **(Ord No 12-10-2015-2)**
 - (5) Convenience grocery stores provided that it is operated in

conjunction with a motor fuel facility which is a part of said business subject to the following: **(Ord No 12-10-2015-2, Ord 05-17-2018-1 removed 3,200 sq. ft. max store size)**

- (5.1) Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on site. Fuel pumps shall be installed on pump islands
- (5.2) The total height of any overhead canopy or weather protection shall not exceed 20' in height
- (5.3) No sales or rental of motor vehicles, trailers or campers shall be permitted
- (5.4) Each motor fuel station shall be compatible with the area in which it is located
- (5.5) A minimum eight foot landscaped yard shall be planted and maintained behind the property line along all public streets
- (5.6) Motor fuel dispensers shall be located at least 30' from a property line, and 100' from any Residential District property lines
- (5.7) All canopy lighting for motor fuel station pump islands shall be recessed or fully shielded
- (5.8) Litter Control. The operation shall be responsible for litter control within 300' of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on-site to facilitate litter control
- (6) Grocery stores provided that total floor space is 10,000 square feet or more. **(Ord No 1990-1-A)**
- (7) Billboards and advertising signs as regulated by Section 700
- (8) Public and semi-public buildings such as post offices, fire stations, libraries, museums, community centers and city offices
- (9) Vehicle services such as repair, body work, fuel and truck stops subject to the following standards: **(Ord No 12-10-2015-2)**
 - (9.1) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation and turning movements
 - (9.2) Temporary outdoor vehicle storage may be allowed in outdoor storage areas that are not larger than 25% of the buildable lot area, are located behind the front building line, and are 100% screened
 - (9.3) Vehicles not being repaired but used as a source of parts shall be prohibited unless fully enclosed within the building
 - (9.4) Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days

- (10) Repealed (**Ord No 12-13-2018-1**)
- (11) Commercial car washes (drive-through, mechanical and self-service as a principal or accessory use) with one or more bays subject to the following standards: (**Ord No 12-10-2015-2**)
 - (11.1) Stacking space is provided to accommodate an appropriate number of vehicles and shall be subject to the approval of the Council
 - (11.2) The entire area shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months
- (12) 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. C-4 Commercial/ Residential (Ord No 12-10-2015-2)

.01 Intent

The intent of the Commercial/Residential is to support additional opportunities for commercial/retail development along 2nd Avenue SE that essentially connects traffic from Interstate 94 to the downtown. Uses are limited to less intense retail or more walkable retail that supports and will be compatible with the downtown. Conversion of an existing home to a commercial use shall be permanent.

.02 Permitted Uses

- (1) Single and two-family dwellings
- (2) Live/work units, subject to the following standards:
 - (2.1) Any space that will be used by walk-in customers of the business must be accessible from an exterior entrance that is not used to access other residential units
 - (2.2) Off-street parking shall be provided for employees
- (3) Commercial retail and service establishments including, but not limited to the following:
 - (3.1) Retail establishments such as book, stationary, gift or novelty shops; hobby or craft store
 - (3.2) Personal services such as laundry, hair styling salons, shoe repair shops and photography studios, tailoring
 - (3.3) Professional services such as medical and dental clinics and attorney offices
- (4) Prohibited uses include but are not limited to the following: uses classified as industrial; appliance, small engine repair; motor vehicle sales or repair; pawnshop; animal handling; food service including catering, restaurant, café or tavern type; private entertainment and sexually oriented businesses.

.03 Permitted Accessory Uses

- (1) Automobile parking lots
- (2) Loading and unloading areas

.04 Uses by Conditional Use Permit

- (1) Adult Day care
- (2) Licensed day care facilities provided that:
 - (2.1) The structure and operation are in compliance with State of Minnesota Department of Human Services regulations and shall be licensed accordingly meeting all State licensing requirements pursuant to Minnesota Statutes 245A.02 and 245A.11, as amended
 - (2.2) The facility shall provide screening along the shared boundary where outdoor play areas abut commercial or industrial uses or zones, or public right-of-way
 - (2.3) The facility has two parking spaces per employee on largest shift (designated); in addition, three parking spaces must be provided solely for the loading and unloading of children.

Loading and unloading spaces must be clearly marked
(2.4) Loading and unloading areas are located so that children do not cross traffic to reach the facility. The loading and unloading areas must be designed to minimize interference with traffic and promote safety of the children

(2.5) Parking is located separately from any outdoor play area

(3) Bed and Breakfast subject to the following standards:

(3.1) Off-street parking shall be provided for owner/ operator plus one space per guest room

(4) 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

(5) Upon conversion of an existing residential structure to a commercial use, as permitted by this section, the structure shall not covert back to a residential use

.05 Minimum Building Design Requirements

(1) Existing residential structures converted to a business use shall maintain the residential character of the home. Any building entry, additions or renovations shall be of similar materials, colors and roof pitch of the primary structure

(2) New construction for a permitted commercial use shall be designed to be compatible with surrounding residential structures including similar architectural style, materials and roof pitch

(3) Signage shall be permitted only in the form of a projecting sign. Nameplate, projecting, wall or window signs with a maximum area of 40 square feet. Projecting signs shall not exceed eight feet in length (includes extension arm and sign length) or five feet in height. The projecting sign shall not extend higher than 20' from grade. Such signs shall have a minimum clearance of eight feet to grade

225. C-5 – Commercial/Residential Downtown (Established Ord No. 07-19-2018-2)

.01 Intent

The intent of the Commercial/Residential Downtown District to provide for the establishment of mixed use of residential, commercial and service activities which draw from and serve residents from this district, the community and its surrounding areas within the “Downtown” area of the City. This district shall also support 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; 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 as follows:
 - (4.1) Above the first-floor level
 - (4.2) On the first level when not facing a public right-of-way
 - (4.3) On the first level, facing the right-of-way when not encompassing greater than 15 percent of width of the building's first-floor level.
 - (5) Licensed day care facilities provided that:
 - (5.1) The structure and operation are in compliance with State of Minnesota Department of Human Services regulations and shall be licensed accordingly meeting all State licensing requirements pursuant to Minnesota Statutes 245A.02 and 245A.11, as amended
 - (5.2) The facility shall provide screening along the shared boundary where outdoor play areas abut commercial or industrial uses or zones, or public right-of-way
 - (5.3) Loading and unloading areas are located so that children do not cross traffic to reach the facility. The loading and unloading areas must be designed to minimize interference with traffic and promote safety of the children
 - (5.4) Parking is located separately from any outdoor play area.
- .03 Permitted Accessory Uses
- (1) Automobile parking lots and parking ramps
 - (2) Loading and unloading areas
 - (3) Automobile garages
 - (4) Warehousing, assembly, and manufacturing when incidental to the principal use and conducted entirely within the building
 - (5) Signs as regulated by Section 700
 - (6) Common areas, community rooms, exercise rooms, offices and similar accessory uses related to residential and/or apartment uses.

- .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

226. 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
 - (7) Temporary lodging facilities for medical staff, outpatients, and patient guests (**Ord No 12-10-2015-2**)
- .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 with no outdoor storage **(Ord No 12-10-2015-2)**
 - (2) Distillation of bones, coal, tar, petroleum, fertilizer, refuse, grain, or wood with no outdoor storage **(Ord No 12-10-2015-2)**
 - (3) Manufacture or storage of explosives with no outdoor storage **(Ord No 12-10-2015-2)**
 - (4) Reduction or dumping of garbage, offal, dead animals or fish or any activity involving the slaughter of animals subject to the following standards: **(Ord No 12-10-2015-2)**
 - (4.1) The site shall not be any closer than 500 feet from any residentially zoned property.
 - (4.2) The area where slaughtering and related activities take place must be completely screened from all adjacent properties, streets and highways.
 - (5) Repealed (Ord No 12-10-2015-2)
 - (6) Excavation, crushing, washing and/or grading of rock, gravel or sand provided the site is completely screened from all adjacent properties, streets and highways (Ord No 12-10-2015-2)
 - (7) Billboards and advertising signs as regulated by Section 700
 - (8) Repealed (Ord No 12-10-2015-2)
 - (9) Repealed (Ord No 10-16-2008)
 - (10) Repealed (Ord No 12-10-2015-2)
 - (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 as defined in Section 115.03 of the Melrose City Code (**Ord No 12-10-2015-2**) are permitted uses in Industrial Districts, subject to the following location requirements:

 - (1) A Sexually Oriented Business shall not be located within 1,000' of an existing Sexually Oriented Business
 - (2) A Sexually Oriented Business shall not be located within 1,000' of any existing school or place of worship
 - (3) A Sexually Oriented Business shall not be located within 400' of any PUD District, Residential District, or residential property
 - (4) A Sexually Oriented Business shall not be located within 400' of any property being used as a park
 - (5) A Sexually Oriented Business shall not be located within 400' 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' 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 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:
 - (2.1) Increased crime rates, particularly in sex-related crimes such as rapes, prostitution, indecent exposure and other lewd and lascivious behavior;
 - (2.2) 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;
 - (2.3) Increased transiency and decreased stability of ownership;
 - (2.4) Deteriorated neighborhood appearance from litter and graffiti;
 - (2.5) Sex-related harassment of residents and customers by motorists and pedestrians;
 - (2.6) A perception that the area is "unsafe;" and
 - (2.7) 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.

234. Commercial and Industrial Minimum Design Standards (Ord No 12-10-2015-2, Ord 7-19-2018-2)

.01 In the C-1, C-2, C-4, C-5 and M-1 districts all new construction or when an existing building is expanded at or over 50% of the existing square footage or building value (based on latest assessed value), whichever is less, the entire building including the existing façade and new expansion shall meet the building design requirements as required in Subds. 1, 2, 3 and 4 (Ord 7-19-2018-2).

- (1) Within the C-1, C-2, C-4, C-5 and M-1 zoning districts, buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety, and general welfare. Exterior building finishes shall consist of durable finish-type materials of a high grade and quality
- (2) The use of various textures, colors and accents is encouraged. The following are acceptable exterior materials:
 - (2.1) Brick or face brick
 - (2.2) Decorative architectural precast concrete masonry units. Concrete masonry units shall have an indented, hammered, split-face finish or other similar architectural finish and be integrally colored. Light weight concrete block or cinder block construction is prohibited
 - (2.3) Specially designed, precast or tilt wall concrete panel units if the surfaces have been integrally treated with an applied decorative material or texture (excluding raw concrete block painted or unpainted)
 - (2.4) Wood
 - (2.5) Natural or cut stone such as granite, marble, limestone,

- slate, river rock and other durable naturally occurring all weather stone
- (2.6) Stucco (plaster) Exterior Insulated Finishing System (EIFS)
 - (2.7) Glass curtain walls provided they are designed as non-load bearing exterior walls supported in a metal framework
 - (2.8) Within the C-1 and M-1 zoning districts, colored steel with concealed fasteners provided it does not exceed more than 75% of the total exterior materials on any street facing elevation. Street facing elevations shall incorporate brick, stone, or concrete masonry units (integrally colored) as the primary material at the base of the building
 - (2.9) Within the C-3, C-4 and C-5 zoning districts, colored steel with concealed fasteners provided it does not exceed more than 25% of the total exterior materials on any street facing elevation. Street facing elevations shall incorporate brick, stone, or concrete masonry units (integrally colored) as the primary material at the base of the building. (Ord 7-19-2018-2)
 - (2.10) Within the C-2 zoning districts, colored steel, provided it does not exceed more than 75% of the total exterior materials on any street facing elevation. Street facing elevations shall incorporate brick, stone, or concrete masonry units (integrally colored) as the primary material at the base of the building
 - (2.11) Decorative synthetic material approved by the Commission
 - (2.12) Any combination of the materials identified herein
 - (2.13) Any other material approved by the Commission, including but not limited to hardy plank or other concrete composite materials found to be of comparable or superior durability which mimics the appearance of other approved materials
- (3) Concrete block or masonry framing systems are preferred. Tilt-up, post frame wood and/or steel framing are allowed as long as any structure has a contiguous masonry frost-free foundation
 - (4) Existing brick facades in the C-1 District shall not be covered with other façade materials or painted
 - (5) Architectural design alternatives that meet the objectives of Subd. 2 may be considered for approval by the Commission and Council
 - (6) All roofs which are exposed to a view or are an integral part of a building's aesthetics:
 - (6.1) Within the C-1, C-4, C-5 and M-1 zoning districts will be constructed only of commercial grade asphalt shingles, wood shingles, metal shingles, standing seam metal (with concealed fasteners), slate, tile, copper or membrane
 - (6.2) Within the C-2 zoning district will be constructed only of commercial grade asphalt shingles, wood shingles, metal shingles, standing seam metal, slate, tile, copper, metal

- roofs with exposed fasteners, or membrane
- 6.3 Within the C-1, C-2, C-4, C-5 and M-1 zoning districts only new roofing materials shall be allowed. The Commission may consider green roof options that reduce storm water runoff and improve water quality

.02 Industrial Districts:

- (1) For new construction in the I and I-2 districts or when an existing building is expanded at or over 50% of the existing square footage or building value (based on latest assessed value), whichever is less, the entire building including the existing façade and new expansion shall meet the following building design requirements:
 - (1.1) Permitted Materials:
 - a) Any approved commercial materials
 - b) Standard smooth-faced concrete masonry units
 - c) Unfinished panel formed precast or cast-in-place concrete panels
 - d) Colored steel
- (2) All roofs which are exposed to a view or are an integral part of a building's aesthetics will be constructed only of commercial grade asphalt shingles, wood shingles, metal shingles, standing seam metal, slate, tile, copper or metal roofs with exposed fasteners. Only new materials shall be allowed. The Commission may consider green roof options that reduce storm water runoff and improve water quality
- (3) Commercial and Industrial Accessory Structures. Accessory structures and outbuildings must be of similar materials, quality and architectural and aesthetic appearance and conformance as the principal building or structure and must be approved by the Commission. Accessory structures may only be built after the principal structure has been completed on that lot. Accessory structures may not exceed the height of the principal building

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, assisted living facilities, schools, churches and similar uses of an institutional nature (**Ord No 12-10-2015-2**)
- (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. Floodplain District (*Ord No 12-15-2011-1*)

The Flood Insurance Study, Stearns County, Minnesota And Incorporated Areas and Flood Insurance Rate Map panels therein numbered 27145C0285E, 27145C0287E, 27145C0290E and 27145C0291E, all dated February 16, 2012 and prepared by the Federal Emergency Management Agency are hereby adopted by reference, declared to be part of this Ordinance, and shall be incorporated in the Zoning District Map.

The Flood Insurance Study shall be on file in the Office of the City Administrator. The Floodplain District for the City shall include those areas which lie within the Zone AE and Zone A 100 year Flood Boundary on the Flood Insurance Rate 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 Floodplain District as shown on the Flood Insurance Rate 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, the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier and other available technical data. (Ord No 12-15-2011-1)

.01 General Provisions (*Ord No 12-15-2011-1*)

- (1) The intent of the Floodplain 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.
- (2) National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program. (*Ord No 12-15-2011-1*)
- (3) Warning and Disclaimer of Liability. This Ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Melrose or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. (*Ord No 12-15-2011-1*)
- (4) Severability. If any section, clause, provision, or portion of this

Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. **(Ord No 12-15-2011-1)**

- (5) Annexations. The Flood Insurance Rate Map panels adopted by reference into Section 310 above may include floodplain areas that lie outside of the corporate boundaries of the City of Melrose at the time of adoption of this Ordinance. If any of these floodplain land areas are annexed into the City of Melrose after the date of adoption of this Ordinance, the newly annexed floodplain lands shall be subject to the provisions of this Ordinance immediately upon the date of annexation into the City of Melrose. **(Ord No 12-15-2011-1)**

.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 open 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 **(Ord No 12-10-2015-2)**
- (4) Residential uses such as lawns, gardens, parking areas, and play areas
- (5) Recreational vehicles meeting the exemption criteria of Section 310(.05)(11) **(Ord No 12-15-2011-1)**
- (6) All other uses and all uses that require structures (including manufactured homes and manufactured home parks and placement of recreational vehicles that do not meet the exemption criteria specified in Section 310(.05)(11)), fences that obstruct flood flows, fill or the storage of materials or equipment shall be prohibited, except as allowed by uses by Conditional Use Permit. **(Ord No 12-15-2011-1)**

.03 Permitted Accessory Uses

.04 Uses by Conditional Use Permit

- (1) Accessory structures to existing municipal parks and open space, structures accessory to public utilities such as lift stations and wastewater treatment facilities, including remodeling, additions to, and expansion of said facilities or structures and new principal structures associated with wastewater treatment facilities in the flood fringe; provided that any structures or additions are elevated

- on fill with the lowest floor at or above the regulatory flood protection elevation or that such structures or facilities are flood proofed in accordance with Section 310(.05)(6) and the State Building Code **(Ord No 2002-C) (Ord No 12-15-2011-1)**
- (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 if built in the floodway or cause an increase in flood damages in the reach or reaches affected **(Ord No 12-15-2011-1)**
 - (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) 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 at its largest projection. All flood proofed structures must meet the following additional standards, as appropriate: **(Ord No 12-15-2011-1)**
 - (6.1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - (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; and
 - (6.3) To allow for the equalization of hydrostatic pressure, when FP-3 or FP-4 flood proofing is being utilized, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one

square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings. **(Ord No 12-15-2011-1)**

- (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. Fill placement within the flood fringe 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. **(Ord No 12-15-2011-1)**
- (8) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation. **(Ord No 12-15-2011-1)**
- (9) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. **(Ord No 12-15-2011-1)**
- (10) On-site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section. **(Ord No 12-15-2011-1)**
- (11) Recreational Vehicles **(Ord No 12-15-2011-1)**

- (11.1) Exemption recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 310(.05)(11.2) below and further that they meet the following criteria:
 - (a) Have current licenses required for highway use.
 - (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - (c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- (11.2) Areas exempted for placement of recreational vehicles.
 - (a) Individual lots or parcels of record.
 - (b) Existing recreational vehicle parks or campgrounds.
- (11.3) There shall be no development allowed on the site associated with the use of the recreational vehicle and said development shall include such things as decks, patios, gazebos, storage sheds, structural additions, garages and similar items.
- (11.4) There shall be no non-governmental recreational vehicle parks or campgrounds located in the floodplain.
- (12) Structures and Structural Additions Elevated On Fill Without Floodproofing. Structures elevated on fill such that the lowest floor is at the regulatory flood protection elevation shall have the finished fill elevation no lower than one foot below the regulatory flood protection elevation. The fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon. **(Ord No 12-15-2011-1)**
- (13) Storage of Material or Equipment. **(Ord No 12-15-2011-1)**
 - (13.1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (13.2) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation. Storage of materials or equipment may be allowed at elevations lower than the regulatory flood protection elevation if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Council.
- (14) Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall

not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood. **(Ord No 12-15-2011-1)**

(15) Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Flood Insurance Rate Map. **(Ord No 12-15-2011-1)**

(16) Manufactured homes and new manufactured home parks shall not be allowed in the floodplain. **(Ord No 12-15-2011-1)**

.06 Floodway/Flood Fringe and Regulatory Flood Protection Elevation Determinations Within Zone A Areas. **(Ord No 12-15-2011-1)**

The following procedures will be followed when a floodway/flood fringe and/or regulatory flood protection elevation determination is needed for conditional uses allowed in Section 310.04:

(1) Upon receipt of an application for a conditional use permit within the Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Officer for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe:

(1.1) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(1.2) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

(1.3) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

(1.4) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

(2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly

encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- (2.1) Estimate the peak discharge of the regional flood.
 - (2.2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (2.3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- (3) Determination. In considering the application, the Council must formally accept the technical evaluation and the recommended floodway and/or flood fringe boundary or deny the permit application.
- (3.1) Prior to determination by the Council, the Zoning Officer may submit the application and all supporting data and analyses to the Federal Emergency Management Agency and the Department of Natural Resources for review and comment.
 - (3.2) The Zoning Officer shall present the technical evaluation and findings of the designated engineer or expert, together with any comments from the Federal Emergency Management Agency, Department of Natural Resources, and the Commission to the Council.

320. Shoreland Overlay District (reserved)

330. Planned Unit Development Overlay District – PUD (*Ord No 12-10-2015-2*)

- .01 Intent. The purpose of the planned unit development overlay district is to offer an alternative to development as outlined in the residential, commercial, and industrial use districts of this Ordinance. Deviation from the definitive and precise requirements of the underlying zoning districts is to be allowed as a Planned Unit Development (PUD) if the particular areas to be developed can offer greater value to the community and can better meet the community's health, welfare, and safety requirements than if those same areas were to be developed in accord with the strict interpretation of the regulations.
- .02 PUD projects may allow:
- (1) A mixture of land uses, housing types and densities within a comprehensive site design concept;
 - (2) Departure from strict application of required setbacks, yard areas, lot sizes, minimum dwelling unit sizes, minimum requirements and other performance standards associated with traditional zoning,

thereby maximizing the development potential of land while remaining sensitive to its unique and valuable natural characteristics;

- (3) Consolidation of areas for recreation and reductions in street lengths and other utility related expenses;
- (4) The clustering of units/project density where the base density is determined on the number of units per acre rather than specific lot dimensions;
- (5) A combination of uses which are allowed in separate zoning districts such as:
 - (5.1) Mixed residential uses allowing both densities and unit types to be varied within the project;
 - (5.2) Mixed commercial, industrial, residential or institutional land use with the integration of compatible land uses within the project except, however; industrial uses shall not be mixed with residential
- (6) PUD projects shall be developed in accordance with an overall design and an integrated development plan and otherwise in accordance with the City Subdivision Regulations. Such projects shall be consistent with the intent and purpose of this Ordinance and shall not adversely affect the property adjacent to the land included in the project.

.03 General Standards for Approval. A rezoning will be required of all PUDs. The rezoning will be applied as an overlay to the underlying zoning district and reflected as such on the official zoning map. The City may approve the PUD only if it finds that the development satisfies all of the following standards:

- (1) The PUD is consistent with the Comprehensive Plan of the City;
- (2) The PUD is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation or creation of unique amenities such as natural streams, stream banks, wooded cover, rough terrain, manmade landforms or landscaping and similar areas;
- (3) The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The development plan will not have a detrimental effect upon the neighborhood in which it is proposed to be located;
- (4) The PUD provides transitions in land use in keeping with the character of adjacent land use, and provides variety in the organization of site elements and building design;
- (5) The tract under consideration is under single ownership or control;
- (6) The proposal meets the standards and purposes of the Comprehensive Plan and preserves the health, safety and welfare of the residents of the City and that all of the following conditions exist:
 - (6.1) The proposal better adapts itself to the physical and

- aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district;
- (6.2) The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district(s);
 - (6.3) The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district;
 - (6.4) The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site than would otherwise occur in the underlying zoning district.
- (7) The public benefits such as, but not limited to, improved site or architectural design, open space preservation, improved parks, trails, recreation facilities or other amenities and a mix of compatible land uses which foster Comprehensive Plan goals of the PUD justify any deviations from the primary zoning ordinance provisions and performance standards;
 - (8) The PUD will not create an excessive burden on parks, schools, streets, or other facilities and utilities that serve or are proposed to serve the PUD.
 - (9) Upon approval of rezoning to planned unit development the zoning designation on the Official Zoning Map of the tract or tracts of land involved shall be changed by adding “PUD Overlay” indicator to the parcels.
- .03 Ownership and Plan. This Section makes provisions for residential, commercial, industrial, and mixed-use planned unit development overlay districts for a tract or tracts of land under single or unified ownership. Such planned unit development projects shall be developed in accordance with an overall design as shown in a general development plan which shall be consistent with the general intent of this Ordinance.
- .04 Regulations.
- (1) All roadways and utilities within planned unit developments shall be constructed to specifications established by the City
 - (2) A development agreement for the completion of this work shall be established between the City and the developer
 - (3) There shall be no standard minimum land area requirement for any planned unit development
 - (4) Upon approval of the planned unit development by the Council, the area will be subject to the stipulations of the development agreement and approved general development plan
 - (5) Once the general development plan, the final plat, if required, and the rezoning to overlay the planned unit district have been

approved by the Council, the resulting Ordinance becomes effective, the development agreement has been entered into, and the plat, if required, has been filed of record, the developer may begin construction. No change to the general development plan shall be allowed without amending the approved PUD.

- (6) Nothing in this article or this Ordinance shall be interpreted as negating the necessity of filing a plat as required by the City's subdivision regulations. In addition, nothing in this article shall be interpreted as defeating the purpose of the orderly and rational development of the City and of the environment.

.05 Administrative Procedure.

- (1) Concept Plan and General Process. Before filing an application for approval of a planned unit development, an Applicant is encouraged to submit a concept plan for review and comment by City staff. The Applicant may request a review of the concept plan by the Commission to obtain its non-binding comments on the plan's merits. Before any construction, the proponents of a PUD project shall submit and receive approval of:

- (1.1) Preliminary development plan and preliminary plat if platting is required.

- (1.2) General development plan through Conditional Use Permit (CUP), final plat, if platting is required, and rezoning to PUD overlay.

- (2) Preliminary Plan. The preliminary development plan and preliminary plat, if platting is required, shall be submitted to the City for referral and hearing. The Commission shall conduct a public hearing pursuant to the hearing procedures outlined in this section and make recommendations to the Council. The plan shall include the following:

- (2.1) All information required for consideration and approval of a preliminary plat, if a plat is necessary

- (2.2) Existing site conditions, including development on the subject property and immediately adjacent properties

- (2.3) The proposed use of all areas of the site

- (2.4) The proposed density, type, size and location of all dwelling units, if dwelling units are proposed

- (2.5) The general size, location and use of any proposed nonresidential buildings on the site

- (2.6) All public and private streets, entrance and exit drives and walkway locations

- (2.7) Parking areas

- (2.8) Landscaped areas

- (2.9) Parks and open spaces, public plazas and common areas

- (2.10) Site dimensions

- (2.11) Generalized drainage and utility plans

- (2.12) Summary sheets showing proposed densities, area for each

land use on the site and proposed modifications of underlying district regulations

- (2.13) Generalized staging plan for the project, including the geographical sequence of construction and the number of dwelling units or square footage of nonresidential to be constructed in each stage
- (2.14) A statement describing how the proposed PUD overlay district meets the stated purposes and objectives of this section of the Ordinance and of the Comprehensive Plan
- (2.15) Any other information which the City may reasonably request

.06 Final Plan. After Commission and Council approval of the preliminary development plan, (and the preliminary plat when required), application for approval of the general development plan, the final plat, if required, and the rezoning of the entire area to the PUD overlay district shall be made. The submission for the general development plan, the final plat, if required, and the rezoning to PUD overlay shall include:

- (1) All information required for consideration and approval of a final plat, if a plat is necessary
- (2) A final site plan drawn to scale showing the location of all structures including their placement, size and type as well as streets, parking areas and stall arrangement, walkways and other pedestrian facilities, parking calculations, and open space including public plazas and commons
- (3) A landscape plan showing the location, size, and species of all plant materials, a landscaping irrigation system plan, and all other non-vegetative landscaped features
- (4) A utility plan showing the location and size of all on-site utilities and easements, as well as storm water runoff calculations for both the pre-development and post-development condition of the site
- (5) Building plans at a level of detail necessary to allow parking calculations to be made and building elevation drawings showing architectural details and proposed building materials
- (6) Any deed restrictions, covenants, agreements, and Articles of Incorporation and By-laws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD
- (7) A staging plan, if staging is proposed, indicating the geographical sequence and timing of development of the plan or portions thereof, including the estimated date of beginning and completion of each stage
- (8) Any information that has changed since submission for approval of the preliminary development plan
- (9) Any other information which the City may reasonably request

340. Wetlands Overlay District (reserved)

350. Billboard Overlay District
(See Section 706)

SECTION 400. DISTRICT LOT REGULATIONS (Ord No 12-10-2015-2)

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	R-1	R-2	R-3	C-1, C-5	C-2, C-3 & M-1	C-4	I & I-2	P
	Acres	sq ft per dwelling unit			sq. ft				

Lot Area (lots of record before 4/1/08) (corner lot add 10%)

Single Family	20	8,000	11,000	-	-	-	8,000	-	-
Two Family	-	4,000	5,500	-	-	-	4,000	-	-
Townhouse	-	4,000	5,500	5,500	-	-	-	-	-
Multi-Family	-	-	-	3,000	-	-	-	-	-
Mobile Home	10	5,500	5,500	5,500	-	-	-	-	-
Non-residential	-	-	-	-	-	10,000	-	21,000	15,000
PUD	-	8,000	11,000	3,000	-	-	-	-	-

Lot Area (lots of record after 4/1/08) (corner lot add 10%)

Single Family	20	11,000	11,000	-	-	-	11,000	-	-
Two Family	-	5,500	5,500	-	-	-	5,500	-	-
Townhouse	-	5,500	5,500	5,500	-	-	-	-	-
Multi-Family	-	-	-	3,000	-	-	-	-	-
Mobile Home	10	5,500	5,500	5,500	-	-	-	-	-
Non-residential	-	-	-	-	-	10,000	-	21,000	15,000
PUD	-	11,000	11,000	3,000	-	-	-	-	-

FRONTAGE (lots of record before 4/1/08)

Interior Lot	1250'	50'	80'	100'	25'	100'	50'	100'	100'
Corner Lot	1250'	75'	100'	100'	25'	100'	75'	100'	100'

FRONTAGE (lots of record after 4/1/08)

Interior Lot	1250'	80'	80'	100'	25'	100'	80'	100'	100'
Corner Lot	1250'	100'	100'	100'	25'	100'	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	R-1	R-2	R-3	C-1 C-5	C-2, C-3 & M-1	C-4	I & I-2	P
Yards:									
Principal Building									
Front Yard	100'	25'	35'	40'	-	25'	25'	25'	25'
Rear Yard	100'	25'	35'	40'	-	25'	25'	25'	25'
*Side Yard Sides Combined Minimum	200' 100'	12' 6'	12' 6'	20' 10'	- -	35' 15'	12' 6'	35' 15'	35' 15'
Side Corner Sides Combined	200'	31'	41'	50'	-	40'	30'	40'	40'
Public Street Side Yard	100'	25'	35'	40'	-	25'	20'	25'	25'

Accessory Building

Front Yard	-	25'	35'	40'	-	-	-	-	-
Rear Yard	-	4'	4'	4'	-	-	4'	-	-
Side Yard	-	4'	4'	4'	-	-	4'	-	-
Side Corner	-	25'	35'	40'	-	-	-	-	-

Maximum Structure

Lot Coverage	50%	30%	30%	30%	100% C-1, 90% C-5	40%	30%	40%	40%
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Maximum Impervious Surface

Lot Coverage	N/A	N/A	N/A	N/A	N/A	90%	N/A	70%**	N/A
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Maximum Height***	40'	40'	40'	40'	C-1 40' C-5 45'	40'	20'	40'	40'
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*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 shall be measured from the average finished front yard ground elevation at the structure to its highest point excluding equip. 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; 1-21-2010; 07-19-2018-2)

402. Additional Regulations (Ord No 1990-1-A, 1995-D, 1-21-2010, 07-19-2018-2)

- .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 District and C-5 District shall the front yard setbacks be less than 15 feet and the rear yard setbacks be less than 25 feet (Ord No 07-19-2018-2).
- .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

Intent. The intent of this section is to provide for off-street parking adequate to each type of development in terms of both amount and location in order to reduce the need for parking on the streets and highways and the traffic congestion and hazards caused thereby. **(Ord No 12-10-2015-2)**

.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 including modular homes: two per dwelling unit, one of which must be a garage **(Ord No 12-10-2015-2)**
- (3) Multiple family dwellings: one per bedroom **(Ord No 12-10-2015-2)**
- (4) Churches, auditoriums, mortuaries, and other similar places of assembly: one per every four seats plus one space for each funeral vehicle maintained on the premises **(Ord No 12-10-2015-2)**
- (5) Manufactured/Mobile Homes: two per dwelling unit **(Ord No 12-10-2015-2)**
- (6) Sanitariums, convalescent homes, rest homes, nursing homes: one per every six beds **(Ord No 12-10-2015-2)**
- (7) Residential Dwelling:
Senior Cooperative Living: One space per unit; Independent Living: One space per unit plus two spaces for staff; Assisted Living (facility with on-site nursing support): one per three units plus two spaces for staff; Memory and Special Care (facility with on-site nursing support): one per three units plus two spaces for staff; **(Ord No 12-10-2015-2)**
- (8) Bed and Breakfasts: One per guest room and one per staff **(Ord No 12-10-2015-2)**
- (9) Commercial retail trade other than in the C-1 District:
 - (9.1) Restaurants – one per every three seats
 - (9.2) Other retail – one per every 200 square feet or fraction thereof of retail floor
 - (9.3) Convenience store/Motor fuel or repair garages: four spaces (not counting spaces at fuel islands), plus two spaces for each service stall **(Ord No 12-10-2015-2)**
- (10) Commercial retail service other than in the C-1 District:
 - (10.1) Motels/Hotels – one per unit plus one space per employee on the largest working shift **(Ord No 12-10-2015-2)**
 - (10.2) Personal and professional offices – one per every 200 square feet of gross floor area **(Ord No 12-10-2015-2)**
 - (10.3) Other service commercial – one per every 200 square feet of gross floor area
- (11) Hospital: One-half (1/2) space for each bed, plus one space for each employee on the largest working shift **(Ord No 12-10-2015-2)**

- 2)
- (12) Industrial including wholesale: Minimum of one space per employee on the largest work shift plus one space per company vehicle regularly stored on premises, plus additional spaces that may be required depending upon the specific use (**Ord No 12-10-2015-2**)
 - (13) Public buildings:
 - (13.1) Government offices – one per every 200 square feet of gross floor area
 - (13.2) Library, museums, community centers – one per every 100 square feet of gross floor area
 - (13.3) Fire and ambulance station, public safety offices – one per shift employee or .5 per volunteer
 - (13.4) Parks and recreation – number to be determined by peak activity needs of facilities to be provided
 - (13.5) Elementary and Middle/Junior High Schools – one space for each classroom and office, plus one space for each 50 students of designed student enrollment capacity (Ord No 12-10-2015-2)
 - (13.6) High School – one space for each classroom and office, plus one space for each three students of designed student enrollment (Ord No 12-10-2015-2)
 - (14) Other uses. For any use or building not provided for above, the most similar use or uses above shall be used by the Zoning Officer to determine the off-street parking requirements (**Ord No 12-10-2015-2**)
- .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.
- (1) An off-street parking space shall be at least nine feet in width and at least 20' in length, exclusive of access drive and ramp which shall be at least 24' wide to accommodate two-lane traffic (**Ord No 12-10-2015-2**)
- .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 and 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) Parking Setback (*Ord No. 12-13-2018-1*)
 - (4.1) An eight-foot landscape buffer/parking setback is required in all zones except C-1.
 - (4.2) No parking is permitted in the landscape buffer.
 - (4.3) Such setback shall be at least eight feet in depth along all streets, measured from the street right-of-way.

- (4.4) Except for driveways, the setback shall extend the entire frontage of the lot and along both streets in the case of a corner lot
 - (4.5) In the C-1, Commercial Downtown zoning district, no off-street parking spaces shall be located within five feet of any street right-of-way (parking setback). No landscape buffer is required in the C-1 Zoning District.
 - (4.6) Neither the landscape buffer nor parking setback shall be required in the C-2, Highway Commercial zoning district when abutting a Minor Arterial road of at least 100 feet in width when there is also at least eight feet of grass within and along the right-of-way, which serves to meet the intent of the landscape buffer requirement as long as sight line visibility is not impaired, especially near intersections or driveways.
- .04 Surfacing and Drainage
- (1) Off-street parking areas and access ways for all residential and commercial districts shall be durably surfaced (concrete, asphalt or pavers). Durable surfacing shall be completed within one year of Certificate of Occupancy **(Ord No 12-10-2015-2)**
- .05 Screening
- (1) All new open off-street parking areas having more than six parking spaces shall be effectively screened by a landscaped element along all sides which are adjacent or are directly across a street or alley from property in Residential Districts. **(Ord No 12-10-2015-2, 7-21-2016-2)**
- .06 Lighting (Ord No 12-10-2015-2)
- (1) Any lighting used to illuminate an off-street parking area shall be so arranged such that the source of illumination is shaded or diffused so as to reflect the light away from the adjoining property and away from abutting traffic flow.
- .07 Maintenance (Ord No 12-10-2015-2)
- (1) Parking or the storage of any vehicles shall not be allowed within any grassy or landscaped areas of the front yard in any zoning district
 - (2) The owner of any parking or loading area shall maintain the area in good condition without holes and free of all dust, trash and other debris and shall maintain in a neat and adequate manner the striping, landscaping and screening.
- .08 Proof of Parking **(Ord No 12-10-2015-2)**
- (1) The City may permit parking banking of up to 25% of the required parking spaces through the site plan review process
 - (2) Sufficient evidence shall be provided by the Applicant that supports the reduced parking needs and parameters which will require an increase in parking to what is required in this section
 - (3) The area proposed for banking of parking spaces shall be on the

- (4) subject property and an area suitable for parking at a future time
 - (4) Landscaping of the banked area shall be in full compliance of the zoning regulations and at a minimum landscaped with grass. As a result of the site plan review process, the City may require additional landscaping of the land-banked area
 - (5) The parking banking area cannot be used for any other use without amendment of the site plan
 - (6) As part of the site plan review process, the Applicant shall show the area to be banked on the site plan and marked as “banked future parking”
 - (7) The City, on the basis of increased parking demand for the use, shall require the conversion of all or part of the banked area to off-street parking spaces.
- .09 Joint Parking Facilities. **(Ord No 12-10-2015-2)** Off-street parking facilities may be provided collectively in any District for more than one structure or use, if the following conditions are met.
- (1) The applicant can demonstrate to the Zoning Officer that because of the hours, size, and mode of operation of the respective uses, there will be an adequate amount of parking available to each use during its primary hours of operation to meet the needs of such use
 - (2) The joint use of the parking facilities shall be protected by covenants that run with the lots housing all the joint users and the lot or lots on which the parking facility, which satisfies the parking requirement of this Section, is provided. Those covenants shall grant a perpetual easement for parking to the joint principal use lots. The form, manner of execution, and content of such covenants must be approved by the City Attorney and the document containing the covenants must be recorded with the County Recorder
 - (3) Total required parking spaces for the joint use shall be based on the combined peak requirement and shall not be fewer than the minimum ordinance requirements for the use which requires the most parking.

502. Off-Street Loading and Unloading Requirements

- .01 Minimum number of off-street loading and unloading spaces shall be provided, as described below, (Ord No 12-10-2015-2) 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. (Ord No 12-10-2015-2)
- (1) In the C-2 District, one off-street loading and unloading space shall be provided for each store unit having a gross floor area of 10,000 square feet or less. One additional space shall be provided for each additional 15,000 square feet of floor space **(Ord No 12-10-2015-2)**

- (2) In an Industrial District, the use of any building requiring loading or unloading of materials to or from trucks shall require two off-street loading spaces for the first 10,000 square feet of floor space and one space for each additional 15,000 square feet of floor space thereafter **(Ord No 12-10-2015-2)**
- (3) No required off-street loading space shall be less than 100 feet from any Residential District boundary line **(Ord No 12-10-2015-2)**
- .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 durably surfaced to control dust and shall be graded to dispose of all surface water **(Ord No 12-10-2015-2)**

503. Vehicle and Exterior Storage Requirements

- .01 Truck and Trailer Storage in Residential Districts
Except as provided below, it shall be illegal to park or store on residential property, a truck licensed for more than 10,000 pounds gross vehicle weight, a truck-tractor or a semi-trailer **(Ord No 12-10-2015-2)**

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) 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 Residential 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. All major recreational vehicles shall be parked on durably surfaced materials **(Ord No 12-10-2015-2)**
 - (1.2) No major recreational equipment shall be stored on a public street right-of-way or overhang on a public street

right-of-way or sidewalk (**Ord No 12-10-2015-2**)

(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 (**Ord No 12-10-2015-2**)

(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 Residential Districts

(1.1) No commercial auto repairs shall be made in any Residential 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 Repealed (Ord No 12-10-2015-2)

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. Lighting (Ord No 12-10-2015-2)

General Requirements. Any lighting used to illuminate an off-street parking area, sign or structure shall comply with the following general requirements:

.01 In All Districts:

Any lighting used to illuminate an off-street parking area, sign, structure, or other area shall be arranged so as to deflect light away from any adjoining property or from the public streets. Direct or sky-reflected glare from high temperature processes such as combustion shall not be directed into any adjoining property. All luminaries shall be full cut-off style lens and shall be parallel with the pavement and ground, except for decorative fixtures and ground-mounted lighting, which shall be permitted

.02 Exemptions:

- (1) Temporary outdoor lighting used during customary holiday seasons
- (2) Temporary outdoor lighting used for civic celebrations and promotions
- (3) Emergency lighting by police, fire and rescue authorities
- (4) Outdoor recreational uses such as, but not limited to, baseball fields, football fields, hockey rinks and tennis courts.

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 be kept either in or beside a structure. Garbage and refuse containers shall not be kept or permitted to stand on any streets or 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 (**Ord No 12-10-2015-2**)

604. Accessory Structures (Ord No 12-10-2015-2, 3-6-2017)

Accessory structures are allowed in Residential districts based on the following standards:

- .01 No detached garage, accessory building or use shall be permitted in any required front yard and no detached accessory building shall be erected within five feet of any principal building
- .02 Accessory buildings and decks shall conform to setbacks which are imposed within the respective zoning district
- .03 A detached accessory building shall have a maximum door height of 13' and shall not exceed any dimension of the principal structure
- .04 Construction of an accessory structure on a lot may not precede construction of the principal structure
- .05 A zoning permit is required for an accessory building of 120 square feet or less. Accessory buildings greater than 120 square feet shall comply with Section 900
- .06 Construction of an accessory structure shall be of the same or a similar material as the principal structure including roofing material and roof line design. An exception to this requirement is provided for:
 - (1) Pre-fabricated construction kits of 120 square feet or less
 - (2) Structures greater than 120 square feet and less than 240 square feet shall be of the same roofing material. Siding must have similar compatible color as the principal structure
 - (3) Where there is an existing dwelling and the exterior is brick, stone or stucco and the cost to mimic the exterior is impractical, alternate materials, but in similar compatible colors, may be approved by the Zoning Officer
- .07 Temporary structures including carports or fabric-style covers shall not be permitted
- .08 Size and building limit restrictions:
 - (1) No lot shall have more than two accessory structures including a detached garage. An attached garage is not included in this two-structure limit
 - (2) Accessory structures shall not exceed 2,000 square feet (including total square footage of all detached structures). Accessory structures with a door more than 6 feet in width facing an alley must be set back 20' from alley right-of-way. (Amended 3-16-17)

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. Repealed (Ord No 12-10-2015-2)

609. Sanitary Facilities (Ord No 12-10-2015-2)

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 Administrator/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 **(Ord No 12-10-2015-2)**

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 20 or more persons at least five days per week for 10 weeks in any 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.

613. Portable/Temporary Storage Structures (09-20-2018-5)

- .01 **Purpose and Intent.**
 - (1) Temporary storage structures are intended to provide temporary storage of household goods on residential property and business specific goods on medical services, public institutional, commercial, or industrial used and/or zoned lands.
 - (2) The following regulations have been adopted for the protection of public and private property, and the promotion of health, safety, order, convenience, and the general welfare as these may relate to the placement of Temporary Storage Structures on public and

private property.

.02 Definitions

- (1) Applicant
The person that owns, rents, occupies, or controls the property on which the Temporary Storage Structure is placed.
- (2) Cargo Container
A container intended for multi-modal transportation via sea going vessel, train, and truck-trailer. These containers are self-contained without axles or wheels. Cargo containers shall not exceed industry standards for width and height and shall not exceed fifty-three (53) feet in length. No wide or high loads will be allowed.
- (3) Portable Storage Container
A self-storage container that is delivered to and retrieved from a home or business for long term off-site or on-site storage. Portable Storage On Demand or PODS are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels. Portable storage containers are smaller than Cargo Containers or Semi-Trailers. Portable storage containers shall not exceed industry standard for width, height and length, not to exceed 10' wide by 10' high by 20' in length in any zoning district.
- (4) Semi-trailer
A mobile trailer of fifty-three (53) feet or less in length with a chassis, axles, and wheels that is towed by a truck or tractor. No wide or high loads will be allowed.
- (5) Supplier
The company or vendor that supplies the Portable Storage Structure to the property, if applicable.
- (6) Portable Storage Structures ("PSS")
A portable storage unit that does not have a permanent foundation or footing and can be transported as a unit. This includes cargo containers, portable storage containers, and semi-trailers. Such structures shall not be considered a building.

.03 Exemptions

- (1) Portable Storage Structure that are actively being unloaded and will be located on the associated private property for less than 96 hours are exempt from the requirements of these regulations.
- (2) Semi-trailers that are licensed, Department of Transportation Certified and road-ready.
- (3) Properly licensed fish houses, properly licensed and road ready recreational vehicles and trailers, and accessory structures in compliance with and as defined by the City Zoning Code.
- (4) Portable Storage Structure for sale or for off-premise rental or awaiting service that are located on premises owned or leased by a person or business legally engaged in the sale, rental or service of Portable Storage Structure.
- (5) Any Portable Storage Structure in place on August 16, 2018 will be

exempted until January 1, 2020, at which point they will need to be brought into compliance.

- (6) Portable Storage Structures on land zoned C-2 Highway Commercial, I-Industry or I-2 Light Industrial shall be exempt from permitting, screening, quantity limitations and setback requirements when the following conditions are met:
 - (6.1) Portable Storage Structures shall not interfere with the normal operation of the permanent use on the property and shall not be detrimental to property or improvements in the surrounding areas.
 - (6.2) Portable Storage Structure is sealed from water, maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks, at all times.
 - (6.3) Portable Storage Structures shall be water tight so as not to create nuisance conditions. (example: trailers units with missing elements such as refrigerator or doors are not allowed unless water tight)
 - (6.4) There shall be no risk of injury to persons as a result of such storage.
 - (6.5) Portable Storage Structures shall not be located on or in any public right of way.
 - (6.6) Unit Contents
 - a) No Portable Storage Structure shall be used to store solid waste, construction debris, demolition debris, recyclable materials, and goods or inventory for properties other than that of where the Portable Storage Structure is located.
 - b) Rental of the Portable Storage Structure for purposes other than storage related to the use and site where the Portable Storage Structure is located is not permitted.
 - c) No Portable Storage Structure shall be used to store any illegal or hazardous material.
 - d) Upon reasonable notice to the applicant, the City may inspect the contents of any Portable Storage Structure at any reasonable time to ensure that it is not being used to store unpermitted materials.
 - (6.7) The Portable Storage Structures is on a lot that has a principal structure, a valid, active building permit for a principal structure, or is located contiguous or directly across the street from and operating in conjunction with the business's principal structure when both parcels have the same person or entity owning, renting, occupying or having a controlling interest in both parcels.
 - (6.8) If the City later creates an ordinance pertaining to Portable

Storage Structures on land zoned C-2 Highway Commercial, I-Industry or I-2 Light Industrial, the units in place at that time shall not be considered legal nonconforming uses and may be subject to a sunset clause in a future ordinance.

.04 General Portable Storage Structure Requirements

(1) Applicability.

(1.1) The conditions outlined in this Section of the code shall apply to all non-exempt Portable Storage Structures.

(1.2) The quantity, location and time limits do not apply in the event the owner of the property suffers a catastrophic loss due to fire, flood, or other physical calamity if the owner obtains:

a) a demolition permit and/or building permit within 365 days of the date of the incident, and

b) a Zoning Permit for Portable Storage Structure(s).

(1.3) When a property has a building permit and a Zoning Permit for a Portable Storage Structure is requested, the timeline for unscreened portable storage containers shall be extended for the duration of the time the demolition or building permit is valid and it shall be removed within one (1) week of the demolition, building permit expiration, issuance of a Certificate of Occupancy, or issuance of a Certificate of Completion.

(2) Classification.

(2.1) Portable Storage Structures are not considered accessory buildings.

(3) Quality, Durability and Safety.

(3.1) The Applicant and the Supplier, shall be jointly and severally responsible for ensuring that the Portable Storage Structure is sealed from water, maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks, at all times.

(3.2) Portable Storage Structures shall be water tight so as not to create nuisance conditions. (example: trailers units with missing elements such as refrigerator or doors are not allowed unless water tight)

(3.3) There shall be no risk of injury to persons as a result of such storage.

(4) Unit Contents

(4.1) No Portable Storage Structure shall be used to store solid waste, construction debris, demolition debris, recyclable materials, and goods or inventory for properties other than that of where the Portable Storage Structure is located.

(4.2) Rental of the Portable Storage Structure for purposes other than storage related to the use and site where the Portable

- Storage Structure is located is not permitted.
- (4.3) No Portable Storage Structure shall be used to store any illegal or hazardous material.
 - (4.4) Upon reasonable notice to the applicant, the City may inspect the contents of any Portable Storage Structure at any reasonable time to ensure that it is not being used to store unpermitted materials.
- (5) Location and Impacts
- (5.1) Portable Storage Structures shall not interfere with the normal operation of the permanent use on the property and shall not be detrimental to property or improvements in the surrounding areas.
 - (5.2) Portable Storage Structures shall not be located on or in any public right of way.
 - (5.3) Interior setbacks are waived when the associated abutting property is owned or controlled by the same entity.
 - (5.4) Setbacks as little as 5 feet are permitted when written permission is provided by all affected abutting property owners stating they have no objection to the PSS being set back a specified distance, which shall not be less than 5 feet from the interior property line. Said written permission may be revoked by the abutting property owner at any time in writing sent to the City and property owner, at which time the PSS will need to meet any applicable setback and/or screening requirements within 10 days of the property owner with PSS being notified by the City; and
 - (5.5) Portable Storage Structures shall not be permitted on any lot that does not have a principal structure unless:
 - a) There is a currently valid and active building permit for a principal structure; or
 - b) Contiguous or directly across the street from and operating in conjunction with the business's principal structure when both parcels have the same person or entity owning, renting, occupying or having a controlling interest in both parcels and when the building meets the building setback requirements within the applicable zoning district for a primary structure as set forth in the Zoning Ordinance.
- (6) When Screening for Portable Storage Structures, is required, the following terms shall be required:
- (6.1) To be classified as "screened," no more than 25 percent of the structure shall be visible from public streets or adjoining properties to a height of at least 8 feet above grade, regardless of zoning district.
 - (6.2) Screening must be at least 75% opaque and may be a fence or landscaping if the landscaping is at least 75% opaque

within two years of installation.

.05 Portable Storage Structures (PSS) Standards and Specifications by zoning/land use.

	Residential Zoning	Medical Services and Public Institutional Zoning	C-1, C-3, C-4, and C-5 Zoning
Permitted types of PSS	Portable Storage Container	Portable Storage Container or Cargo Containers	Portable Storage Container, Cargo Container, Semi-Trailer
Maximum number of PSS	1	2	1
Timeline for PSS in each 365-day period.	<u>Unscreened</u> : 60 days by Zoning Permit, potential 60-day extension by Planning Commission	<u>Unscreened</u> : 60 days by Zoning Permit, potential 60-day extension by Planning Commission. <u>Screened</u> : Unlimited duration when screened. Zoning Permit still required.	<u>Unscreened</u> : PSS not allowed except when there is an active building or demo permit <u>Screened</u> : Unlimited duration when screened . Zoning Permit still required.
PSS Front and Exterior Lot Line Right of Way (ROW) Setback	10' from road or alley ROW and located on a driveway or approved driving surface	No closer to the road than the closest point of the principal building and meeting principal building setback requirements	25' and behind the front of the principal building. Rear exterior setback from ROW shall be 25' regardless of principal structure location.
Unscreened PSS Interior Lot Line Setback	N/A	Principal building setback requirements unless in compliance with 613.04(5.3) or (5.4).	15' unless in compliance with 613.04(5.3) or (5.4).
Screened PSS Interior Lot Line Setbacks	N/A	5'	5'

.06 Permitting Requirements.

- (1) No person shall deliver, place or move a Portable Storage Structure onto any property within the City of Melrose without first securing a Zoning permit from the City Zoning Officer.
- (2) An application shall be submitted and complete, on a form established by the City Zoning Officer, and submitted with a sketch depicting the dimensions, location and placement of the Portable Storage Structure.
- (3) The fee for a Portable Storage Structure permit shall be determined by the Council. The fee for the Portable Storage Structure permit must be paid before a permit may be issued.
- (4) The permit application shall specify the location of the proposed PSS included with the application as well as the quantity and location of any other PSS on the parcel.
 - (4.1) Any Portable Storage Container in a residential zone shall be placed on a driveway or approved driveway surface.
 - (4.2) Any semi-trailer PSS, when allowed by this ordinance, shall only be placed on an appropriate vehicle parking surface and not on a grass surface.

- (5) The effective date of the permit shall be the date of the City Zoning Officer's written approval. If the Portable Storage Structure is unlawfully placed before obtaining a permit, the duration of the permit shall be reduced by the length of time the Unit was in place before the permit was issued.
- (6) More than one Portable Storage Structure may utilize the same Zoning Permit application and fee if the structures run on a concurrent timeline and are included on the same application.

.07 Violations and Penalties

- (1) Any person or corporation who shall violate or refuse to comply with any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not more than \$1,000 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.
- (2) The delivery, placement and maintenance of Portable Storage Structures in violation of this Section is declared to be a public nuisance because it:
 - (1.1) Obstructs views on streets and/or private property;
 - (1.2) Creates cluttered and otherwise unsightly areas (as defined with the City Nuisance code);
 - (1.3) Prevents the full use of residential streets for residential parking;
 - (1.4) Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited;
 - (1.5) Decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood; and
 - (1.6) Otherwise adversely affects property values and neighborhood patterns.
- (3) Any criminal penalty notwithstanding, the City of Melrose, as set forth in Section 93.21 of the City Code, may determine a Portable Storage Structure delivered, placed, or maintained in violation of this Chapter to be a public nuisance and order the nuisance abated. The cost of abatement shall be a lien against the subject real estate as provided by M.S. Chapter 429, as it may be amended from time to time, but the assessment shall be payable in a single installment.

.08 Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 700. SIGN REGULATIONS (ORD. NO. 08-16-2018-1)

SECTION 700. SIGN REGULATIONS

701. Purpose

- .01 The sign ordinance is intended to establish a Comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.
- .02 It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the City's goals by authorizing:
 - (1) Permanent signs that establish a high standard of aesthetics;
 - (2) Signs that are compatible with their surroundings;
 - (3) Signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
 - (4) Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
 - (5) Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
 - (6) Permanent signs which give preference to the on-premise owner or occupant; and
 - (7) Temporary signs and advertising displays which provide an opportunity for grand openings and special events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.
- .03 The purpose of this section of the Zoning Ordinance shall be to coordinate the type, placement, and scale of signs within the different land-use zones:
 - (1) To recognize the commercial communication requirements of all sectors of the business community
 - (2) To encourage the innovative use of design
 - (3) To promote both proper maintenance and renovation
 - (4) These objectives shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and scale of signs are regulated primarily by type and length of street frontage, although lot size, investment, and surrounding conditions will also be considered. No sign shall be permitted as a principal or accessory use except in accordance with the provisions of this section.

702. Findings

- .01 The City of Melrose finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the

community that the construction, location, size and maintenance of signs be controlled.

.02 Further, the City finds:

- (1) Permanent and temporary signs have a direct impact on and relationship to the image of the community;
- (2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
- (3) an opportunity for viable identification of community businesses and institutions must be established;
- (4) the safety of motorists, cyclists, pedestrians and other users of public streets and property are affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
- (5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
- (6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- (7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
- (8) commercial speech signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
- (9) the right to express non-commercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

703. Application of Regulations and Substitution Clause.

- .01 This section shall apply to the location, erection, and maintenance of signs in all zoning districts within the City of Melrose, Minnesota.
- .02 The owner of any sign which is otherwise allowed by this Section of City Code may substitute non-commercial copy or message in lieu of any other commercial or non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein.
- .03 The substitute copy may be made without any additional approval or permitting.
- .04 The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring any

particular non-commercial speech over any other non-commercial speech.

.05 This provision prevails over any more specific provision to the contrary.

704. Severability.

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

.02 The City Council hereby declares that it would have adopted any section, subsection, subdivision, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases be declared invalid

705. Definitions

.01 Abandoned Sign.

Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs that are present because of being legally established nonconforming signs or signs that have required a conditional use permit or variance shall also be subject to the definition of abandoned sign.

.02 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)**

.03 Alteration.

Refers to any major alteration to a sign but shall not include routine maintenance, painting or change of copy of an existing sign.

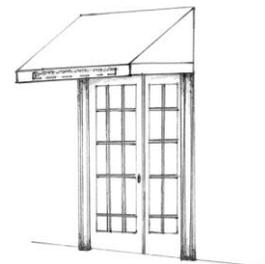
.04 Awning

A roof-like cover, often of fabric, plastic, metal or glass, on a supporting framework, designed and intended for protection from the weather or as a decorative embellishment, and which projects from and is supported by an exterior wall or roof of a structure primarily over a window, doorway, walk or similar **(Ord No 12-10-2015-2)**

.05 Awning Sign.

A building sign or graphic printed on or in some fashion attached

- directly to the awning material.
- .06 **Balloon Sign**
 A temporary sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air, which is greater than 24" in diameter. A simple helium balloon is not considered a balloon sign. **(Ord No 12-10-2015-2)**
- .07 **Banner**
 A sign device generally made of lightweight, flexible materials such as cloth, plastic, or other non-rigid material with no enclosing framework (Ord No 12-10-2015-2) and mounted to be moved by atmospheric conditions.
- .08 **Billboard**
 An advertising sign located off the premises where the advertised product is sold or offered
- .09 **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
- .10 **Canopy**
 A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway **(Ord No 12-10-2015-2)**
- .11 **Canopy Sign**
 Any message or identification which is affixed to a projection or extension of a building of structure, erected in such manner as to provide a shelter or cover over the approach of any entrance of the store, building, place of assembly.
- .12 **Changeable Sign**
 A permanent sign with the capability of content change by means of manual or remote input. Includes the following types: **(Ord No 12-10-2015-2)**
- (1) **Manually Activated (text only)** (Ord No 03-21-2019-1).
 (1.1) Display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without the altering the face or the surface of the sign.
- (2) **Electrically Activated.**
 (2.1) A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text



Canopy Sign

information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. (Ord No 03-21-2019-1).

(2.2) Electronic changeable copy signs do not include official or time and temperature signs.

(2.3) Electronic changeable copy signs include projected images of the text or messages with these characteristics onto building or other objects.

.13 Clearance (of a sign)

The smallest vertical distance between the grade of vehicular uses or pedestrian uses and the lowest point of any sign, including framework and embellishments, extending over that grade (**Ord No 12-10-2015-2**)

.14 Commercial Speech.

Speech advertising a business, profession, product, commodity, service, or entertainment for profit or business purposes.

.15 Community Promotion Sign

A sign which solicits support for a civic event, community use or public use. Such signs may include, but shall not be limited to, seasonal holidays, community programs and activities or location of places or events of community or tourist interest.

.16 Directional Signs.

Signs which provide direction or instruction and are located entirely on the property to which they pertain.

.17 Electronic Message Sign or Electronic Display Screen

(see Changeable Sign – Electronically Activated)

.18 Establishment

(1) Any of the following definitions should apply:

(1.1) a distinct business entity situated in a single building,

(1.2) a distinct business entity located in a structure attached to other similar structures by common wall and ceiling or floors, or attached by means of an enclosed arcade,

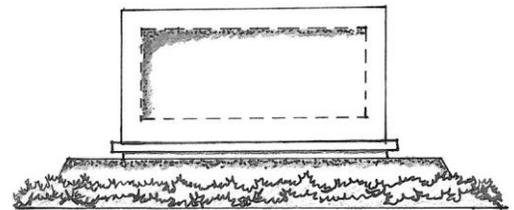
(1.3) a distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single leased space and operation by separate entrepreneurs or by its singularity of purpose.

.19 Flag

Any fabric or similar light weight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic

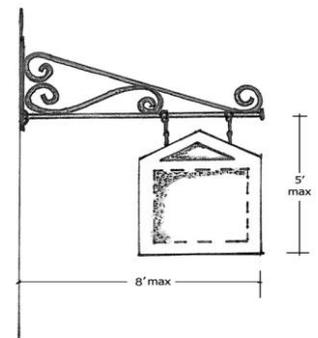
- devices (**Ord No 12-10-2015-2**)
- .20 Flashing Sign
Any directly or indirectly illuminated sign or portion thereof on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling with an interval between flashes of less than eight seconds. Flashing signs are considered to be dynamic signs. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a "flashing sign"
- .21 Freestanding sign
Shall mean a self-supported sign permanently upon the ground by poles, columns, uprights or braces and not attached directly to any building or forming part of a building or structure (**Ord No 12-10-2015-2**)
- .22 Governmental Sign.
A sign that is erected by a governmental unit for the purpose of identification in directing or guiding traffic.
- .23 Grade.
Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.
- .24 Gross Surface Area
Repealed (**Ord No 12-10-2015-2**) See Sign, Area of
- .25 Ground sign
Repealed (**Ord No 12-10-2015-2**) See Monument Sign
- .26 Height of Sign
The height of a sign shall be computed as the vertical distance measure from the base of the sign at grade to the top of the highest attached component of the sign or sign structure (**Ord No 12-10-2015-2**)
- .27 Illuminated Sign
Any sign that is lighted by an artificial light source either directed upon it or illuminated from an interior source. Illuminated signs shall include "reader" board signs
- .28 Information Sign
Any sign giving information to employees, visitors or delivery vehicles but not containing any advertising or identification.
- .29 Institutional Sign
A sign or bulletin board which identifies the name or other characteristics of a public or private institution on a site where the sign is located. 28. Interior Sign. A sign which is located within the interior of any building, or within an enclosed lobby or court of any

- building, and a sign for and located within the inner or outer body, court or entrance of any theater. 29. Marquee. Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that
- .30 Interior Sign.
A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.
- .31 Marquee.
Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.
- .32 Marquee Sign
Any building sign painted, mounted, constructed, or attached in any manner, on a marquee, which is constructed as an integral part of the structure and projects more than 12" from the building plane
- .33 Mobile Sign
Repealed (**Ord No 12-10-2015-2**) See Portable Sign
- .34 Monument sign
A freestanding sign mounted directly to the ground not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is at least as wide as the sign. The sign has not more than two sides (**Ord No 12-10-2015-2**)
- .35 Motion Sign.
Any sign that revolves, rotates, has any moving parts or gives illusion of motion
- .36 Multiple Tenant Site.
Any site that has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance
- .37 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
- .38 Non-Commercial Speech
Speech not classified as commercial speech, including, but not limited to, political, ideological, philosophical, public service and informational topics
- .39 Non-Commercial Signs
Signs with non-commercial speech and containing no commercial message or commercial logos
- .40 Nonconforming Signs.



Any advertising structure or sign which was lawfully erected and maintained and which fails to conform to all the applicable regulations and restrictions of this ordinance.

- .41 On-Premise Message.
A message which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
- .42 Off-Premise Sign.
A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business is located.
- .43 Parapet.
A low wall which is located on a roof of a building will be known as a parapet for the purpose of this section.
- .44 Philosophical Signs
A type of non-commercial speech sign that includes philosophical, personal, religious, educational or other noncommercial messages. See non-commercial speech/non-commercial signs
- .45 Political Campaign Sign
See non-commercial speech/non-commercial signs
- .46 Portable sign
Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign
(Ord No 12-10-2015-2)
- .47 Projecting Sign
Shall mean a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign **(Ord No 12-10-2015-2)**
- .48 Pylon Sign
A freestanding sign supported by its own structure and not attached to any building. The sign has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open
- .49 Reader Board Sign
See Changeable, Electronic Message and Illuminated Signs **(Ord No 12-10-2015-2)**
- .50 Roof Line.
The uppermost line of a roof of a building or in the case of extended facade, the uppermost height of said facade.
- .51 Roof Sign

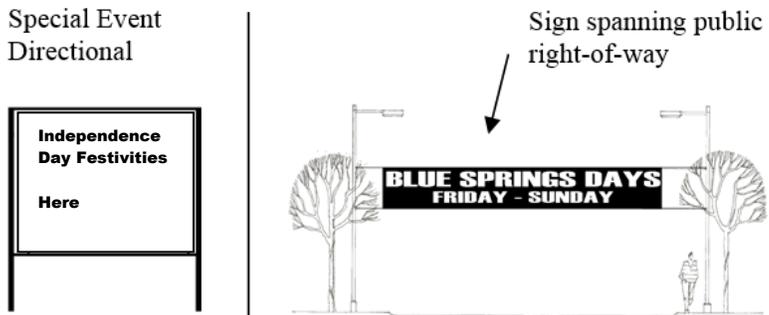


- Any sign which is erected, constructed, or attached wholly or in part upon or over the roof of a building.
- .52 Rotating Sign
A sign or display which rotates on its axis by mechanical means. A rotating sign may be an illuminated sign.
- .53 Sandwich Board Sign.
A portable sign that is so designed to be self-supporting by design. Often times this sign is of the folding type and when collapsed is flat in nature, therefore “sandwiches” together.
- .54 Sign
- (1) Any device, object, display structure, fixture, placard, advertising, advertising device, visual representation or portion thereof using graphics, symbols, and/or written copy used for visual communication for the primary purpose of bringing the subject thereof to the attention of the public, for any purpose including but not limited to symbols, letters, figures, illustrations, or forms painted or otherwise affixed to a building or structure, any beacon or search light intended to attract the attention of the public, and any structure or device designed to border, illuminate, animate, or project a visual representation, identifying, providing directions, or advertising any establishment, product, good, or service
 - (2) Signage does not include any flag, badge, or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization, official notices issued by any court or public office or officer in the performance of a public duty, and traffic control signs as defined in the Motor Vehicle Act, or a sign providing direction to a public facility.
 - (3) Signage may be either stationary or movable.
 - (4) A sign shall be considered as a structure or a part of a structure for the purpose of applying height regulations except for freestanding pylon signs on land zoned C-2, which may exceed the zoning height limitations.
- .55 Sign, Area of
- (1) The area shall be within a single, continuous perimeter composed of the smallest rectangle which encloses the extreme limits of the advertising message, not including embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments
 - (2) If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter
 - (3) The combined areas of the individual figures shall be considered the total sign area. For a freestanding or projecting sign only one side of any double-or multiple-faced sign shall be counted in

calculating its area (**Ord No 12-10-2015-2**)

- (4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane(5) For Pylon signs, the entire area of the sign face or cabinet shall be considered as a part of the measured sign face area. Structural supports, provided that they have no message or other graphics, shall be exempt from the area calculation.

- .56 Sign Height.
The vertical distance measured from the grade to the top of a sign.
- .57 Sign Structure.
The supports, uprights, bracing and framework for a sign including the sign area.
- .58 Snipe Sign.
A small sign of any material, including but not limited to paper, plastic, cardboard, wood or metal, attached to any object and having no application to the premises where located.
- .59 Special Event Sign
A sign that carries a message regarding a special event or function that is of general interest to the community and does not include for-profit business promotional activities that are strictly commercial in nature.



- .60 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
- .61 Street Frontage.
The proximity of a parcel of and to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.
- .62 Temporary Sign
Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only to promote a specific event of activity or is a pedestrian-oriented sign displayed during business hours.
- .63 Vehicle Sign

A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

.64 Wall Sign

A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached nor does it extend beyond the top of the parapet wall.

.65 Window Sign

A business sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service placed or attached temporarily or permanently to a window or upon the window panes or glass and is visible either inside or outside.

706. Scope

The primary scope of this section shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way. In achieving that intent, this section shall not pertain to or regulate:

.01 Building design

.02 Official traffic control signs or devices or government signs

.03 The copy and message of signs

.04 Signs not intended or able to be viewed from a public right-of-way

.05 Window signs and displays where the area of such sign does not exceed 50% of the area of the window

.06 Product dispensers and point of purchase displays

.07 Scoreboards on athletic fields

.08 Flags of any nation, government or non-commercial organization

.09 Gravestones

.10 Barber poles

.11 Religious symbols

.12 Commemorative plaques

.13 The display of street numbers

.14 Any display or construction not defined herein as a sign

.15 Political Campaign Signs on private property in any zoning district subject to the express consent of the owner or occupant of such property and in accordance Minnesota Statute 211B.045 and shall not be placed on any public right of way.

707. Permits and General Requirements

.01 Signs are permitted in all use districts, subject to the provisions of this Section.

.02 No sign as hereinafter defined shall be erected, or attached to a structure,

fence or wall without a permit from the Zoning Officer, except those listed as exemptions in these regulations.

- .03 Landscaping shall be required around the base of any freestanding sign. Said landscaping shall complement any existing or proposed general site landscaping of the property.

708. Exemptions

The following signs are allowed without a permit, but shall comply with all other applicable provisions of this subdivision. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

.01 Copy/Face Change.

- (1) The changing of copy on an existing approved sign does not require a permit for the changing of the face or display surface on a painted or printed sign that does not involve any other structural alterations provided it meets all area requirements of this Ordinance.

.02 Directional Signs.

- (1) On premises directional signs displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, freight entrances, addresses, or similar information.
- (2) A sign shall not exceed six (6) square feet in area or three (3) feet in height, if freestanding
- (3) A sign may contain an on-premise logo without text provided that the logo may not comprise more than 15% of the total sign area.

.03 Informational Signs.

- (1) Not to exceed two (2) square feet in area
- (2) Displayed strictly for the convenience of the public and which set forth no advertising,
- (3) Examples include signs which identify rest rooms, waste receptacles, addresses, doorbells, public interest signs or signs indicating the private nature of a road, driveway or premises, signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property mailboxes or building entrances.
- (4) The City shall determine that the proposed location, sign material, manner of affixing or anchoring, size, and any illumination are safe and proper

.04 Permanent Window Signs.

- (1) Except in residential zones, for each ground floor occupancy of a building not more than 25% of the window surface may have signage painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility.
- (2) Said signs shall be in addition to those signs permitted under the

- other provisions of this Code.
- .05. Real Estate Signs.
- (1) Temporary on site and off site real estate signs pertaining to the sale or rental of real property,
 - (2) These signs shall be limited to one (1) sign per property totaling no more than six (6) square feet in sign face area.
 - (3) These signs shall be removed within seven (7) calendar days from the time of the sale, lease or rent.
- .06 For Sale Signs
- (1) For sale signs for the purpose of selling, renting or leasing any land, building or residential/non-commercial private property owned by the property owner shall be permitted as follows:
 - (1.1) In R Districts signage may not exceed maximum of 10 square feet
 - (1.2) In non-residential districts signage may not exceed maximum of 30 square feet.
 - (1.3) On-site multiple family for sale or lease signs, signage 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
- .07 Garage sale signs located on private property with permission of the property owner.
- .08 Commercial Signs (Temporary)
- (1) Temporary signs in C and M Districts shall be allowed without a permit based on the following regulations:
 - (1.1) No more than two temporary signs (banner signs) permitted in the C-1, M-1 and C-2 Districts.
 - (1.2) Temporary signs shall not exceed 48 total square feet in the C-1 and M-1 Districts
 - (1.3) Temporary signs shall not exceed 150 total square feet in the C-2 district
 - (1.4) Temporary signs may be placed on an outside building wall (or tenant space in the case of multiple occupancy)
 - (1.5) Banners may advertise special events, grand openings, or holidays.
 - (1.6) Temporary signs shall have not more than two faces
 - (1.7) Temporary signs shall be secured in a manner as to prevent them from being moved or blown over by the wind
 - (1.8) Temporary signs shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic or wood finished surfaces and shall be maintained in good condition
 - (1.9) Each sign shall be allowed to be displayed for a maximum period of 45 days prior to a special event or holiday and shall be removed five days following the event or holiday
 - (1.10) If any Temporary Sign is not removed within 5 days of the end of the 45 day period the Zoning Officer or designee may

remove it and charge the costs of removal to the individual or enterprise responsible or property owner

(1.11) Responsibility for temporary signs. Temporary signs located on private property shall have the express consent of the property owner

.09 Community promotion signs (non-commercial)

.10 Special Event Signage.

(1) Community and Civic Events. Temporary signage is permitted without a permit for community and civic events up to 45 days before the event. It shall be removed within 10 days following the event. No sign permit is required. Approval of the property owner(s) is required. Sign must be of durable material and secured in a manner to ensure safety of passing traffic and persons.

(2) Special Event Banner. One banner is permitted per event, securely attached to a building wall or fence. It is permitted to extend across the street in the C-1, Commercial Downtown District. Signs spanning a public right-of-way shall be at least 15 feet above the right-of-way.

(3) Special event signs are allowed on private property up to 6 square feet in size, 15 days before a community and civic, non-commercial event, one sign per parcel up to once every 30 days.

(4) Special event directional signs may be posted not to exceed 7 days prior to the event and must be removed within 48 hours of the end of the event. Directional signs shall not exceed 4 s.f. per sign face and 4 feet in height.

.11 City of Melrose Billboards and Signs (**Ord No 1995-H**)

(1) The following billboard signs shall be permitted within the City: two 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 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**)

.12 Non-Commercial Signs are exempt from permitting requirements when meeting the following conditions:

(1) No permit is required for non-commercial signs.

(2) Up to 16 square feet of non-commercial signage per frontage on a public right-of-way is allowed at any time on any property.

(3) Only permitted on private property with permission of the property owner

(3) Not permitted to be placed on any public right of way.

(4) Non-commercial temporary signage is exempt from size and quantity requirements during the timeframe established by

Minnesota Statute 211B.045

- .13 Political signage is exempt from size and quantity requirements during the timeframe established by Minnesota Statute 211B.045
- .14 Recognition for donations or support.
 - (1) Display of logos or business names providing public recognition for donations or support is allowed, but should be clearly secondary and incidental to the purpose or use of the item displaying the recognition, typically about one square foot or less and not to exceed about 15 percent of the area of the item that the logo or business name is displayed.
 - (2) Special event and/or community event non-commercial signage may display logos indicating business support if it encompasses no more than 15 percent of the sign. All other non-commercial temporary signage is not permitted to contain business names or logo.

709. 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 where the area of such sign does not exceed 50% of the area of the window
 - (4) Roof signs
 - (5) Balloon signs
 - (6) Portable signs (**Ord No 12-10-2015-2**)
 - (7) Flashing signs (**Ord No 12-10-2015-2**)
 - (8) Non-government signs in the public right-of-way or easements (**Ord No 12-10-2015-2**)
 - (9) Advertising and billboard signs except as expressly provided in this Section
 - (10) Rotating signs
 - (11) Signs painted directly on the outside wall or roof of the building. Signs painted directly on fences, rocks, or similar structures or features
 - (12) Paper or similar signs directly attached to a building or structure by adhesive or similar means
 - (13) 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, and public traffic control (**Ord No 12-10-2015-2**)

710. District Sign Regulations

The following sign regulations shall apply in the City.

.01 Residential Zoning Districts

- (1) In Residential Districts, home occupation or name plate signs no larger than three square feet and not illuminated shall be allowed
- (2) In R-3 Districts, one name plate sign with not more than two faces and no larger than 10 square feet shall be allowed
- (3) In R-3 Districts, one monument (**Ord No 12-10-2015-2**) 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 signage as follows:
 - (4.1) an illuminated name plate sign or monument (**Ord No 12-10-2015-2**) sign
 - (4.2) Signage shall not be greater than 50 square feet in gross surface area
 - (4.3) Electronic or manual changeable signage may be allowed by Conditional Use Permit on a monument sign
- (5) All signs shall be set back at least 10 feet from the property line except as provided in these regulations (**Ord No 1995-H**)
- (6) Maximum sign area in R Districts, for all permitted and exempt signs, is 8 sq. ft. per sign, 16 sq. ft. per lot.
 - (6.1) This does not pertain to churches, schools and other institutional uses.
- (7) The following types of signs are not permitted in any residential district:
 - (7.1) Awning signs
 - (7.2) Marquee signs
 - (7.3) Balloon signs
 - (7.4) Pole signs
 - (7.5) Canopy signs
 - (7.6) Pylon signs
 - (7.7) Flashing signs
 - (7.8) Shimmering signs
 - (7.9) Wall signs, except for name plate signs
 - (7.10) Monument signs, except for churches, schools and other institutional uses

.02 Non-Residential Zoning Districts

- (1) 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 these regulations (**Ord No 1995-H**)
- (3) General size limitations (Ord No 03-21-2019-1)

Zoning	Maximum Cumulative Signage of All Signs	Total Signage Calculation	Free standing Signs	Wall/Building Signage	Sign Types Allowed:
C-1, C-5	Not less than 50 sq. ft. regardless of road frontage, nor more than 150 sq. ft. per road frontage	One square foot of signage is permitted for each foot of frontage along public roadway (minimum of 50 square feet of per business signage regardless of frontage)	1 monument or pylon per frontage (max 255 sq. ft. each) Pylons shall be no higher than 30 feet nor less than 8 feet above 1 informational per driveway	10% of building façade Projecting signs up to 40 sq. ft.	name plate, wall, pylon, monument, window, projecting, marquee, and changeable signs-mechanical permitted, (electronic by CUP)
C-2	Not less than 85 sq. ft. regardless of road frontage, nor more than 500 sq. ft. per road frontage	One square foot of signage is permitted for each foot of frontage along public roadway (minimum of 85 square feet of per business signage regardless of frontage)	1 monument or pylon per frontage (max 255 sq. ft. each) Pylons shall be no higher than 70 feet nor less than 8 feet above 1 informational per driveway	10% of building façade	name plate, wall, pylon, monument, window, projecting, marquee and changeable signs
C-3	Maximum 200 sq. ft. per road frontage	100 square feet per sign including borders and trim per sign	1 monument sign per frontage	Illuminated name plate sign or wall sign, 1 of each per frontage	name plate, wall, pylon, monument, window, projecting and marquee signs
C-4	40 sq. ft.	40 sq. ft.	Not applicable	1 projecting sign up to 40 sq. ft.	projecting

Zoning	Maximum Cumulative Signage of All Signs	Total Signage Calculation	Free standing Signs	Wall/Building Signage	Sign Types Allowed:
I, I-2	Not less than 85 sq. ft. regardless of road frontage, nor more than 500 sq. ft. per road frontage	One square foot of signage is permitted for each foot of frontage along public roadway (minimum of 85 square feet of per business signage regardless of frontage)	1 monument or pylon per frontage (max 255 sq. ft. each) Pylons shall be no higher than 30 feet nor less than 8 feet above 1 informational per driveway	10% of building façade	name plate, wall, monument, window, projecting, marquee and changeable signs
M	Not less than 85 sq. ft. regardless of road frontage, nor more than 500 sq. ft. per road frontage	One square foot of signage is permitted for each foot of frontage along public roadway (minimum of 85 square feet of per business signage regardless of frontage)	1 monument or pylon per frontage (max 255 sq. ft. each) Pylons shall be no higher than 30 feet nor less than 8 feet above 1 informational per driveway		name plate, wall, monument, window, projecting, marquee and changeable signs

- (4) 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
- (5) Signage shall primarily face the direction that its calculation was based upon.
- (6) Wall signage is only permitted on façades facing a public right-of-way except when near the main entrance of the building/business, regardless of whether it is facing the right-of-way. This signage may not cause the site to exceed the total signage allowed for the site.
- (7) A Conditional Use Permit may be requested to allow signage that does not face the right of way, is located on an adjoining or abutting property to the business requesting signage (with permission of both owners), or exceeds the maximum allowed signage when:
 - (7.1) There is little to no negative impact or concerns from the abutting or affected property owners, especially any residential property owners.

- (7.2) A comprehensive sign package is submitted that gives dimensions and sign specifications for all signage of the site, demonstrates that the proposed signage is consistent with the neighborhood character and will not cause concerns for any neighborhoods, especially those residential in nature. Even with a CUP, no business shall have signage greater than 15% of visible gross building silhouette visible per road frontage.

711. Specific Sign Regulations (Ord No 12-10-2015-2, 03-21-2019-1)

- .01 Billboards
 - (1) Billboards may be allowed by Conditional Use Permit in designated billboard districts only.
 - (2) City-owned billboards are exempt from permitting.
- .02 On-Site Directional signs
 - (1) Directional signs may be included in site plans for approval along with development plans.
 - (2) Such signs shall not be larger than 18" x 36" and must only convey traffic informational messages.
 - (3) 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.
- .03 Changeable Sign (Ord No 12-10-2015-2, 03-21-2019-1)

These Signs shall be permitted based on the following regulations:

 - (1) Electronically or Mechanically Activated Changeable Signs are
 - (1.1) Permitted within the C-2 (Highway Commercial), I (Industry), I-2 (Light Industrial) and M (Medical) Districts;
 - (1.2) Allowed by Conditional Use Permit in the C-1 and C-5 District; and
 - (1.3) Allowed by Conditional Use Permit on monument signs for churches, schools and other institutional uses within the R and P districts, when limited to one changeable copy sign (or back to back faces on the same sign) that are either Electronically or Mechanically Activated; and
 - (1.4) Prohibited in all other zoning districts.
 - (2) Manually Activated (text only) Changeable Signs are
 - (1.1) Permitted in the C-1 and C-5 District
 - (3) Changeable Signs are allowed only on monument, wall and freestanding signs
 - (4) Only 1 Changeable Sign area is allowed on a sign face, not including gas prices or time and temperature prices.
 - (5) Signs or sign portions which contain only weather information, date or time, or fuel prices are limited by total sign area for all signage, brightness for electronic signs, and limited to a six second minimum display requirement before the sign face changes, but not limited by the other regulations for Electronically or Mechanically Activated Changeable Signs

- (6) If the variable message sign exceeds 40% of maximum allowable aggregate sign area for the use to which it pertains, the sign may change no more than once every five minutes
 - (7) The sign message shall change no more frequently than once every six seconds, and may be further limited by this Section based on size or quantity of signs.
 - (8) No more than two electronic signs are permitted per property (a double faced sign only counts as one sign cumulatively). If there are two electronic Signs on any property, only one of the signs may change more frequently than once every five minutes
 - (9) The area allowed for a changeable sign is included within the total allowable signage area
 - (10) Modes which cause the message to flash are prohibited
 - (11) The sign may only be used to promote activities, products, or services pertaining to the subject property (not advertising another business); time and temperature; or other public service or community-wide oriented messages
 - (12) Images and messages displayed must be static with gradual transition from one static display to another without resembling a flash must be instantaneous without any special effects
 - (13) Changeable Signs must comply with the brightness standards outlined in Section 714.03.
 - (14) Electronic Signs must be designed and equipped to freeze the device in 1 position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this chapter
 - (15) Electronic Changeable Signs existing on the effective date of this chapter must comply with the operational standards for Electronic Changeable Signs
 - (16) Audio speakers or any form of pyrotechnics are prohibited in association with the Electronic Changeable Sign
 - (17) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
 - (18) Signs existing on the effective Zoning date of this chapter that utilize this technique may continue as a non-conforming use until the sign is replaced or, if feasible, be reprogrammed to conform to this section
 - (19) Signs existing on the effective Zoning date of this chapter that utilize this technique may continue as a non-conforming use until the sign is replaced or, if feasible, be reprogrammed to conform to this section
- .04 Sexually Oriented Business Sign Restrictions (**Ord No 5-04-2006-2**)
- (1) 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.

- (1.1) 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.
- (1.2) The amount of allowable sign area shall be one square foot of sign per foot of lot frontage on a street, not to exceed 80 square feet
- (1.3) 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
- (1.4) No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.

.05 Monument signs.

- (1) The base of the sign shall be constructed of a permanent material such as concrete, block or stone.
- (2) The sign face shall occupy at least 50% of the monument sign.
- (3) Signs shall be the same as, or compatible with the materials and design of the principal building(s) on the property

.06 Sandwich Board Sign (**Ord No 12-10-2015-2**)

- (1) Sandwich board signs in the C and M districts shall be permitted with the following regulations:
 - (1.1) A sandwich board sign is hereby defined as a self-supporting, freestanding temporary sign with only two sides that are situated adjacent to a business with the intent to attract pedestrian traffic to businesses. Sandwich board signs are not meant to be read by vehicular traffic
 - (1.2) One sandwich board sign per business is permitted in any business, commercial and mixed use district and shall be located within five feet of the main building entrance to the business it advertises. Sandwich board signs shall be displayed only during open business hours and must be removed daily
 - (1.3) Sandwich board signs shall be no more than a total of two feet in width and three feet in height
 - (1.4) Sandwich board signs must leave a minimum of five feet of clearance for pedestrian access if placed on a public or private sidewalk. Sandwich board signs may not hinder the ability of persons to access vehicles parked at the curb

- and/or access to a building
- (1.5) Acceptable materials for sandwich board signs shall include the following: metal, wood, synthetic materials such as a chalk board and whiteboard. Sandwich board signs shall not be illuminated, nor shall they contain moving parts, or have balloons, streamers, stringers, pennants or similar adornments attached to them
 - (1.6) Sandwich board signs shall be maintained in a good appearance at all times
 - (1.7) No sandwich board sign shall be secured, tethered or installed on traffic devices, utility equipment, street furniture, street lights, or any other public fixture
 - (1.8) Sandwich board signs are temporary signs and shall not be counted towards the total sign area of the site for permanent signage.

712. 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.
- .03 Electronic billboard signs are not permitted (Ord No 03-21-2019-1).

713. Administration.

- .01 Permits.
 - (1) No sign shall be erected, altered, reconstructed, or moved in the City without first securing a permit from the City, unless specifically waived within this Section or elsewhere in the Ordinance.
 - (2) The content of the sign shall not be reviewed or considered in

- determining whether to approve or deny a sign permit.
- (3) Application for the permit shall be in writing addressed to the issuing authority and shall contain the following information:
 - (3.1) Names and addresses of the owners of the display structure and property;
 - (3.2) The address at which any signs are to be erected;
 - (3.3) The names of the licensed sign hanger erected the sign, if applicable;
 - (3.4) The lot, block and addition at which the signs are to be erected and the street on which they are to front
 - (3.5) A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
 - (3.6) Type of sign (i.e. wall sign, pylon sign, etc.)
 - (3.7) If the proposed sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.
 - (3.8) A site plan shall be submitted as part of any application for a freestanding sign which includes plans for the landscaping of the area near the sign, and which demonstrates that the sign will complement the existing or proposed general site landscaping of the property.

.02 Fees.

- (1) The fee for an application to the Planning Commission and all sign permits shall be established by the Melrose City Council.
 - (1.1) A zoning permit shall be required for sign permit applications.
 - (1.2) When staff deems that an inspection is necessary regarding a sign permit application, an inspection fee shall be required, at a rate set forth by the City Council and amended from time to time.
 - (1.3) Freestanding signs over a specified height as outlined in the fee schedule, shall be required, at a rate set forth by the City Council and amended from time to time.

.03 Enforcement.

- (1) The Zoning Administrator is empowered to enforce the provisions of this Ordinance as necessary to carry out the purpose of this Ordinance.
- (2) The Administrator shall cause the removal of any sign that endangers the public safety such as an abandoned, dangerous, or electrically or structurally defective sign or a sign for which no permit has been issued or a sign which obstructs or interferes with the public right-of-way.
- (3) A notice of violation shall be mailed to the sign holder citing the violation. If the violation is not corrected within ten (10) days, the

City shall have the authority to remove the sign.

- (4) No notice is required to be provided to the holder of a temporary sign not meeting the requirements of Subdivision 10 of this Section, and the Public Works Coordinator, Chief of Police or Zoning Administrator are hereby expressly authorized to immediately remove and impound such a temporary sign, the costs of which removal and impoundment shall be charged against the owner of the site on which the sign was displayed.

714. Sign Maintenance (Ord No 12-10-2015-2, 03-21-2019-1))

- .01 The owner, lessee, or manager of any monument (**Ord No 12-10-2015-2**), 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 All signs shall be properly maintained.
 - (1) Exposed sign surfaces shall be clean and painted if paint is required.
 - (2) Defective parts shall be replaced.
 - (3) 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 upon which the sign stands, at their expense, upon written notice of the Zoning Officer.
 - (4) The Zoning Officer or Building Official shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
 - (5) The owner of the property on which the sign is situated shall be responsible for ensuring that signs on the property are properly maintained.
- .03 Brightness. All signs must meet the following brightness standards (Ord No 03-21-2019-1):
 - (1) No sign may be brighter than is necessary for clear and adequate visibility.
 - (2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
 - (3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

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 (CUP) must be granted by the Council following a Public Hearing and recommendation by the Commission.

802. Procedures to Follow (*Ord No 2002-C, Ord No 12-10-2015-2*)

.01 The following exhibits shall be required unless waived by the Commission or Zoning Officer (**Ord No 12-10-2015-2**):

- (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 CUP applications within the Floodplain 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 (*Ord No 2002-C, 12-15-2011-1*)

A notice of the time and place of the Public Hearing shall be published in the official newspaper of the City, at least 10 days prior to the date of the hearing. A similar notice shall be mailed at least 10 days before the date of said hearing, to each owner of affected property, and property situated, wholly or partly, within 350 feet of the property to which the CUP 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 CUP is requested in the Floodplain District, the City shall submit, by mail to the Commissioner of Natural Resources, a copy of the application for proposed conditional use at least 10 days before the date of said hearing. *(Ord No 2002-C)*

A copy of all decisions granting CUPs in the Floodplain District shall be forwarded by mail to the Commissioner of Natural Resources within 10 days of such action. *(Ord No 12-15-2011-1)*

804. Standards for Granting Conditional Use Permits *(Ord No 3-20-2008-1)*

A CUP 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, nor 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 Floodplain 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 Floodplain 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

805. Review Procedures (Ord No 3-20-2008-1, 12-10-2015-2)

- .01 Commission Recommendation. The Commission, upon completion of the public hearing, shall submit to the Council a recommendation of approval or non-approval of the CUP within 10 days. In the course of its deliberation, the Commission may consult such people as may be deemed helpful or necessary. The Commission may recommend conditions which will improve the proposal or protect adjacent properties from any adverse effects. The Commission, when submitting a recommendation to the Council, shall also submit findings.
- .02 City Council Action. The Council may grant the CUP subject to reasonable limitations or conditions as it may deem appropriate to enhance the appearance of the property, to reduce any adverse effects on nearby property or their occupants, to preserve the character of the neighborhood to protect or enhance the view from this or other properties, or to make it more acceptable in other ways. The Council shall issue written findings stating the reasons for its decision and any conditions imposed, and send a copy of the findings to the Applicant by mail within 10 days after its decision.
 - (1) In recommending and granting a CUP, the Commission and the Council shall clearly identify in writing: (*Ord No 3-20-2008-1*)
 - (1.1) The specific evidence which demonstrates that the standards stated in this Ordinance will be satisfied
 - (1.2) How granting a CUP is consistent with the City's Comprehensive Plan
 - (2) In denying a CUP, the Commission and the Council shall clearly identify in writing:
 - (2.1) The specific evidence which demonstrates that the standards stated in this Ordinance will not be satisfied
 - (2.2) The standards stated in this Ordinance for which the applicant failed to provide adequate evidence demonstrating that the standards will be satisfied
 - (2.3) How granting a CUP is inconsistent with the City's Comprehensive Plan

The Council must make a decision on each application within sixty (60) days after receiving the completed CUP application, except that the City

is allowed a longer time if:

- (1) The City states in writing to the Applicant that a longer time is needed to protect against serious and significant harm to the public health, safety, or welfare, states the reason why, and specifies the additional time needed
- (2) The City states in writing to the Applicant that a longer time is needed to comply with state or federal requirements, states the requirements, and specifies the additional time needed; or
- (3) An agency that must take action on an application is a multimember board that meets periodically, in which case the agency must complete its action within sixty (60) days after its first meeting after receipt of the application, or within a longer period established under this Section.
- (4) ***(Repealed - Ord No 12-10-2015-2)***
- (5) ***(Repealed - Ord No 12-10-2015-2)***

806. Conditions (Ord No 2002-C)

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 Floodplain 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.

807. Revocation of Conditional Use Permits

Where a CUP 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 year of the date of granting such conditional use. A CUP shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than 12 consecutive months. The work shall be completed within 12 months of the granting of the CUP unless an approved staging plan is adopted at the time of the original CUP 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.

808. Rehearing

No applicant or representative shall be entitled to present any reapplication for a CUP 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.

809. SUR – Special Use Residential (*Repealed - Ord No 12-10-2015-2*)

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

SECTION 900. ADMINISTRATION AND ENFORCEMENT

901. Zoning Officer (Ord No 12-10-2015-2)

- .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 (CUPs), 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, CUPs, certificates of occupancy and variances
 - (7) Issuing certificates of occupancy
 - (8) Providing technical assistance to the Council (**Ord No 12-10-2015-2**) and Commission.

902. Permits (Ord No 1-21-2010, 12-10-2015-2)

- .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 1000 KVA (**Ord No 12-10-2015-2**) or larger substations. Necessary public utility buildings may be located in any district; however, a CUP 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 by ordinance 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. Foliage, 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)**
- .06 Floodplain Permit and Related Requirements. **(Ord No 12-15-2011-1)**
- (1) State and Federal Permits. Prior to granting a permit or processing an application for a Conditional Use Permit or Variance in the floodplain, the Zoning Officer shall determine that the applicant has obtained all necessary state and federal permits
 - (2) Notifications for Watercourse Alterations. The Zoning Officer shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the Council authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency
 - (3) Notification to the Federal Emergency Management Agency When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Officer shall notify the Chicago Regional Office of the Federal Emergency Management Agency of the changes by submitting a copy of said technical or scientific data
 - (4) Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect
 - (5) Record of First Floor Elevation. The Zoning Officer shall maintain a record of the elevation of the lowest floor (including basement) of

all new structures and alterations or additions to existing structures in the floodplain. The Zoning Officer shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed

- (6) Permit Required. Within the floodplain, a permit issued by the Zoning Officer in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a non-conforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment.

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 \$1,000 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 CUPs 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 (*Ord No 12-10-2015-2*)

.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 practical difficulties (***Ord No 12-10-2015-2***) 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 (Ord No 1991-1-H, Ord No 12-15-2011-1)

A notice of the time and place of the Public Hearing shall be published in the official newspaper of the City, at least 10 days prior to the date of the hearing. A similar notice shall be mailed at least 10 days before the date of the hearing, to each owner of affected property, and property situated, wholly or partly, within 100 feet 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. If the variance is requested in the Floodplain District, the City shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing. A copy of all decisions granting variances in the Floodplain District shall be forwarded by mail to the Commissioner of Natural Resources within 10 days of such action. (**Ord No 12-15-2011-1**)

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, 12-15-2011-1, 12-10-2015-2)

- .01 The Board may recommend approval of a variance application only upon finding that all of the following criteria, as applicable, have been met:
- (1) The variance, and its resulting construction or project, would be in harmony with the general purposes and intent of this Ordinance, and would be consistent with the comprehensive plan
 - (2) The variance applicant has satisfactorily established that there are practical difficulties in complying with this Ordinance. "Practical difficulties" means that:
 - (2.1) The Applicant proposes to use the property in a reasonable manner not permitted by this Ordinance
 - (2.2) The plight of the landowner is due to circumstances unique to the property that were not created by the landowner; and
 - (2.3) The variance, if granted, would not alter the essential character of the locality
 - (3) The variance request is not based exclusively upon economic considerations
 - (4) The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other land or improvements in the neighborhood
 - (5) The variance, and its resulting construction or project, would not impair an adequate supply of light and air to adjacent properties, nor would it substantially increase traffic congestion in public streets, increase the danger of fire, endanger the public safety, or substantially diminish property values within the neighborhood
 - (6) The variance requested is the minimum action required to address or alleviate the practical difficulties
- .02 No variance shall have the effect of allowing in any district uses prohibited in that district.
- .03 No variance shall have the effect of permitting a **(Ord No 12-10-2015-2)** 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. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied: **(Ord No 12-15-2011-1)**
- (1) Variances shall not be issued by the Council within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances shall only be issued by the Council upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in practical difficulties **(Ord No 12-10-2015-2)** to the Applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict

- with existing local laws or ordinances.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- .04 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
- .05 In denying a variance, the Board shall clearly identify in writing:
- (1) The specific conditions which justify a determination that no practical difficulty (**Ord No 12-10-2015-2**) exists
 - (2) The specific conditions for which the Applicant failed to provide adequate evidence demonstrating that practical difficulty (**Ord No 12-10-2015-2**) 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 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 (Ord No 10-16-2008, 1-21-2010, 12-15-2011-1, 03-21-2019-2)

Within the districts established by this Ordinance there exists lots, structures and uses which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or its amendments. It is the intent of this Ordinance to permit these uses to continue until they are removed, but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, extended or used as grounds for adding other prohibited uses. However, nothing in this Ordinance shall be deemed to require a change in plans, construction or designated use of a building on which actual lawful construction has begun prior to the effective date of this Ordinance.

- .01 Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this Ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. This nonconforming use may be continued, as long as it remains otherwise lawful, unless:
- (1) the nonconformity or occupancy is discontinued for a period of more than one year; or
 - (2) any nonconforming use or structure destroyed by fire or other peril to the extent of greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, cannot be rebuilt unless a building permit is applied for within 180 days of when the property is damaged. After 180 days, if a permit was not applied for, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
 - (2.1) The City may establish reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body.
 - (2.2) When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
 - (3) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
 - (4) Should such structure be moved, it shall conform to the regulations for the district to which it is relocated.
- .02 Continuing Use of Nonconforming Structures. If a lawful use of a structure

or of structures and premises exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, providing that:

- (1) No existing structure devoted to a nonconforming use shall be enlarged, unless the use is changed to a permitted use;
- (2) Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building;
- (3) Any structure or structures and land in or on which a nonconforming use is replaced by a permitted use shall thereafter conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed;
- (4) Wherever a nonconforming use of a structure or premise is discontinued or abandoned for twelve (12) consecutive months, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located;
- (5) Where nonconforming use status applies to both structure and land, the removal or destruction of the structure, other than by fire or other peril, shall require use of a new structure and use of the land on which the new structure is built to conform to this Ordinance.

.03 Continuation of Non-Conforming Use. A lawful use on the effective date of this Ordinance or its amendments which is made no longer permissible by the terms of this Ordinance may be continued if it remains otherwise lawful, subject to the following provisions:

- (1) No such use shall be enlarged, increased or extended to occupy a greater area of land than was occupied by such use on the effective date of this Ordinance;
- (2) No such use shall be moved in whole or in part to any other structure or portion of the land or parcel being occupied by such use on the effective date of this Ordinance.
- (3) No new accessory structures to the principal nonconforming use shall be constructed on the property.
- (4) If any such non-conforming use ceases for a period of more than twelve (12) months, any subsequent use of the land shall conform to district regulations for the district in which it is located.
- (5) If farmstead and agricultural uses including accessory farm animal buildings use cease to exist for a period of one 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.

.04 Expansion of a nonconforming structure or use.

- (1) No such structure may be enlarged or altered in any way that increases its nonconformity, including but not limited to the addition of accessory structures

- (2) No existing structure devoted to a nonconforming use shall be enlarged, unless the use is changed to a permitted use;
 - (3) An exception may be permitted to allow an expansion to a lawful nonconforming principal structure in the R-1 and R-2 zoning districts in the following circumstances:
 - (3.1) If the proposed expansion is equal to or less than 25% of the existing square footage of the principle building existing on the date of ordinance and the expansion does not increase the nonconformity in terms of setbacks in the side and rear yards. Expansions shall extend from the existing wall line in side and rear yards.
 - (3.2) Extensions of 25% or less in the front yard shall not extend beyond the neighboring structures on either side of the subject property.
 - (3.3) The expansion may proceed by Building Permit for Limited Expansion of Non-Conforming Use reviewed by the Zoning Administrator and issued by the Building Inspector.
 - (3.4) The applicant shall file with the Zoning Administrator proof that property PIN's have been identified and a site plan showing all dimensions for the proposed expansion, and shall provide such other information as the Zoning Administrator shall request.
 - (3.5) Any expansion shall have a similar design to and shall have the same exterior materials as the existing building;
- .05 Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of nonbearing walls, provided that such work does not increase the size of the building. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe conditions of any buildings or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- .06 Lot Configurations:
- (1) Single Lots. In any district in which single-family dwellings are permitted, provided other requirements of this Ordinance are met, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Ordinance of at least fifty feet (50') in width and seven thousand (7,000) square feet in area. Such lot must be in separate ownership and not of contiguous frontage with other lots of the same ownership.
 - (2) Combination of Two or More Lots. If two or more non-riparian lots or combinations of non-riparian lots with contiguous frontage in single ownership are of record at the effective date of this Ordinance, and if all or part of the lots do not meet the requirements for lot area and lot width, the land involved shall be considered to

be an undivided parcel and no portion of said parcel shall be used or sold which does not meet lot area and width requirements of the district in which it is located, nor shall any division of the parcel be made which creates lots or portions of lots below such requirements. Shifting of boundary lines between adjacent properties are permitted if they do not create an illegal lot.

.07 Floodplain Areas. Notwithstanding 1100.01, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in **floodplain** areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(1) Alterations and Enlargements

(1.1) Any structural alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Section 1104(.04). (*Ord No 12-15-2011-1*)

(2) Restoration

(2.1) A non-conforming building or structure located in the Floodplain District which is damaged by any means, including flooding, to the extent of more than 50% of its market value shall not be restored except in conformity with the regulations in Section 310 of this Ordinance. (*Ord No 12-15-2011-1*)

(3) If any non-conforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Officer in writing of instances of non-conforming uses that have been discontinued for a period of 12 months.

(4) If a substantial improvement occurs, as defined in Section 109 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing non-conforming building, then the building addition and the existing non-conforming building must meet the requirements of Section 310 of this Ordinance for new structures, depending upon whether the structure is in the floodway or flood fringe. If a substantial improvement occurs only from a building addition, then the building addition must meet the elevation on fill or FP-1 or FP-2 dry flood proofing requirements of Section 310 of this Ordinance for new structures and the existing structure

must also meet the elevation on fill or FP-1 or FP-2 dry flood proofing requirements of Section 310 of this Ordinance for new structures if any alteration is made to the common wall in excess of installing a standard doorway. (*Ord No 12-15-2011-1*)

.08 Shoreland Lots. Shoreland Lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width shall be regulated regarding the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas

- (1) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - (1.1) all structure and septic system setback distance requirements can be met;
 - (1.2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - (1.3) the impervious surface coverage does not exceed 25 percent of the lot.
 - (1.4) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - a) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - b) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 - c) impervious surface coverage must not exceed 25 percent of each lot; and
 - d) development of the lot must be consistent with an adopted comprehensive plan.
 - (1.5) A lot subject to 1100.09.(1)(1.4) not meeting the requirements of paragraph 1100.09.(1)(1.4) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
 - (1.6) Notwithstanding 1100.05.(1)(1.4), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership

and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

- (1.7) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (1.8) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

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

SECTION 1200. AMENDMENTS

1201. Adoption (Ord No 10-16-2008)

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 10 days prior to the date of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least 10 days before the date of the hearing, to each owner of affected property, and property situated, wholly or partly, within 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. Floodplain Amendment (Ord No 12-15-2011-1)

The floodplain designation on the Zoning District Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. **(Ord No 12-15-2011-1)**

Any amendment involving a change in the Floodplain District boundary or requirements within the Floodplain District must be submitted to and approved by the Commissioner of Natural Resources and the Federal Emergency Management Agency prior to adoption. The Commissioner of Natural Resources must be given 10 days' written notice of all hearings to consider an amendment to this Ordinance involving a change in the Floodplain District Boundary or requirements within the Floodplain District and said notice shall include a draft of the Ordinance amendment or technical study under consideration. **(Ord No 12-15-2011-1)**

1207. Rehearing

No applicant or representative shall be entitled to present any petition for rezoning within six 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 (Ord No 6-5-2008-2; 1-21-2010, 12-10-2015-3))

- .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 previously occupied residential or commercial 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 Council, following a public hearing and recommendation by the Commission. See Section 1302.04 regarding the moving of a manufactured/mobile home. A public hearing is not required.
- .03 A notice of the time and place of the public hearing shall be published in the official newspaper of the City at least 10 days prior to the date of the hearing. A similar notice shall be mailed at least 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. A copy of the published 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 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, structure, or a residential accessory structure, excluding a manufactured/mobile home, that is located in a designated manufactured/mobile home park, may be moved out of the City, a permit must be issued by the Zoning Officer. **(Ord No 6-5-2008-2; 1-21-2010)**
- .06 A zoning permit is required for moving a residential accessory building into the City. **(Ord No 1-21-2010, 12-10-2015-3)**

1303. Moving Permit Application for Previously Occupied Residential or Commercial Buildings or Structures, excluding Residential Accessory Structures

- .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 Council
 - (11) The permit fee, as established by the Council
 - (12) A bond or certified check from the property owner in an amount established by the 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 (Ord No 1-21-2010)

- .01 The Commission may refuse to recommend and the 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 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 City Administrator/Treasurer or designee, 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 Administrator/Treasurer 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 City Administrator/Treasurer or designee 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 City Administrator/Treasurer or designee 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 CityA 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 City Administrator/Treasurer or designee. 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 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 (*Ord No 12-10-2015-2*)

- .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 ***(Repealed Ord No 12-10-2015-2)***
- .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 permanent in ground or above ground (*Ord No 12-10-2015-2*) 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. Accessory Use

Swimming pools shall be considered an accessory use.

1504. Swimming Pools Shall Comply with the Following Standards (Ord No 12-10-2015-2):

- .01 The swimming pool and pool deck shall meet any required setback 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 10 feet, (measured horizontally) from any underground or buried utility lines.
- .05 No swimming pool shall be located within 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.
- .07 All permanent in ground and above ground outdoor swimming pools hereafter constructed, altered or reconstructed shall be completely enclosed by a non-climbable fence or barrier. All fence openings or points of entry into the pools or enclosure shall be equipped with gates. The fence and gates shall be at least four feet in height, but no more than six feet in height, and shall be constructed of materials approved by the City. All pools shall be provided with safeguards to prevent children from gaining uncontrolled access thereto. All gates shall be equipped with self-closing and self-latching devices placed on the top of the gate or otherwise inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases, or other suitable protection. No more than four inches of space shall be permitted between the bottom of the fence or barrier and the ground or other surface. (***Ord No 12-10-2015-2***)
An exception to this barrier requirement is the installation of a non-penetrable safety pool cover that is in place at all times with the pool is not in use. (***Ord No 12-10-2015-2***)

SECTION 1600. FENCE AND WALL REGULATIONS (Ord No 6-5-2008-2, 12-10-2015-2, 7-19-2018-3)

1601. Definitions (Ord No 12-10-2015-2)

- .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
- .03 These regulations, with the exception of Section 1607, do not apply to underground fencing installed within property lines. (**Ord No 12-10-2015-2**)

1602. Fences and Walls

Fences and walls are permitted in all use districts, subject to the provisions of these regulations.

1603. Permit Required

No fence or wall shall be constructed without a permit from the Zoning Officer.

1604. Fence and Wall Height (Ord No 12-10-2015-2)

- .01 Fences extending across front yards shall not exceed three and one-half feet (3 ½') in height and shall be at least 50% open space for passage of air and light
- .02 Fences and walls located within the side (beginning at the front corner of the house) or rear yard of a lot in a residential district shall not exceed a height of six feet six inches (6'6") above existing grade at the time of fence installation
- .03 Fences and walls located in all other use districts shall not exceed a height of eight feet six inches (8'6") above existing grade at the time of fence installation, unless a higher fence is approved as part of a conditional use permit allowing the use
- .04 If two different districts abut, the higher fence or wall requirements shall apply
- .05 In all districts, the distance between the existing grade at the time of fence installation and the bottom of the fence shall not be greater than six inches.

1605. Fence Materials (Ord No 12-10-2015-2)

- .01 Fences shall be constructed of new 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 within 30 days of installation. If treated wood is used, it must be stained or painted within one (1) year. Metal fences shall be made of non-rusting material or treated to prevent rust (**Ord No 12-10-2015-2**).

- .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 (Ord No. 06-21-2018-2, 07-19-2018-3)

- .01 Fences and walls shall be constructed at least three feet inside the property line except when meeting specific criteria defined herein.
- .02 Interior lot line fences may have a reduced setback when meeting all of the following conditions:
 - (1) All property owners with land abutting the fence agree to allow the fence to have a reduced setback, up to and including zero setback from the interior property line.
 - (2) Enough property pins/stakes shall be located on or near the affected parcels to determine exactly where the property line is located or a certificate of survey will be required
 - (3) All property owners with closer than 3 feet setback from the fence agree to the following terms and conditions, in writing on a document that shall be filed with the Stearns County Recorder.
 - (3.1) Which parcel(s) is responsible for what degree of paying for and maintaining the fence
 - (3.2) The process for removal of the fence if it ever it becomes necessary, including who needs to agree to its removal and who pays for/does the removal
 - (3.2) Determine which direction the finished side (with no structural supports) will face
 - (3.3) Prior to installing the fence, the proposed location of the fence shall be staked with at least three stakes on each straight line of the fence to show where the fence will be installed. The proposed fence location shall be inspected by the City prior to installation of the fence.
 - (3.4) Following completion of the fence, a final inspection is required to ensure that the fence was installed
- .03 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
- .04 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
- .05 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
 - .06 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
 - .07 Fences and walls are prohibited, and shall not be permitted, within the floodplain district
 - .08 A zoning permit is required for all fences.
 - .09 A separate "Fence Setback" fee is required prior to installation of the fence when any portion of the fence is less than three feet setback from the property line. The "Fence Setback Fee" covers the cost of two inspections.
 - .10 Two inspections are required when any portion of the fence is less than three feet setback from the property line. One inspection is required prior to construction to verify site corners and proposed fence location and one inspection is required following completion of the fence to confirm it was constructed as proposed.
 - .11 No inspections are required when the fence is setback at least 3 feet from all property lines.
 - .12 A reinspection fee is required for each inspection after the first two inspections, or for any optional inspections when the fence is setback at least 3 feet, at the expense of the party requesting the inspection.

1607. Fences and Walls within Easements (Ord No 12-10-2015-2)

- .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 affected
 - (2) The Zoning Officer shall refer the permit application and request to the City Administrator/Treasurer or designee (**Ord No 12-10-2015-2**) for review and recommendations
 - (3) Based upon the recommendations of the City Administrator/Treasurer or designee (**Ord No 12-10-2015-2**), 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 (Ord No 12-10-2015-2)

- .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 40 KW in total nameplate generating capacity. **(Ord No 12-10-2015-2)**
- .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 40 or more KW in total nameplate generating capacity. **(Ord No 12-10-2015-2)**
- .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.
- .08 Meteorological Tower **(Ord No 12-10-2015-2)**
A tower erected to measure wind speed and direction plus other data relevant to siting WECS. Meteorological towers shall be regulated as commercial towers.
- .09 Wind Energy Conversion System (WECS) **(Ord No 12-10-2015-2)**
An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy

may be used on-site or distributed to the electrical grid.

1703. Conditional Use (Ord No 12-10-2015-2, 07-19-2018-2)

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

District	Small WECS	Large WECS
R-1, R-2, C4, C-5 (<i>Ord No 12-10-2015-2, 07-19-2018-2</i>)	CUP (<i>Ord No 12-10-2015-2</i>)	Not Permitted (<i>Ord No 12-10-2015-2</i>)
R-3	CUP	Not Permitted
C-1, C-2, C-3, P, M-1	CUP	Not Permitted
PUD (<i>Ord No 12-10-2015-2</i>)	CUP (<i>Ord No 12-10-2015-2</i>)	Not Permitted (<i>Ord No 12-10-2015-2</i>)
FDD (<i>Ord No 12-10-2015-2</i>)	CUP (<i>Ord No 12-10-2015-2</i>)	Not Permitted (<i>Ord No 12-10-2015-2</i>)
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 (Ord No 12-10-2015-2)

- .01 Height (Ord No 12-10-2015-2)
The permitted maximum height of a WECS shall be determined in one of two ways. In determining the height of the WECS, the total height of the system shall be included. System height shall be measured from the base of the tower to the highest possible extension of the rotor. The height of a WECS must also comply with Federal Aviation Administration.

- (1) A ratio of one foot to one point one (1.1) feet between the distance of the closest property line to the base of the WECS to the height of the system
 - (2) A maximum system height of 175 feet for Districts of: I, I-2. All other Districts are 40 feet
 - (3) The shortest height of the two above-mentioned methods shall be used in determining the maximum allowable height of a WECS system
 - (4) The minimum height of the lowest extent of any WECS rotor blade shall be 25 feet above the ground.
- .02 Rotors (Repealed - Ord No 12-10-2015-2)
- .03 Compliance with Regulations
All WECS shall comply with Federal Aviation Administration notification requirements and any other applicable regulations.

1706. Installation and Design (Ord No 12-10-2015-2)

- .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 as required by state statute and local city code (**Ord No 12-10-2015-2**).

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 (Ord No 12-10-2015-2)

- .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, C-4, C-5 (<i>Ord No 12-10-2015-2, 07-19-2018-2</i>)	1.1 times the WECS' height (<i>Ord No 12-10-2015-2</i>)	N/A (<i>Ord No 12-10-2015-2</i>)
R-3	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
FDD (<i>Ord No 12-10-2015-2</i>)	1.1 times the WECS' height (<i>Ord No 12-10-2015-2</i>)	Same as Small WECS (<i>Ord No 12-10-2015-2</i>)
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 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 (*Ord No 12-10-2015-2*)

- .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 60 days after the 12 consecutive month period. **(Ord No 12-10-2015-2)**

.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 Applicant shall conform to the latest Distributed Generation Interconnection Agreement and Tariff on file with Melrose Public Utilities Commission (MPUC). This agreement establishes technical requirements promoting the safe and reliable parallel operation of on-site generation resources. This is required by the State of MN (MN Statute 216B.1611 and has been adopted and set forth by MPUC **(Ord No 12-10-2015-2)**

.08 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 (Ord No 12-10-2015-2)

- .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 a.m. and 3:00 p.m. 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.
- .21 **Lot Coverage (*Ord No 12-10-2015-2*)**
Ground-mounted SES is considered impervious surfaces and must not

cause the lot to exceed impervious surface coverage standards.

1803. Conditional Use Permit (Ord No 12-10-2015-2)

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 permissible only in the FDD District. A ground-mount SES is permissible in I and I-2 Districts. **(Ord No 12-10-2015-2)**

.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 percent steeper than the roof pitch on which the SES is mounted, and shall be no higher than ten (10) inches above the roof.

(3) Screening (Ord No 12-10-2015-2)

Solar energy systems shall be screened from view to the extent possible without impacting their function.

- .04 Approved Solar Components
Electric SES components must have a UL listing and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) rating. **(Ord No 12-10-2015-2)**
- .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 Commission that the owner has submitted an Interconnect Agreement with the Melrose Public Utilities of the customer's intent to install an interconnected customer-owned generator. Off-grid SES is exempt from this requirement. **(Ord No 12-10-2015-2)**
- .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.
- .11 Abandonment **(Ord No 12-10-2015-2)**
If a SES remains nonfunctional, inoperative or fails to generate electricity for a continuous period of one year, the system shall be deemed to be

abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense. Removal includes the entire structure including transmission equipment.

- .12 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 60 days after the 12 consecutive month period. (*Ord No 12-10-2015-2*)

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 City 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 Commission a copy of the completed certification award required by Section 1804. The Commission 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 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 (CUP)
 - (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 CUP
 - (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
 - (5) Work thereon does not commence within one year of granting the Interim Use Permit
 - (6) The permitted use shall cease for more than 12 consecutive months.

SECTION 2000. MANUFACTURED/MOBILE HOME PARK REGULATIONS (Ord No 12-10-2015-2)

2001. Development Standards (Ord No 1-21-2010)

.01 In order to obtain approval for developing a manufactured/mobile home subdivision 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 two 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

.02 Minimum Requirements

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

- (1) Minimum subdivision area = 10 acres
- (2) Minimum lot size = 5,500 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 = 10 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 for a manufactured/mobile home = 600 square feet
- (11) Maximum height for a manufactured/mobile home = 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 two off-street parking spaces which shall be located in the side yard. Private garages may be constructed no closer than four feet to a side or rear lot line and no closer than 20 feet to a front lot line. The exterior color of the garage shall be similar to the manufactured home to which it is the accessory. The garage shall not exceed 50% of the floor area of the dwelling unit to which the garage is an accessory use.
- (15) Satellite dishes no greater than three feet in diameter.

.03 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.

SECTION 2100. LANDSCAPING AND SCREENING *(Ord No 12-13-2018-1)*

2101. Landscaping Standards *(Ord No 12-13-2018-1)*

- .01 A primary purpose of this Subdivision is to establish minimum performance requirements and provide proper attention to site development and landscaping in the City.
- .02 These landscaping and screening standards may be waived or reduced by the Planning Commission by simple majority vote upon a written receipt of a request, provided steps are taken to lessen the impact of the development on adjacent residential properties. (This does not require a variance.) *(Ord No 12-13-2018-1)*

2102. Maintenance Standards *(Ord No 12-13-2018-1)*

- .01 The maintenance of certain standards is essential to ensure compatible relationships between land uses within a community.
- .02 All uses allowed as either permitted or conditional uses within the City's various zoning districts, shall conform to the following general provisions and performance standards.
- .03 A spigot or other watering method shall be available. *(Ord No 12-13-2018-1)*
- .04 If a house or project is completed when weather conditions do not allow sodding or seeding, a full certificate of occupancy will not be issued until the landscaping is completed as necessary. *(Ord No 12-13-2018-1)*
- .05 All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan. *(Ord No 12-13-2018-1)*
- .06 Landscape Guarantee. All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting. *(Ord No 12-13-2018-1)*

2103. Landscape Buffer and Screening *(Ord No 12-13-2018-1)*

- .01 Required Buffer Zone Between Residential and Non-Residential Districts.
 - (1) Where a Commercial or Industrial District is adjacent to Residential Districts, any new development shall include a buffer zone with screening. *(Ord No 12-13-2018-1)*
 - (1.1) There shall be a protective strip of not less than 10 feet in width.
 - (1.2) This protective strip shall contain no structures, shall not be used for parking, off-street loading and unloading, or storage and shall be landscaped.
 - (1.3) The screening landscape treatment shall include a compact screen wall, landscape hedge or fence, but shall not extend within 15 feet of the street right-of-way
 - (1.4) The planting and fence design must be approved by the Planning Commission as being in harmony with the

residential neighborhood and providing sufficient screening of the non-residential area.

(1.5) The wall, hedge, or fence shall be no less than six or more than eight feet in height.

(1.6) A public street shall not be considered part of the required buffer strip.

.02 Developed uses in all but the C-1 District shall provide a landscaped buffer along all streets. (*Ord No 12-13-2018-1*)

(1) An eight foot landscape yard/buffer and parking setback (Section 2103) is required in all zones except C-1. (In the C-1 zone only the parking setback is required, not the landscape buffer.)

(2) Such buffer shall be at least eight feet in depth along all streets, measured from the street right-of-way.

(3) Except for driveways, the buffer shall extend the entire frontage of the lot and along both streets in the case of a corner lot

(4) No parking or buildings are permitted in the landscape buffer.

(5) Neither the landscape buffer nor parking setback shall be required in the C-2, Highway Commercial zoning district when abutting a Minor Arterial road of at least 100 feet in width when there is also at least eight feet of grass within and along the right-of-way, which serves to meet the intent of the landscape buffer requirement as long as sight line visibility is not impaired, especially near intersections, driveways or corners. (*Ord No 12-13-2018-1*)

.03 Parking Lot Screening. (*Ord No 12-13-2018-1*)

(1) Any off-street parking area containing more than six parking spaces that is adjacent to a residential district shall be completely screened to a height of at least three feet above the parking grade.

(2) Such screening shall be accomplished through the use of earth berming and/or plant materials.

.04 Additional screening required by this Ordinance shall reduce and restrict but need not totally block visibility of the objects being screened throughout the year and may consist of any of the following or of a combination thereof (*Ord No 12-13-2018-1*):

(1) The screening of outside storage required by the Ordinance shall consist of a solid fence or wall at least 75% opaque and not less than six feet six inches (6'6") in height accounting for the existing grade at the time of installation or more than eight feet six inches (8'6") in height above existing grade at the time of installation.

.05 Other acceptable screening methods include the following (*Ord No 12-13-2018-1*):

(1) Earth berms having a slope of not more than three feet horizontal to one foot vertical

(2) Screening Fence or Wall

(2.1) A fence or wall may be used for screening when plant materials are provided along the outside of the fence or wall for aesthetic appeal

- (2.2) A screening fence shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure
- (3) Landscaping screening (*Ord No 12-13-2018-1*)
 - (3.1) Landscaping screening shall be an acceptable method provided it meets the minimum year-round opaqueness of 75% within two years of installation and be of sufficient height to achieve screening but not to exceed six feet in height.
 - (3.2) Where plant materials are planted for screening purposes in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
 - (3.3) Evergreen trees intended for screening shall be planted not more than fifteen (15) feet apart.
 - (3.4) Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted three (3) feet on center or closer.

2104. Landscaping Requirements by Zoning/Use Designation (*Ord No 12-13-2018-1*)

- .01 All new single-family residential subdivisions with three (3) or more lots shall have two trees per lot, preferably deciduous, at least one of which is located in the front yard (*Ord No 12-13-2018-1*).
- .02 In the C-2, C-3, C-4, C-5, M-1 Districts, and new multi-family residential structures with three (3) or more dwelling units (*Ord No 12-13-2018-1*):
 - (1) At least 10% of the gross land area of the site shall be landscaped with grass, approved ground cover, shrubbery and trees.
 - (1.1) Rocks are not **preferred** as ground cover except in landscape islands, preferably with a curbed perimeter with vegetation exceeding two feet in height or in a landscaped area beneath building eaves and overhangs.
 - (1.2) In order to achieve landscaping which is appropriate in scale with the size of a building site, the minimum number of caliper inches of trees **shall** be determined by dividing the total gross square footage of all floors of a building by three hundred twenty (320). A single story building in excess of twenty (20) feet in height shall be considered a two story building for the purposes of determining its total gross footage. A mixture of plant material sizes shall be required.
 - (2) Planting islands may be **recommended** where necessary to visually break-up expanses of hard surface parking areas, for safe and efficient traffic movement, and to define rows of parking. Planting islands may occupy approximately five (5) percent of the required parking area.
- .03 I and I-2 Districts (*Ord No 12-13-2018-1*):

- (1) At least 10% of the land area within industrial lots which are located around the perimeter of industrial areas and viewable from principal arterial roadway corridors shall be landscaped with grass, approved ground cover, shrubbery and trees
- (2) At least 5% of the land area within industrial lots located in the interior of industrial areas shall be landscaped.

2105. Landscape Plan Required. (Ord No 12-13-2018-1)

- .01 Landscaping and Screening Plan. In the case of a development where screening is required, a landscaping and screening plan shall be submitted to the City for review and the final landscaping and screening plan shall be subject to written City approval and shall include the following information (moved to 2105.03):
 - (1) Existing trees and shrubs, location, approximate size and common name, preferably including caliper size.
 - (2) Proposed planting plan with schedule showing quantities, common and botanical names, size at planting and root condition (balled and burlapped, bare root or container)
 - (3) Existing and proposed fences and berms, including elevation drawing.
 - (4) Locations of buildings and paved areas,
 - (5) Location of seeding or sodding,
 - (6) Location and details regarding any existing or proposed fencing.
- .02 All existing, preserved trees or other vegetation on site that are suitable for the purpose intended by this Ordinance may count towards any required plantings provided the trees are in good condition and disease free.
- .03 The landscape plan shall be drawn to scale when possible. Smaller projects may have, at the minimum, a hand-drawn landscape plan.

2106. Design Standards and Criteria. (Ord No 12-13-2018-1)

- .01 All landscaping incorporated in the landscape plan shall conform to the following standards and criteria:
 - (1) Types of New Trees. Trees suitable for complying with this Chapter shall include deciduous, evergreen and ornamental trees as deemed acceptable by the Zoning Administrator:
- .02 Minimum Size.
 - (1) All plants shall at least equal the following minimum sizes:

Tree Type	Potted/Bare Root or Balled or Burlapped
Shade trees	2 inch diameter
Ornamental trees	2 inch diameter
Evergreen trees	4 feet
Tall shrubs and hedge material (evergreen or deciduous)	3 to 4 feet
Low Shrub Deciduous	24 to 30 inches

Low Shrub Evergreen	24 to 30 inches
Low Shrub Spreading Evergreen	18 to 24 inches

- .03 Spacing.
 - (1) Plant centers should be at least three (3) feet from the fence line or property line
 - (2) Plants shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways
- .04 Design
 - (1) Except retaining ponds, turf slopes greater than three to one (3:1) require City Engineer approval.
 - (2) All ground areas under the building roof overhang should be treated with a decorative mulch and/or foundation planting. Grass is acceptable when necessary but not preferred.
 - (3) Trees and shrubs shall not be planted in the right-of-way except as approved by the City Council.
 - (4) All open areas of site not occupied by building, parking, or storage should be either seeded or sodded and front yards should be properly graded.

2107. Screening of mechanical equipment (Ord No 12-13-2018-1)

- .01 All **privately-owned** rooftop and ground-mounted mechanical equipment for residential buildings having five (5) units or more and for non-residential buildings shall comply with the following standards:
 - (1) All rooftop and ground-mounted mechanical equipment shall be screened so as to mitigate and reduce noise impacts to abutting and adjacent properties.
 - (2) All rooftop and ground-mounted mechanical equipment shall be designed (including exterior color) and located so as to be aesthetically harmonious and compatible with the building. Screening of and landscaping around the equipment may be required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure.
 - (3) Rooftop mechanical equipment less than three (3) feet in height may be exempt from screening requirements by the Zoning Administrator.
 - (4) Mechanical equipment does not need to be screened for Industrial zoned lots except when ground level mechanical equipment is visible or audible from residential zoned lots within 250 feet of the unit.

2108. Screening of trash/recycling areas (Ord No 12-13-2018-1)

.01 All trash enclosures for new residential buildings having five (5) units or more and for new non-residential buildings shall comply with the following standards:

- (1) Trash enclosures should be constructed of similar materials and appearance to the primary structure.
- (2) Screening with wood or material that looks like wood that is 80 percent opaque and similar in color to the primary structure is acceptable but not preferred.
- (3) The trash enclosure gate or door may utilize a different material as necessary to allow opening and closing/locking the gate but should be designed to be as harmonious as possible with the trash enclosure and primary structure, while providing a reasonable level of screening from view.
- (4) When the trash storage area is not visible to the public from public drive areas on or off-site, and is not visible from a public road, and is not visible from a residential zoned area or residential homes, regardless of distance or proximity, then screening of trash enclosures is not required as long as items are contained and not permitted to blow around the site or until such time as a valid complaint is received.

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

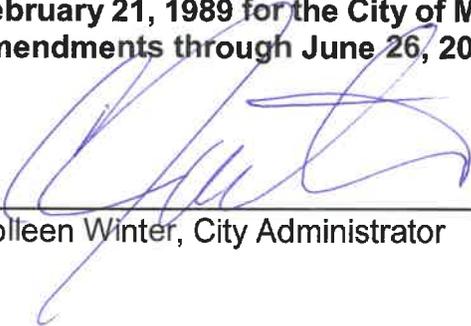
SECTION 3900. VALIDITY (Ord No 1-21-2010; Ord No 12-10-2015-2)

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

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

This is a true and correct copy of Zoning Ordinance No. 1989-1-A, first adopted February 21, 1989 for the City of Melrose, Minnesota, and includes all subsequent amendments through June 26, 2019.



Colleen Winter, City Administrator



Date

(SEAL)