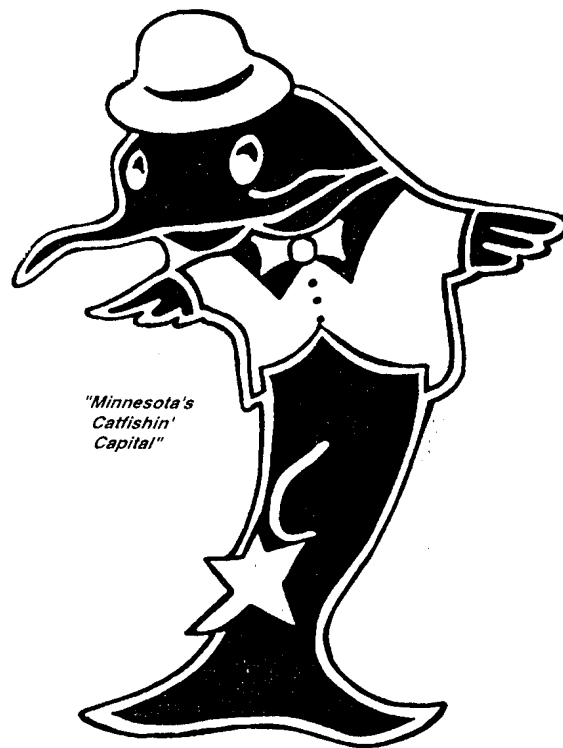


City of Franklin
ZONING ORDINANCE
April, 2003



Franklin, Minnesota 55333

Revised: January, 2018

Table of Contents

Preamble	1
Article I: Title, Application and Zoning Districts.....	3
Section 1.01 Title.....	3
Section 1.02 Intent and Purpose.....	3
Section 1.03 Relation to City’s Comprehensive Plan.....	3
Section 1.04 Standard, Requirement.....	3
Section 1.05 Conformity with this Ordinance	3
Section 1.06 Building Compliance	3
Section 1.07 Reduction of Yards or Lots not Permitted	3
Section 1.08 Separability	3
Section 1.09 Authority.....	4
Section 1.10 Establishment of Districts	4
Section 1.11 Boundaries and Official Zoning Map	4
Section 1.12 Interpretation of District Boundaries	5
Section 1.13 Property not Included – Annexations	5
Article II: Nonconformities.....	7
Section 2.01 Perpetuation of Nonconformities.....	7
Section 2.02 Nonconforming Lots of Record or Substandard Lots.....	7
Section 2.03 Nonconforming Uses of Land.....	7
Section 2.04 Nonconforming Structures.....	8
Section 2.05 Nonconforming Uses of Structures.....	8
Section 2.06 Uses under Exception Provisions not Nonconforming.....	9
Section 2.07 Nonconformities Created by Amendment	9
Section 2.08 Repairs and Maintenance.....	9
Section 2.09 Nonconforming Use, Zone Change	9
Article III: General Regulations and Performance Standards.....	11
Section 3.01 Accessory Buildings and Uses.....	11
Section 3.02 Adjacent Lots and Lots of Continuous Frontage in Single Ownership	13
Section 3.03 Lot Area Requirements	13
Section 3.04 Use Regulations	13
Section 3.05 Building Access	14
Section 3.06 Building Area.....	14
Section 3.07 Buildings Under Construction	14
Section 3.08 Drainage.....	14
Section 3.09 Dwelling Unit Restriction	14
Section 3.10 Front Yard Exceptions	15
Section 3.11 Greenbelts	15
Section 3.12 Structures, Not Included in Height of Building	15
Section 3.13 Lot, Double Frontage	15
Section 3.14 Lot, Corner.....	16
Section 3.15 Lot of Record	16
Section 3.16 Maintenance.....	16

Section 3.17 Setback Measurements.....	16
Section 3.18 Fences, Hedges, Walls, and Obstructions in all Districts	16
Section 3.19 Retaining Walls.....	18
Section 3.20 Visibility at Intersections and Railroad Crossings.....	18
Section 3.21 Interference with Traffic Signals	18
Section 3.22 Sewer and Water Provisions	18
Section 3.23 Storage Standards.....	19
Section 3.24 Traffic Control	20
Section 3.25 Building Relocation	20
Section 3.26 Dumping and Disposal of Excavated Materials.....	21
Section 3.27 Essential Services.....	21
Section 3.28 Telecommunication Towers and Antennae Performance Standards	21
Section 3.29 Adult Use Businesses.....	30
Section 3.30 Opt-Out of Minnesota Statutes, Section 462.3593.....	31
Section 3.31 Renewable Energy Systems (Solar).....	32
Article IV: Home Occupations	37
Section 4.01 Intent and Purpose.....	37
Section 4.02 Standards.....	37
Section 4.03 Enforcement Procedures	41
Section 4.04 Penalty.....	41
Section 4.05 Bed and Breakfast Inns	41
Article V: Day Care Facilities.....	43
Section 5.01 Intent	43
Section 5.02 Application.....	43
Section 5.03 Declaration of Conditions	43
Section 5.04 General Provisions.....	43
Section 5.05 Inspection.....	44
Article VI: Off-Street Parking and Loading	45
Section 6.01 Off-Street Parking Facilities	45
Section 6.02 Off-Street Parking Location.....	46
Section 6.03 Off-Street Parking Requirements.....	46
Section 6.04 Loading Space.....	49
Article VII: Manufactured Homes/Mobile Home Parks.....	51
Section 7.01 Park Permit Required.....	51
Section 7.02 Procedure	51
Section 7.03 Additional Regulations	55
Article VIII: Signs.....	57
Section 8.01 Definitions of Specific Terms and Phrases.....	57
Section 8.02 Purpose.....	58

Article IX: PUD Planned Unit Development Regulations..... 65
 Section 9.01 Purpose..... 65
 Section 9.02 Use Regulations 65
 Section 9.03 Procedures, Requirements, and Standards 65
 Section 9.04 Approval and Requirements Prior to Construction..... 66

Article X: Site Plan 69
 Section 10.01 Exempt Uses 69
 Section 10.02 Site Plan Required..... 69
 Section 10.03 Procedure 69
 Section 10.04 Performance72

Article XI: Administration, Permits and Fees 73
 Section 11.01 Zoning Administrator Duties 73
 Section 11.02 Land Use Permits Required 73
 Section 11.03 Land Use Permit Applications 73
 Section 11.04 Compliance Required.....74
 Section 11.05 Approval or Denial of Land Use Permit 74
 Section 11.06 Expiration..... 74
 Section 11.07 Construction and Use to be Same as Application and Plans 74
 Section 11.08 Violations..... 74
 Section 11.09 Appeal.....75
 Section 11.10 Fees75

Article XII: Conditional Uses77
 Section 12.01 Conditional Uses.....77

Article XIII: Changes and Amendments 81
 Section 13.01 Annual Review..... 81
 Section 13.02 Amendment Procedure.....81

Article XIV: Violation, Penalties, Claims, Conflicts of Law and Severability..... 85
 Section 14.01 Compliance Required.....85
 Section 14.02 Violations.....85
 Section 14.03 Penalties85
 Section 14.04 Relief from Personal Responsibility85
 Section 14.05 Conflicts of Law85
 Section 14.06 Severability85

Article XV: City Council87
 Section 15.01 Powers and Duties.....87
 Section 15.02 Decisions.....87

Article XVI: Board of Adjustments89
 Section 16.01 Establishment.....89
 Section 16.02 Records89

Section 16.03 Powers and Duties.....	89
Section 16.04 Procedure	89
Article XVII: City Planning Commission.....	93
Section 17.01 Powers and Duties.....	93
Section 17.02 Decisions.....	93
Article XVIII: Ag – Agricultural District.....	95
Section 18.01 Purpose.....	95
Section 18.02 Permitted Uses	95
Section 18.03 Conditional Uses.....	95
Section 18.04 Bulk Regulations.....	96
Article XIX: R-1 Low Density Residential District	99
Section 19.01 Purpose.....	99
Section 19.02 Permitted Uses	99
Section 19.03 Conditional Uses.....	99
Section 19.04 Bulk Regulations.....	100
Article XX: R-2 High Density Residential District	103
Section 20.01 Purpose.....	103
Section 20.02 Permitted Uses	103
Section 20.03 Conditional Uses.....	103
Section 20.04 Bulk Regulations.....	103
Article XXI: B-1 Central Business District	107
Section 21.01 Purpose.....	107
Section 21.02 Uses Permitted	107
Section 21.03 Commercial Restrictions.....	108
Section 21.04 Conditional Uses.....	108
Section 21.05 Building Height.....	108
Section 22.06 Lot Area, Frontage, Lot Coverage, Yard Size and Loading Space.....	108
Article XXII: B-2 Highway Business District.....	109
Section 22.01 Purpose.....	109
Section 22.02 Uses Permitted	109
Section 22.03 Conditional Uses.....	110
Section 22.04 Building Height.....	110
Section 22.05 Lot Area and Yard Requirements	110
Section 22.06 Lot Coverage.....	111
Article XXIII: M-1 Manufacturing/Industrial.....	113
Section 23.01 Purpose.....	113
Section 23.02 Permitted Principal Uses.....	113
Section 23.03 Permitted Accessory Uses.....	113
Section 23.04 Conditional Uses.....	113
Section 23.05 Manufacturing District Special Requirements.....	114
Section 23.06 Bulk Regulations.....	114

Appendix A: Definitions..... 117

Appendix B: City of Franklin Zoning Map..... 129

PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF FRANKLIN, MINNESOTA AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 462.351 TO 462.365, MINNESOTA STATUTES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Sections 462.351 to 462.365, Minnesota Statutes, empowers the City to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, The City Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact such an Ordinance, and

WHEREAS, The City Council, pursuant to the provisions of Sections 462.351 to 462.365, Minnesota Statutes, has appointed a City Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein, and

WHEREAS, The City Planning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to:

- (1) lessen congestion in the streets
- (2) secure safety from fire, panic, and other dangers
- (3) promote health and the general welfare
- (4) provide adequate light and air
- (5) prevent the overcrowding of land
- (6) avoid undue concentration of population
- (7) facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, The City Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, The City Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS, The City council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, These regulations are adopted under the authority granted by Sections 462.351 to 462.365 of the Minnesota Statutes. Therefore, the City Council of Franklin, Minnesota ordains as follows:

This Ordinance which shall be known and cited as the City of Franklin Zoning Ordinance, an Ordinance setting minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration and imposing penalties for the violation of this Ordinance. The jurisdiction of this Ordinance shall include all lands within the corporate limits of the City of Franklin, Minnesota.

The initial public hearing on this Ordinance was held by both the Planning Commission and the City Council on March 10, 2003. It was adopted by the City Council on April 14, 2003 and published as required, on April 23, 2003.

Ronald Degner

Mayor

ATTEST:

Wendy Pederson

City Clerk

ARTICLE I TITLE, APPLICATION AND ZONING DISTRICTS

Section 1.01. **TITLE.** This Ordinance shall be known as the “Franklin Zoning Ordinance” except as referred to herein, where it shall be known as “this Ordinance”.

Section 1.02. **INTENT AND PURPOSE.** The intent of this Ordinance is to protect the public health, safety and general welfare of the community and its people through the establishment of

minimum regulations in regard to location, erection, construction, alteration and use of structures and land. These regulations are established to assist the City in 1) implementing its Comprehensive Plan, 2) protecting and enhancing the natural environment and resources that currently exist within the City, 3) ensuring orderly and quality development and redevelopment, 4) protecting the quality and diversity of the City's tax base, 5) protecting the quality of residential neighborhoods, 6) providing opportunities for an affordable and diverse housing supply, 7) managing traffic, 8) ensuring compatibility between different land uses, and 9) regulating businesses that may have adverse secondary effects on the quality of life of Franklin residents. These regulations are also established to provide for administration of this Ordinance, to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Zoning Board of Adjustment, the Planning Commission and the City Council in relation to the Zoning Ordinance.

Section 1.03. RELATION TO CITY'S COMPREHENSIVE PLAN. It is the policy of the City of Franklin that the enforcement, amendment, and administration of this Ordinance be accomplished consistent with the recommendations contained in the City Comprehensive Plan, as developed and amended from time to time by the Planning Commission and City Council of the City. The Council recognizes the City Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the City of Franklin will not approve any rezoning or other changes in these regulations that are inconsistent with the City Comprehensive Plan.

Section 1.04. STANDARD, REQUIREMENT. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other law, ordinance, rule, or regulation of the city, state or federal government, the law, ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

Section 1.05. CONFORMITY WITH THIS ORDINANCE. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

Section 1.06. BUILDING COMPLIANCE. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

Section 1.07. REDUCTION OF YARDS OR LOTS NOT PERMITTED. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 1.08. SEPARABILITY. It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Section 1.09. **AUTHORITY.** This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.363

Section 1.10. **ESTABLISHMENT OF DISTRICTS.** For the purpose of this Ordinance, the City of Franklin, Renville County, Minnesota, is divided into the following districts:

- A. AG District - Agricultural District
- B. R-1 District - Low Density Residential District
- C. R-3 District - High Density Residential District
- D. B-1 District - Central Business District
- E. B-2 District - Highway Business District
- F. M-1 District - Manufacturing Industrial District

Section 1.11. **BOUNDARIES AND OFFICIAL ZONING MAP.** The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Map shall be attested by the Mayor and the City Clerk under the following words:

“This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance adopted on this _____ day of _____, 20__”

- A. Changes. If in accordance with the provisions of this Ordinance changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, the resolution number and date of said change shall be recorded by the City Clerk on the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on this Map.
- B. Official Copy. Regardless of the existence of purported copies, the Official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.
- C. New Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the

effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 1.12. **INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

- A. Boundaries indicated as approximately following center lines of highways, streets, alleys, or other public right-of-ways shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
- D. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- E. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main set of tracks at the center line of the single set of tracks.
- F. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the center line of streams, rivers, ditches, lakes or other bodies of water shall be construed as following such center lines.
- G. Boundaries indicated as parallel to or extensions of features indicated in subsections A-F above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A-G above, Zoning Administrator shall interpret the district boundaries, subject to appeal to the Board of Adjustment.
- I. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may permit as a special consideration, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 1.13. **PROPERTY NOT INCLUDED - ANNEXATIONS.** When no decision has been reached to what district the annexed territory should be placed, annexations or consolidations with the City shall be placed in the AG District. Within one (1) year the Planning Commission shall evaluate and recommend a permanent district classification to the City Council.

ARTICLE II NONCONFORMITIES

Section 2.01. **PERETUATION OF NONCONFORMITIES.** Within the various districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures and uses of land and structures which were lawful prior to the adoption of this Ordinance which would be prohibited, regulated or restricted under the provisions of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that such nonconformities shall not be enlarged upon, expanded or extended.

Section 2.02. **NONCONFORMING LOTS OF RECORD OR SUBSTANDARD LOTS.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the adoption or amendment of this Ordinance, subject to the limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district. However, yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustments.

If two or more lots or combination of lots and proportions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves a remaining lot with width or area below the requirements stated in this Ordinance.

Section 2.03. **NONCONFORMING USES OF LAND.** Where, at the effective date of adoption or amendment of this Ordinance, there exists lawful use of land that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. When a nonconforming use is superceded by a conforming use, the nonconforming use shall not thereafter be resumed.

Section 2.04. **NONCONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its current market value it shall not be reconstructed except in conformity with the provisions of this Ordinance. If less than fifty (50) percent is damaged, it may be restored, reconstructed or used as before, provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the City Council after recommendations from the Planning Commission and appropriate officials.
- C. If the nonconforming structure is moved to another lot, it shall thereafter conform to the regulations for the district to which it is moved.

Section 2.05. **NONCONFORMING USES OF STRUCTURES.** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any part of the building which was originally arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure and/or premises in combination may be changed to another nonconforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
- D. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located and the nonconforming use may not be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination is discontinued for twelve (12) months, the structure and/or structure and premises shall not be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage of any kind of more than

sixty (60) percent, exclusive of the foundation, of its appraised value at the time of destruction.

Section 2.06. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use for which a conditional use is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district. This statement does not apply to changes as allowed by City Council action from a nonconforming use to another use not generally permitted in the district (Section 2.05(C)).

Section 2.07. NONCONFORMITIES CREATED BY AMENDMENT. When a nonconformity in a structure or the use of land or a structure created by an amendment to this Ordinance, the rights granted by this section to continuance of nonconformities existing on the date of the amendment.

Section 2.08. REPAIRS AND MAINTENANCE. Any nonconforming structure or portion of a structure containing a nonconforming use may be maintained and improved by ordinary repairs or by repair or replacement of non-bearing walls, fixtures, wiring or plumbing if the cubic area was existing when it became nonconforming is not increased. This Ordinance does not prevent the strengthening or restoring of any structure or part declared to be unsafe by order of an official charged with protecting the public safety.

Section 2.09. NONCONFORMING USE, ZONE CHANGE. The above provisions shall apply to buildings, land and uses which may become nonconforming due to classification or reclassification of districts under this Ordinance.

**ARTICLE III
GENERAL REGULATIONS AND PERFORMANCE STANDARDS**

The following general regulations and performance standards of this article shall apply equally to all districts within this Ordinance except where special provisions provide otherwise. It is not intended by this Ordinance to repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where ever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

The general regulations and performance standards established in this article are designed to encourage high quality residential and business development by providing assurance that neighboring land uses will be compatible. The general regulations and performance standards are also designed to prevent and eliminate those conditions that cause blight.

All future development in the city shall be required to meet these standards. The standards shall also apply to existing development where so stated. The Zoning Administrator shall be responsible for enforcing these standards and may require the submission of information showing compliance or noncompliance with the standards.

Before any building or land use permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the general regulations and performance standards. The developer shall supply additional data about the proposed use (such as equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, etc.), where required to do so by the Zoning Administrator. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will conform with any general regulation and/or performance standard.

Section 3.01. **ACCESSORY BUILDINGS AND USES.** Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon a lot or tract of land, provided they comply with the following regulations.

A. All Accessory Buildings.

1. Accessory buildings shall not be constructed prior to the time of construction of the principal building to which it is accessory.
2. All detached accessory buildings and uses shall be located a minimum of ten (10) feet to the rear of the principal use.
3. All accessory buildings and uses shall be located a minimum five (5) feet from a side property line and ten (10) feet from a rear property line or alley right-of-way. On a corner lot accessory buildings shall conform to the setback regulations on that side street.
4. On a through lot, no accessory building shall be located closer to the rear property line than the distance required for front yard setbacks.

B. Attached or detached accessory buildings-Residential Districts.

1. No accessory building shall be used for dwelling purposes.
2. All accessory buildings and uses shall be sited on the same lot.

3. Accessory buildings are permitted only for the purpose of personal use and the storage of personal belongings.
4. No accessory building shall contain more than thirty (30) feet of vehicle door openings as measured horizontally.
5. Accessory building and uses shall not exceed one thousand (1000) square feet of floor area except by conditional use permit. In no case shall the accessory building be larger than the principal building.
6. Accessory buildings and uses in Residential Districts shall not exceed one (1) story or fifteen (15) feet in height, and in no case will the accessory building exceed the height of the principal building.
7. Any accessory building that is attached to the principal building shall be considered a part of the principal building and must meet the space requirements thereof.
8. No permit shall be issued for the construction of more than two (2) accessory buildings in any R-1 District and one of the two (2) accessory buildings must be a garage.
9. No accessory building other than the garage shall exceed two hundred sixteen (216) square feet, except by conditional use permit. Any accessory structure exceeding two hundred sixteen square feet in area shall be constructed of materials that are the same or similar to the principal building.

C. Detached accessory buildings and uses-Residential Districts.

1. No detached accessory buildings or uses are permitted to be located within the limits of a front or side yard.
2. No detached accessory building or uses on a corner lot shall project beyond the front yard setback requirement of the principal building.

D. Accessory buildings and uses-Business and Manufacturing Districts.

1. In Business and Manufacturing Districts, accessory buildings and uses may be placed in rear and side yards, but must not project beyond the principal building in the front yard. Exceptions to this requirement are shown below in D(2).
2. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in front in Manufacturing Districts.
3. Accessory buildings that exceed the height of the principal building are allowed only through a conditional use permit. Except for structures not included in height of building, all accessory buildings must meet the height requirements of the district in which they are located.

E. Satellite Dishes and Antennas.

Satellite dishes and antennas are permitted in all zoning districts as accessory uses and are subject to the provisions of this Ordinance, including the following provisions:

1. Satellite dishes and antennas shall be considered to be permanent accessory structures after placement on the premises for seven (7) consecutive days after which time a permanent location must be established for structure.
2. Any satellite dish or antenna installed and put into use shall meet all other requirements of this Ordinance, including front, rear and side setback requirements and height restrictions in their perspective zoning districts.
3. Within Agriculture and R-1 Districts there shall be a maximum of two (2) satellite dish antenna over thirty-six (36) inches in diameter per lot.

Section 3.02. ADJACENT LOTS AND LOTS OF CONTINUOUS FRONTAGE IN SINGLE OWNERSHIP. If two (2) or more lots or combination of lots and portions of lots with continuous frontage or common property line are in single ownership, the following provisions shall apply. No building, structure or use shall be constructed, altered, expanded or developed except in conformity with these provisions and such other applicable provisions of this Ordinance.

- A. Each individual lot of record shall be dealt with as an individual lot in all cases, even though in common ownership with adjacent lots of record. Nothing shall prohibit the legal joining together of separately described lots or parcels.
- B. No new or existing structure or use on a lot of record shall be constructed, altered or expanded in any manner which would be at variance with the provisions of this Ordinance. Common ownership with adjacent parcels shall not be considered grounds for a variance.

Section 3.03. LOT AREA REQUIREMENTS. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with the area regulations herein prescribed, nor shall the area of any lot be reduced below the minimum requirements herein established. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space or off-street parking or loading space required under this Ordinance for another building, structure or use.

Section 3.04. USE REGULATIONS. Only the following uses and their essential services shall be allowed in any district:

- A. Principal Uses - specified for a district.
- B. Accessory Uses - and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business trade, or industry except for home and professional occupations as defined herein. An accessory structure can not be occupied as a separate dwelling unit.

- C. Conditional Uses - and their accessory uses shall be permitted in specified districts after review, public hearing, recommendation by the Planning Commission, and approval by the City Council in accordance with procedures and standards established in this Ordinance.
- D. Uses Not Specified - in this Ordinance may be permitted by the City Council after the Planning Commission has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.

Section 3.05. **BUILDING ACCESS.** Every building erected, moved or structurally altered, shall be on a lot or parcel having a frontage on a public street or road. All structures shall be located on lots so as to provide required off-street parking and the safe and convenient access for fire protection.

Section 3.06. **BUILDING AREA.** Decks, outside stairways, fire escapes, porches, platforms, balconies and other similar and attached projections shall be considered as part of the building and not allowed as part of the required space for yards, courts, or unoccupied space. This provision shall not apply to:

- A. One (1) fireplace or one (1) chimney not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable yard space
- B. Cornices not exceeding sixteen (16) inches in width
- C. Platforms, terraces, steps below the first floor level
- D. Unenclosed porches or other ground level unenclosed projections not over one (1) story in height which may extend into a front yard not more than ten (10) feet or into a side yard not more than eight (8) feet.

Section 3.07. **BUILDINGS UNDER CONSTRUCTION.** Any building or structure for which a land use permit has been issued and the construction of the whole or a part of which has been started, prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said building permit was granted.

A building or structure must be built within 12 months of obtaining the land use permit.

Section 3.08. **DRAINAGE.** No land shall be developed and no use shall be permitted that results in water run-off, flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area or other public facility.

Section 3.09. **DWELLING UNIT RESTRICTION.** Excluding the City's camping facilities that has it's own rules and regulations for short term camping, the following dwelling unit restrictions shall apply:

- A. No model home, garage, tent, accessory building, or recreational camping vehicle shall ~~at any time~~ be used as living quarters, ~~temporarily or permanently~~, beyond five (5) days, except as may be approved ~~in emergency cases by the Zoning Administrator as an administrative permit~~, by the city council. Property owners must register any temporary dwellings with the city of Franklin. Registered temporary dwellings will be allowed until city council approval provided they follow city codes. The City will allow the temporary use of tents and recreational camping vehicles during the time of city celebrations. *(Amended 12/11/2017)*
- B. Tents, play houses or similar structures may be used for play or recreational purposes. When adult supervision is present on the property, children are allowed to camp over night.

- C. Basements may be used as living quarters or rooms as a portion of the principal residential dwelling. Living quarters and bedrooms in basements must follow the regulations of the Minnesota State Building Code for adequate sized windows for emergency egress.
- D. Energy conservation designs in housing, including earth sheltered residential dwellings, are not prohibited by this provision of the Chapter, provided that a conditional use permit is approved by the City Council and the structure complies with standards imposed by the State and the Minnesota State Building Code.

Section 3.10. **FRONT YARD EXCEPTIONS.** When the majority of residential or commercial buildings have been built in a block at the time of adoption of this Ordinance, no building or structure hereafter erected or altered, shall project beyond the average setback line established by existing structures, provided no building will be required to set back more than forty five (45) feet from the property line.

In the following circumstances, a new residential structure may not be required to conform to the minimum setback requirements of the zoning district:

- A. Where fifty percent (50%) or more of the residential lots on the same linear block (see definition) as the lot in question are developed with less than the required front yard setbacks, the average setback of the developed residential lots on the block with less than the required front yard setback shall be observed as the minimum setback for a new residential structure.
- B. Where the lot on which the new residential structure is proposed is between two adjacent existing developed residential lots with less than the required setback front yard setback, the average setback of both adjacent residential lots shall be observed as the minimum front yard setback.

Section 3.11. **GREENBELTS.** In all industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line an eight (8) foot wide planting strip composed of grass, trees and shrubs. Trees at least one and one-half (1-1/2) inches in diameter, shall be planted not more than thirty (30) feet apart. Shrubs shall be planted not more than five (5) feet apart and be at least five (5) feet in height after five (5) full growing seasons, and attain a height of eight (8) feet at maturity.

A decorative masonry wall not less than five (5) feet in height and not less than eight (8) inches in thickness may be substituted for the above greenbelt upon approval of the Planning Commission.

The greenbelt or wall area shall be maintained in an attractive condition at all times.

Section 3.12. **STRUCTURES, NOT INCLUDED IN HEIGHT OF BUILDING.** Chimneys, cooling towers, elevator bulk head, fire towers, drive-in movie theater screens, grain elevators, silos, stacks, tanks, water towers, water slides, pumping towers, radio or television towers, monuments, cupolas, and mechanical accessories pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of principal structure.

Section 3.13. **LOT, DOUBLE FRONTAGE.** Double frontage lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

Section 3.14. **LOT, CORNER.** Corner lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

Section 3.15. **LOT OF RECORD.** A parcel legally created and existing at the time of passage of this Ordinance need not conform to the lot width or lot area of the district in which it is located. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 3.16. **MAINTENANCE.** In all districts, all structures, signs, required landscaping and fences shall be maintained so as not to be unsightly to the adjoining areas or created hazards to public health or safety.

Section 3.17. **SETBACK MEASUREMENTS.** All setbacks shall be measured from property lines.

Section 3.18. **FENCES, HEDGES, WALLS, AND OBSTRUCTIONS IN ALL DISTRICTS.** This section is intended to provide for the regulation of the height and location of fences, walls, and similar obstructions, for the purpose of providing for light, air, and privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.

- A. Permits Required. All permanent fence and wall construction shall require a permit from the Zoning Administrator.
- B. Height. For the purpose of this section, height shall mean the vertical distance from existing grade to the top of the fence, hedge, or wall, except in the front and side yard setback where the finished grade is lower than the existing grade, height shall be measured from the finished grade.
 - 1. All Residential Districts. Front and Corner Yard Setbacks. No fence, hedge, or wall over thirty-six (36) inches in height shall be permitted within any required front and corner setback.
 - 2. Rear and Side Setbacks. No fence (see exceptions below), hedge, or wall greater than six (6) feet in height shall be permitted within any required rear setback or side setback. Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than thirty-two (32) inches.
 - 3. Corner Lots in All Districts. No fence, hedge or wall over thirty-six (36) inches in height shall be permitted within the clear view triangle of a intersection as is described below in this section (Section 3.20 “Visibility at Intersections”)
 - 4. Business and Industrial Districts. Fences and walls located in business and industrial districts that exceed the height of eight (8) feet, measured from its top edge to the ground at any point, shall require a Conditional Use Permit.

5. Tennis Court Fences. Fences up to ten (10) feet in height may be permitted to enclosed tennis courts provided all other requirements of this Ordinance are met, and shall not require a conditional use permit where a tennis court is permitted as an accessory use or when the court is given a conditional use permit. Such fences, if they exceed six (6) feet in height must be constructed to have fifty (50) percent or less of solid material.
6. Swimming Pool Fences. See Section 3.18 F below for height requirements.

C. Location.

1. All fences and walls must be installed no closer than six (6) inches from property lines. All hedges shall be planted no closer than thirty (30) inches from property lines. It is the property owner's responsibility to locate the property lines.
2. No fence, wall or hedge may be placed in a public right-of-way. It is the property owner's responsibility to locate the public right-of-way lines.
3. Fences, walls and hedges, on corner lots, are subject to traffic visibility requirements as discussed in Section 3.20.

D. Construction. All fences hereafter erected shall have the structural components thereof facing the side of the property for and on which the same are erected.

E. Prohibited Fences. The following fences are prohibited:

1. Barbed Wire Fences. No fence constructed wholly or in part of barbed wire shall be located in the City, except in any industrial, utility areas, and Ag Districts. Within these industrial and utility areas, the barbed wire fence may be placed above the top of other fencing not less than six feet, six inches high and none of which may be within five feet of any public street, alley or sidewalk. Within Ag Districts, barbed wire fences may be used to fence in livestock. Barbed wire fences shall require a Conditional Use Permit.
2. Snow fences, except for exclusive control of snow between November 1 and March 31 and authorized by the Zoning Administrator for special events or construction sites.
3. Chicken wire, welded mesh wire and electrically charged wire fences.
4. Fences made of solid plywood, scrap lumber, temporary fencing and similar non-customary materials.
5. Fences made of common concrete or cinder block.
6. Fences on any portion of any public right-of-way, except fences erected by a governmental entity.
7. Fences so constructed as to prevent natural water drainage and/or water runoff.

F. Swimming Pools and Hot Tubs. Every owner of an outdoor swimming pool or hot tub located in the City shall erect and maintain a fence or barrier of not less than four (4) feet in height nor more than eight (8) feet in height around such swimming pool of such construction

as to safeguard the area. The fence should have a maximum clearance from the ground of three inches; and shall be equipped with self-closing door and latches not less than four (4) feet above the ground. All fencing shall be in place and approved by the City's Zoning Administrator before water is run into the pool.

- G. Maintenance. Every fence shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence shall be repaired or replaced immediately.

Section 3.19. RETAINING WALLS.

- A. Purpose. The purpose of this section is to protect public and private property from the effects of poorly designed and constructed retaining walls.
- B. Permit Required. A permit shall be required for all retaining walls constructed that exceed thirty inches (30") in height, including terraced retaining wall projects where the total height of all walls exceeds thirty inches (30"), and are closer than fifteen (15) feet to a property line. The height requirements shall meet the requirements of Section 3.20, intersection visibility obstructions.
- C. Application. Application shall be made to the Zoning Administrator on forms provided and shall include a site plan and a set of construction plans. Plans signed by a professional engineer registered in the State and/or other information necessary to adequately review the proposed retaining wall may also be required by the Zoning Administrator.
- D. Setbacks. Setbacks for retaining walls shall be the same as for fences.
- E. Maintenance. Every wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any wall shall be repaired or replaced immediately.

Section 3.20. VISIBILITY AT INTERSECTIONS AND RAILROAD CROSSINGS.

On a corner lot in all districts, except the B1 district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along the street lines fifty (50) feet from the point to the intersection. Nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to obstruct the vision clearance at railroad crossings in any district.

Section 3.21 INTERFERENCE WITH TRAFFIC SIGNALS. No sign, structure, tree, planting, or vegetation or any portion thereof shall protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic signals of any kind.

Section 3.22. SEWER AND WATER PROVISIONS.

- A. All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to individual sewage disposal systems approved by the City Council and in accordance with any applicable regulations of state agencies. This provision shall not apply to temporary construction sites, or portable units used in farming operations.
- B. All water shall be procured from the public water system when available. Where it is not feasible to connect to a public water supply or if on-site water supplementation is required, a

well may be drilled in accordance with the specifications and provisions of the Minnesota Department of Health, Water Well Construction Code.

Section 3.23. **STORAGE STANDARDS.** Besides the storage regulations found within the City's ordinances that cover nuisances, the following storage standards shall apply:

A. Exterior Storage in Residential Districts. All materials and equipment shall be stored within a building or fully screened (so as not to be visible) from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used for construction on the premises, garden equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Boats, recreational vehicles and recreational camping vehicles, less than thirty-five (35) feet in length, are permissible if stored in the rear or side yard not less than ten (10) feet distant from any property line. All types and kinds of automobiles, trucks and other forms of vehicles and trailers that are required by Minnesota Law to operate with a current license plate, but are currently without such current license plates, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. All inoperable motor and recreational vehicles shall not be parked or stored on any residentially zoned property other than completely enclosed buildings.

B. Exterior Storage in Business and Manufacturing Districts. Exterior storage in Business and Manufacturing Districts shall meet the following requirements:

1. Exterior storage and display shall be governed by the respective zoning district in which the use is located.
2. All exterior storage shall conform with all building setback requirements.
3. All exterior storage shall be located in the rear or side yard except for the following permitted activities:
 - a. Materials and equipment currently being used for construction on the premises.
 - b. Merchandise being displayed for sale in accordance with zoning district requirements. The merchandise being displayed may not use space required as a parking lot, except which is allowed below in this section under seasonal unenclosed areas and temporary, outdoor promotional events.

The following merchandise shall not be given an exception under this section, and thus must meet the exterior storage requirements described above:

- 1) Automobiles, trucks, tractors and other motorized vehicles which are incapable of movement under their own power due to mechanical deficiency.
 - 2) Parts for vehicles and machinery.
4. All exterior storage areas must be on a durable and dustless surface and include storm drainage management facilities as required by the City. The one exception to this section is for storage areas in manufacturing districts may have a gravel surface, provided the storage area is used only to store heavy machinery and the access to the storage area is not less than one hundred (100) feet from a public right-of-way.

5. Seasonal Open Displays. The unenclosed sale and display of cut Christmas trees, wreathes, tree branches, pine cones, holly and related plant items during the months of November and December, and the unenclosed sale and display of plants and garden supplies during the months of April through August, shall be permitted as an accessory use, provided that the sale and display is conducted in connection with the operation of an existing retail use in a business district, and that the area used for the unenclosed sale and display does not exceed twenty (20) percent of the area of the parcel containing buildings or use more than twenty (20) percent of the required parking lot.

6. Temporary, Outdoor Promotional Events. Temporary, outdoor promotional events which include activities such as grand openings, craft shows, flea markets, sidewalk sales shall be allowed up to four (4) days in length and not more than two (2) times a year per property.

C. Bulk Storage (liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota State Pollution Control Agency (PCA), the United States Environmental Protection Agency (EPA) and have documents from those offices stating that the use is in compliance. Buried gas and/or diesel bulk storage for vehicles are not permitted in Residential Districts.

Section 3.24. **TRAFFIC CONTROL.** The traffic generated by any use shall be channelized and controlled in a manner that will avoid (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing onto streets.

Section 3.25. **BUILDING RELOCATION.**

A. Review Process. The relocation of any building or structure on a lot or onto another lot within the City shall be subject to approval of a conditional use permit. Accessory buildings less than one hundred twenty (120) square feet in floor area shall be allowed without issuance of a conditional use permit, but shall comply with all other provisions of this Chapter.

B. Performance Standards.

1. Upon relocation, the building shall comply with the applicable requirements of the Minnesota State Building Code and the most current Uniform Building Code (UBC).

2. The proposed relocated building shall comply with the character of the neighborhood in which it is being relocated as determined by the City Council.

3. The relocated use will not result in a depreciation of neighborhood or adjacent property values.

4. Except as otherwise allowed by the City Council, the relocated structure shall be ready for occupancy within six (6) months from the date of location on the site.

Section 3.26. **DUMPING AND DISPOSAL OF EXCAVATED MATERIALS.** The dumping of dirt, rock or other earthen material is permitted in any district not part of a drainage channel provided the surface of such material is graded within a reasonable period of time in a

manner preventing the collection of stagnant water and that the ground surface is left in a condition suitable for growing of turf or for other land uses permitted in the district. This shall not prevent the development of the property for its best use when adequate facilities are provided to maintain the primary purpose of the drainage way or flood plain, i.e. the uninterrupted flow of surface water.

Section 3.27. **ESSENTIAL SERVICES.** Essential services shall be allowed in all zoning districts.

Section 3.28. **TELECOMMUNICATION TOWERS AND ANTENNAE PERFORMANCE STANDARDS**

A. Purpose. To meet the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City of Franklin finds that the following Section is necessary in order to:

1. facilitate the provisions of the wireless telecommunications services to the residents and businesses of the community;
2. through setback requirements and structural standards, avoid potential damage to adjacent properties from tower failure;
3. minimize adverse visual effects of towers through careful design and siting standards;
4. reduce the number of towers necessary to serve the area by maximizing the use of existing and approved towers and buildings that can accommodate new wireless telecommunication antennas;

B. Consistency with Federal Law

In addition to other findings required by this section, the City of Franklin shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. This section does not:

1. Prohibit or have the effect of prohibiting the provision of personal wireless services;
2. Unreasonably discriminate among providers of functionally equivalent wireless services;
or
3. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

C. Definitions:

1. Antenna. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and omni-directional antennas, such as whip antennas.

2. Commercial Wireless Telecommunication Services. Licensed commercial wireless communication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
3. Essential Services. Overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures or collection, communication, supply, or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings. For the purpose of this ordinance, commercial telecommunication service facilities shall not be considered public utility uses, and are defined separately.
4. RFI. Radio frequency interference.
5. RFR. Radio frequency radiation.
6. Tower. Any ground or mounted pole, spire, steeple, structure, or combination thereof taller than fifteen (15') feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
7. Tower, Multi-User. A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.
8. Tower, Single-User. A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this ordinance.

D. Required Permits. Prior to any construction activities, the following permits must be secured from the City:

1. a City building permit; and
2. a conditional use permit, with attachments, as required by this ordinance.

An applicant for a telecommunications tower or facility permit must be a telecommunications provider or must provide a copy of its executed contract to provide land or facilities to an existing telecommunications provider to the City at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

No construction, alteration, modification (including the installation of antennas for new uses) or installation of any telecommunications tower or facility shall commence without a conditional use permit first being obtained from the City.

E. Zoning District Use. Telecommunication towers and antennae shall only be allowed in the Highway Business and Industrial Zoning Districts in the City upon the approval of the two permits required above. A building permit and a conditional use permit are both required in said Highway Business and Industrial Districts.

The City may, by conditional use permit, authorize the use of city property for towers in accordance with the procedures of this code. The City has no obligation to allow the use of city property for this purpose.

F. Area, Setback and Height Restrictions.

1. Lot Area. The minimum lot area requirements are determined by the zoning district in which the tower development site is located and as determined by any additional area needed to meet all setback requirements of this ordinance.
2. Tower Setbacks. The minimum setback from all property lines and public rights of way for telecommunications towers, exclusive of attached antennae, shall be equal to its height.
3. Height Restrictions. A maximum height for telecommunications towers is one hundred fifty (150') feet, excluding attached antennae. Measurement of tower height must include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height is measured from grade.

Notwithstanding the above, additional height may be approved upon a finding by the City that additional height is necessary in order to provide coverage in the City of Franklin or to accomplish collocation of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.

G. Collocation Requirements.

An application for a new telecommunications tower shall not be approved unless the City finds that the telecommunications facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

1. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Minnesota. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
2. The proposed antennas and equipment would cause interference, materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the State of Minnesota and such interference cannot be prevented at a reasonable cost.
3. The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create RFI in violation of federal standards or requirements.
4. The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create RFR in violation of federal standards or requirements.

5. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the State of Minnesota.
6. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.
7. There is no existing or approved tower in the area in which coverage is sought.
8. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

H. Tower Design Requirements. Proposed or modified towers and antennae shall meet the following design requirements:

1. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.
2. Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment. Towers must be self-supporting without the use of wires, cables, beams, or other means.
3. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

I. Construction Requirements.

1. All antennae, towers, and accessory structures shall comply with all applicable provisions of this ordinance.
2. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and Electronics Industry Association.
3. No part of any antenna or tower nor any lines, cable, equipment, wires, or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
4. Towers and associated antennae shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
5. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.

6. Every tower affixed to the ground shall be protected by a security fence to discourage climbing of the tower by unauthorized persons.
7. Tower locations should provide the maximum amount of screening possible for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable. The area around the base of the tower and any accessory structures shall be landscaped and/or screened.

J. Site Plan Requirements.

In addition to site plan requirements found elsewhere in this zoning ordinance or within Franklin's subdivision ordinance and building permit requirements, site plans for telecommunications facilities shall include the following supplemental information:

1. Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed tower site.
2. Vicinity Map showing the entire vicinity within a 2500-foot radius of the tower site, including the telecommunications facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites and habitats for endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.
3. Proposed site plans of the entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.
4. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
5. Construction sequences and time schedule for completion of each phase of the entire project.

Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

K. Lights and Other Attachments.

1. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency (FAA) or the Federal Communications Commission (FCC), nor shall any tower have constructed on, or attached to, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
2. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

L. Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district in which the tower site is located. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

M. Screening Standards.

1. When used, walls or fences must provide for full visual screening of accessory buildings or storage areas, as viewed from residential areas and state and county roads;
2. The materials used for constructing the wall or fence shall be specified in the site plan and shall be subject to recommendation by the Planning Commission and approval by the City Council;
3. Berms, if used, shall be constructed with a slope not to exceed 3:1 and shall be covered with sod or other landscape material sufficient to prevent erosion of the berm.
4. Trees, hedges or other vegetative materials, when used, must provide at least 75 percent (75%) screening capacity throughout the year. Such screening must also conform to all vegetative setback requirements of this Ordinance.

N. Security. Towers must be reasonably secured to protect against trespass. Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, state, or federal laws.

O. Access. Parcels upon which towers are located must provide access during normal business hours to at least one paved vehicular parking space on site.

P. Maintenance Requirements.

1. The yard area in front of fences and walls shall be trimmed and maintained in a neat and attractive manner.
2. Repairs to damaged areas of walls or fences shall be made within thirty (30) days of sustaining said damage.
3. Areas left in a natural state and vegetative screening areas shall be properly maintained in a sightly and well kept condition.

4. Diseased, dying, or dead vegetative screening elements shall be removed and then replaced, at a minimum, with healthy plants of the same size required when first planted.
5. The telecommunications facility owner shall maintain adequate insurance on all telecommunications facilities.

Q. Abandoned or Unused Towers or Portions of Towers.

1. All abandoned or unused towers and associated facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City Council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and any associated facilities upon the cessation of their operations shall be submitted at the time of application. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the cost of removal assessed against the property.
2. Unused portions of towers above manufactured connection shall be removed within six (6) months of the time of antenna relocations. The replacement of portions of a tower previously removed requires the issuance of a new building/conditional use permit.

R. Antennae Mounted On Roofs, Walls, and Existing Towers. The placement of wireless telecommunication antennae on roofs, walls and existing towers may be approved by the City Council, provided the antennae meet the requirements of this ordinance, after submittal of:

1. A site and building plan.
2. A report prepared by a qualified and licensed professional engineer indicting the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. A complete detailing of all fixtures and couplings needed and the precise point of attachment shall be indicated.

S. Additional Submittal Requirements. In addition to the information required elsewhere in this ordinance, applications for towers shall include the following supplemental information:

1. Documentation of the area to be served by the tower including a narrative describing why the site chosen is the most appropriate site for the tower location, the results of any environmental review conducted on the chosen site, and a discussion of why existing structures within the search area would not be suitable as locations or co-locations for the purpose of antennae.
2. A copy of an agreement between the applicant and property owner that the site and tower will be designed for not less than three (3) users. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner or applicant. This agreement shall be signed by the applicant and property owner and shall be attached to and become part of the permit.

3. A report from a qualified and licensed professional engineer which:
 - a. describes the tower height and design including a cross section and elevation;
 - b. documents the height above grade for all potential mounting positions for co-locating antennae and the minimum separation distances between antennae;
 - c. Provides written evidence from the engineer that at the proposed site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The City may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times.
 - d. includes an engineer's stamp and registration number; and
 - e. includes other information necessary to evaluate the request.
 4. Before the issuance of a building permit, the following supplemental information shall be submitted:
 - a. proof that the proposed tower complies with regulations administered by the FAA; and
 - b. a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.
 5. Additional liability insurance equivalent to the minimum city requirements and proof of insurance be provided with all other information contained with the submittal materials.
- T. Existing Antennas and Towers. Antennas and towers in existence before the adoption of this ordinance, that do not conform to or comply with this ordinance are subject to the following provisions:
1. Towers and antennas may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying in all respects with this ordinance.
 2. If such towers or antennas are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower or antenna may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this ordinance, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this ordinance.

- U. Temporary Wireless Communications. Any telecommunications facility designed for temporary use is subject to the following:
1. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the City of Franklin.
 2. Temporary telecommunications facilities are permitted for no longer than five days-use during a special event.
 3. The maximum height of a temporary facility is 50 feet from grade.
 4. Temporary facilities must comply with all applicable portions of these regulations.
- V. Evaluation and Monitoring. As a condition of approval for telecommunication facilities the applicant shall reimburse the City for its costs to retain outside expert technical assistance to evaluate any aspect of the proposed siting of telecommunications facilities. The owner of a telecommunications facility shall provide the City with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the City's reasonable request. If the owner does not promptly provide the City with satisfactory technical evidence of FCC radiation compliance, the City may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner shall reimburse the City for its reasonable costs in carrying out such compliance testing.
- W. Interference With Public Safety Telecommunications. No new telecommunications facility shall be placed or constructed in such a way as to interfere with public safety telecommunications. All applications for new telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the City at least ten calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.
- X. Variances. The City Council may grant a variance to the setback, separation or buffer requirements, and maximum height provision of this section by the criteria set forth under this ordinance, including the following additional variance criteria for telecommunication towers and antennae:
1. The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area, not change the character of the neighborhood in which the tower is proposed to be located;
 2. The variance will not create a threat to the public health, safety or welfare;
 3. In the case of a requested modification to the setback requirement, that the size of the plat upon which the tower is proposed to be located makes compliance impossible, the only alternative for the applicant is to locate the tower at another site but poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land;
 4. In the case of a request for modification of separation requirements, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the

coverage needs of the applicant's wireless communications system and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area;

5. In the case of a request for modification of the maximum height limit, that the modification is necessary to (1) facilities co-location of telecommunications facilities in order to avoid construction of a new tower; or (2) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.

Y. Penalties. Any person, corporation, or other entity that constructs, erects, places, reconstructs, enlarges, expands or repairs a tower or antenna in violation of this ordinance shall be guilty of a misdemeanor and shall be subject to any additional legal or equitable remedies available to the City.

Z. Effective Date and Fees. This ordinance shall take effect from and after its passage and publication. The fees for filing an application to build or alter a telecommunications facility shall be set by the City. Fees may include the reasonable costs of an independent technical assessment of the application.

Section 3.29. **ADULT USE BUSINESSES.** No Adult Business may operate within the incorporated territory of this City without first having obtained a Conditional Use permit. Requirements for a Conditional Use permit shall be in addition to all other requirements of this zoning ordinance, the **City of Franklin Adult Business Ordinance**, and all other requirements of all other applicable ordinances.

A. Location Restrictions. The use of property for an Adult Business can have potentially harmful secondary effects on surrounding areas, and may have a deleterious effect upon the use and enjoyment of adjoining properties.

Such secondary effects can include, but not limited to, a tendency to attract an undesirable quantity and quality of transients, to effect property values adversely, to cause an increase in crime, especially prostitution, to contribute to the blighting or down-grading of the surrounding neighborhood/area and to encourage residents and businesses to move elsewhere.

As such, all Adult Business, except non-conforming uses as described below, must comply with the following location restrictions:

1. All Adult Businesses shall be located within a B-2 or I-1 District.
2. No Adult Business shall be located within the following distances:
 - a. Adult businesses shall be prohibited within one thousand (1000) feet of any of the city zoned for residential purposes. Residential zones shall include the R-1, R-2, zones and any other residential zone hereafter adopted by the city.
 - b. Adult businesses shall be prohibited within one thousand (1000) feet of any church, synagogue, mosque or temple. For purposes of this section, land uses for which the principal use is not a church, synagogue, mosque or temple but which include such a

use as an accessory or incidental use to the principal use shall not be deemed to be a church, synagogue, mosque, or temple.

- c. Adult businesses shall be prohibited within one thousand (1000) feet of any public or private school offering general education for students between the years kindergarten through twelfth grade. For purposes of this section, athletic training facilities such as gymnastics, judo, karate, and dance and similar uses shall not be deemed a school.
 - d. Adult businesses shall be prohibited within one thousand (1000) feet of any child/family day care facility or center, or pre-school.
 - e. Adult use businesses shall be prohibited within one thousand (1000) feet of any public park or playground operated by the city. For the purposes of this section, bike paths, trails, waterways and boat launches shall not be deemed to be a public park.
 - f. Adult use businesses shall be prohibited within one thousand (1000) feet of any group home facility.
 - g. Adult businesses shall be prohibited from locating within five hundred (500) feet of any other adult business.
- B. Distance Measurements. Distances provided for herein shall be measured following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.
- C. Additional Requirements. Additional requirements for Adult Businesses are found within the City of Franklin Code of Ordinances, under Chapter 116 of Title XI – Business Regulations. All the sections of the Adult Business Ordinance shall also be strictly adhered to.

Section 3.30. **OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593.** Pursuant to authority granted by Minnesota Statutes, Section 462-3593, subdivision 9, the City of Franklin opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

CITY OF FRANKLIN

AMENDMENT TO ZONING CODE TITLE XV: LAND USAGE

Section 3.31 RENEWABLE ENERGY SYSTEMS (Solar) This ordinance applies to the regulations of on-site renewable energy systems within the City of Franklin, Renville County, MN. The ordinance focuses on solar systems which are located on the site for which the generation of energy will be used, with excess energy distributed into the electrical grid, if any and as agreed upon by Xcel Energy, or other applicable energy service provider.

1. A. Purpose and Intent.

1. It is the goal of the city to provide a sustainable quality of life for the city's residents, making careful and effective use of available natural resources to maintain and enhance this quality of life. Cities are enabled to regulate land use under Minnesota Statutes 394 and 462 for the purpose of "promoting the health, safety, morals, and general welfare of the community."

2. As part of this regulatory power, Franklin believes it is in the public interest to encourage renewable energy systems that have a positive impact in energy conservation, with limited adverse impact on the community. While Franklin strongly encourages increased energy conservation and improved energy efficiency, the city also finds that increased use of appropriate renewable energy systems will be an important part of improving urban sustainability.

3. The renewable energy regulations are intended to supplement existing zoning ordinances and land use practices, and ensure these systems are appropriately designed, sited and installed. These regulations are in place to balance the need to improve energy sustainability through increased use of renewable energy systems with concerns for preservation of public health, welfare, and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood social and ecological stability.

B. Solar Energy Sources and Systems

1. Definitions. Solar Energy Sources and Systems. The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

a. Building-Integrated Solar System. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

b. Ground Mounted Panels. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

c. Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

- d. Roof or Building Mounted SES. Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.
- e. Roof Pitch. The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.
- f. Solar Access. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
- g. 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.
- h. Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- i. Solar Energy System (SES). An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.
- j. 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.

2. C. Districts.

- 1. Solar energy systems (SES) shall be allowed as an accessory use in all zoning districts.

D. Placement and Design

1 Height

- (a) Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building-integrated solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
- (b) Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.

2 Placement

- (a) Ground mounted SES must meet the accessory structure setback for the zoning district in which it is installed.
- (b) Roof or Building Mounted SES. The collector surface and mounting devices for roof or building mounted SES shall not extend beyond the required setbacks

of the building on which the system is mounted.

3 Coverage

Ground mounted SES may not exceed the area restrictions placed on accessory structures within the subject zoning district.

4 Visibility

- (a) 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 is not required to be consistent with other roofing materials.
- (b) Building Integrated Solar Systems - Building integrated solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the zoning district in which the building is located.
- (c) Ground mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences, or landscaping.

E. General Standards

- 1. Notification. Prior to the installation or erection of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.
- 2. Feeder lines. Any lines accompanying a SES, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying an SES can be attached.
- 3. Commercial. All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.
- 4. Restrictions on SES Limited. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of Franklin shall restrict or limit solar systems to a greater extent than Franklin's renewable energy ordinance.
- 5. Franklin encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes. Any solar easements filed, must be consistent with Minnesota Statutes, Chapter 500, Section 30.

F. Abandonment

A SES that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

G. General Ordinance Provisions

1. Interpretation. In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.
2. Conflict. This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.
3. Severability. If any part or provision of this ordinance or its application to any developer or circumstance is judged invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

Approved by the City of Franklin Planning Commission on November 13, 2017 and the Franklin City Council on December 11, 2017, and approved summary published December 20, 2017.

Signed: _____
Todd Sherman, Mayor

Attest: _____
Wendy Pederson, City Clerk/Treasurer
Zoning Administrator

ARTICLE IV HOME OCCUPATIONS

Section 4.01. **INTENT AND PURPOSE.** It is the intent of this section on home occupations to provide peace, quiet and domestic tranquility within all residential neighborhoods in the city, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas; to ensure the compatibility of home occupations with other uses permitted in the residential districts; and maintain and preserve the character of residential neighborhoods. It is also the intent of this section to promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

The City recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the integrity of its residential areas is of paramount concern.

Section 4.02. **STANDARDS.** In all residential zones, home occupations in compliance with the following regulations are permitted as necessary uses, and no special use permit shall be required in order to establish and maintain such uses.

- A. The primary use of the unit is a dwelling. The area set aside for home occupations shall not exceed twenty (20) percent of the total floor area of such residence.
- B. The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no others. Child Day Care Businesses shall be allowed to have outdoor play areas.
- C. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation, except that Child Day Care Businesses shall be allowed an outdoor play area.
- D. No interior or exterior business sign shall be permitted.
- E. There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling.
- F. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone, Internet, or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks are not allowed, but a person may pick up an order placed earlier as described above.
- G. Parties for the purpose of selling merchandise or taking orders shall not be held more than four (4) times each month.
- H. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.
- I. No highly explosive or combustible material should be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area,

nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

- J. A home occupation shall not generate the need for parking spaces to cause such parking to be located on the street in front of a neighbor's property.
- K. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
- L. Trucks shall not operate out of residential districts. No commercially licensed vehicles shall be utilized in the business.
- M. The use of mechanical equipment other than is usual for purely domestic or hobby purposes are allowed only when it meets the requirements under Section 4.02 (I).
- N. Garage sales are permitted without special permit provided they meet the following standards:
 - 1. Sales last no longer than three (3) days.
 - 2. Sales are held no more than twice yearly.
 - 3. Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 - 4. No goods purchased for resale may be offered for sale.
 - 5. No consignment goods may be offered for sale.
 - 6. All directional and advertising signs shall be free-standing and removed after completion of the sale.
 - 7. All directional and advertising signs placed on private property shall have the owner's permission.
 - 8. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- O. The operation of day care homes in residential districts has its own standards and regulations and are found elsewhere in this ordinance.
- P. The following uses shall be allowed home occupations (unless listed as prohibited in this section).
 - 1. Architectural studio.
 - 2. Art studio.
 - 3. Child Day Care Services (If meet State Regulations) and Baby sitting.
 - 4. Consulting service.
 - 5. Contracting (except as specifically prohibited).

6. Data processing.
7. Direct sale product distribution (Am way, Avon, Shaklee, Tupperware, Herbalife and similar products).
8. Drafting and graphic service.
9. Dressmaking, sewing, tailoring, contract sewing.
10. Engineering service.
11. Financial planning, investment service.
12. Flower arranging.
13. Gardening, landscape maintenance.
14. Home crafts
15. House cleaning service.
16. Insurance sales or broker.
17. Interior design.
18. Jewelry making, jeweler.
19. Laundry, ironing service.
20. Locksmith.
21. Mail order (not including retail sales from site).
22. Real estate sales or broker.
23. Sales representative (office only).
24. Telephone answering, switchboard, call forwarding.
25. Tutoring
26. Typing, word processing service.
27. Wallpapering.
28. Watch repair.
29. Writing, computer programming.

Q. The following uses shall be prohibited as home occupations, unless authorized by a conditional use permit. In the rare case where the City grants a conditional use permit, the

home occupation still must meet the standards shown above for home occupations, and meet any other stipulation placed on the business by the City.

1. Ambulance service.
 2. Appliance repair.
 3. Automobile repair, part sales, upholstery or detailing, washing service (including businesses working at customer's homes).
 4. Beauty salons and barber shops (owner operated only).
 5. Boarding house, time share condominium.
 6. Carpentry, cabinet making.
 7. Dog Kenneling.
 8. Contracting, masonry, plumbing or painting.
 9. Health salons, gyms, dance studios, aerobic exercise studios, massage.
 10. Limousine or pedicabs service.
 11. Medical or dental office.
 12. Mortician, hearse service.
 13. Palm reading, fortune telling.
 14. Private clubs.
 15. Restaurants, taverns, food preparation.
 16. Retail sales from site (except direct distribution and sales parties).
 17. Tow truck service.
 18. Upholstery.
 19. Veterinary uses (including care, grooming, or boarding).
- R. All uses not listed in P or Q shall require a conditional use permit from the City, unless the City Council, through a recommendation of the City Planning Commission, determines that the home occupation is similar to uses listed under P.
- S. The home occupation shall not be considered a nonconforming use in the event of revisions to the applicable provisions of this title.
- T. Persons with demonstrated physical handicaps may be permitted special consideration by the Planning Commission and the City Council. The applicant may request waiver of a portion or all of one or more of the foregoing requirements. This special request shall be considered

by the Planning Commission at a public hearing after notice to property owners within three hundred fifty (350) feet of the subject property. The Planning Commission will make recommendations to the City council, which may only grant waivers on the basis of applicant's physical inability to function within said requirements.

Section 4.03. ENFORCEMENT PROCEDURES. Any aggrieved person believing that a violation or violations of this article are occurring and who desires that action be taken by the City shall notify the Zoning Administrator of such written allegation(s). Within thirty (30) calendar days after receipt by the Zoning Administrator of such written allegation(s), the Zoning Administrator shall complete an investigation of the allegation(s) to determine the merits thereof. Within ten (10) calendar days after the Zoning Administrator has completed the investigation(s), he/she shall notify in writing the following persons.

- A. If the Zoning Administrator determine that no violation as alleged or otherwise is occurring, notification of that decision shall be given to the complaining person or a spokesperson for the complaining person by certified mail, return requested.
- B. If the Zoning Administrator determines that a violation is occurring or has occurred as alleged, notification of that decision and a time for compliance shall be sent by certified mail, return requested, to both the violator and the complaining person or a spokesperson for the complaining person. The notification shall also state what action, if any, will be taken if compliance is not timely affected.

Section 4.04. PENALTY. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this article shall, upon conviction, be fined not more than one hundred (100) dollars for each offense. Each day a violation shall exist shall constitute a separate offense.

Section 4.05. BED AND BREAKFAST INNS.

- A. Bed and breakfast inns shall only be allowed through the granting of a special use permit for those meeting at least the minimum criteria outlined herein, and only after it is determined that the single-family character of the property and the quality of the neighborhood will be preserved. A bed and breakfast inn must be an existing residential building and have no greater impact than, or be perceived to be other than, a private home with house guests. The intent is not to permit or allow yards to be destroyed, landscaping to be removed or the integrity of the neighborhood to be altered in order to convert the property to a bed and breakfast inn.
- B. **Obligation to Comply.** The bed and breakfast owner shall at all times be subject to all lawful exercise of the police power of the City and to such reasonable regulations as the City hereafter by ordinance provides.
- C. An application for this special use permit shall include the following:
 - 1. A site plan.
 - 2. A landscape plan.
 - 3. A set of floor plans indicating the traditional uses of all rooms and the intended uses in the bed and breakfast operation.

4. Sign drawings showing location, dimensions and detail.
- D. Bed and breakfast inns may be granted permits in zones subject to the following standards and conditions.
1. The main residential building must contain a minimum of one thousand five hundred (1,500) square feet of area.
 2. The proprietor shall be the owner or manager of the property and no dwelling unit other than that of the proprietor, no home occupation, roomers or boarders shall be permitted.
 3. Two (2) off street parking spaces for the home occupants plus one (1) for each guest room shall be provided.
 4. Parking layouts and construction shall be considered on a case-by-case basis prior to approval.
 5. Only breakfast or light refreshments shall be provided to guests. Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit.
 6. There shall be a limitation of no more than six (6) on the number of guest rooms permitted based on the character and size of the building, and guest rooms shall have traditionally been bedrooms.
 7. One sign may be erected on the property, not to exceed two (2) square feet in size. Such signage shall not be illuminated and shall complement the architecture of the structure.
 8. Guests stays shall be limited to ten (10) consecutive days.
 9. The bed and breakfast shall be a subordinate use to the primary single-family use of the structure.
 10. Employee Restriction. The bed and breakfast shall employ not more than the equivalent of two full-time persons who are not domicile in the principal structure.
 11. The inn shall comply with all applicable laws, rules and regulations governing its existence and operation, including, but not limited to, the State Fire Code, and the State Health Code.
 12. The bed and breakfast shall have a valid, current State license (hotel and/or food).
 13. Such other conditions deemed necessary by the planning commission and/or city council to ensure the use complies with the purpose of this subsection.

ARTICLE V DAY CARE FACILITIES

Section 5.01. **INTENT.** The regulation of day care facilities in this section is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood. This section establishes the City's minimum requirements for the establishment and operation of a day care facility. A non-licensed child care operation shall be subject to Article IV, Home Occupations, of this Ordinance.

Section 5.02. **APPLICATION.** Day care facilities shall be allowed by conditional use permit within all residential, commercial and industrial zoning districts of the City and shall be subject to the regulations and requirements of this Ordinance's conditional use permit process. In addition to the City regulation, all day care facility operations shall comply with the minimum requirements of the Minnesota Department of Human Services, as may be amended.

Section 5.03. **DECLARATION OF CONDITIONS.** The Planning Commission and City Council may impose such conditions on the granting of a day care facility conditional use permit as may be necessary to carry out the purpose and provisions of this section.

Section 5.04. **GENERAL PROVISIONS.** Day care facilities shall be allowed as a principal use or as an accessory use, provided that the day care facilities meet all the applicable provisions of this section.

- A. **Lot Requirements and Setbacks.** The proposed site for a day care facility as a principal use shall have a minimum lot area as set forth in the respective zoning district. The City Council may increase the require lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the public health, safety and general welfare. The day care facility shall meet the setback requirements of the respective zoning district.
- B. **Sewer and Water.** All day care facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
- C. **Buffering.** Unless exempted by the Zoning Administrator, where an outdoor play area of a day care facility abuts any commercial or industrial use or zone, or public right-of-way, the day care facility shall provide screening along the shared boundary of such uses, zones, or public rights-of-way. All of the required fencing and screening shall comply with the fencing and screening requirements of this Ordinance.
- D. **Parking.**
 - 1. There shall be adequate off-street parking which shall be located separately from any outdoor play area and shall be in compliance with the off street parking requirements that are found within this Ordinance. Parking areas shall be screened from view if they abut residential uses.

2. When a day care facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.

E. Off-Street Loading. The facility shall have an off-street loading space.

F. Signage. All signing and informational and visual communication devices shall be in compliance with the provisions of Article VIII of this Ordinance

G. Compliance with State Requirements. The structure and operation shall be in compliance with State of Minnesota Department of Human Services regulations and shall be licensed accordingly.

Section 5.05. **INSPECTION.** At any and all reasonable hours, with or without notice, the City hereby reserves the right upon issuing any day care facility conditional use permit to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this section or any conditions additionally imposed.

ARTICLE VI
OFF-STREET PARKING AND LOADING

Section 6.01. **OFF-STREET PARKING FACILITIES.** In all districts where off-street parking lots are permitted or required, such off-street parking lots shall be constructed and maintained subject to the following regulations.

- A. Adequate ingress and egress shall be provided.
- B. Off street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area. These requirements shall also apply to open sales for cars, trucks and other equipment.
- C. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
- D. Plans for the construction of any parking lots must be approved by the Planning Commission before construction is started. No such land shall be used for parking until approved by the Planning Commission.
- E. Parking and driveway areas adjacent to the streets must have barriers. The barriers may be vegetative (i.e. shrubs) or physical (i.e. curbs).
- F. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any "R" District.
- G. All off-street parking spaces shall have access off driveways and not directly off the public street. Such driveway access shall not exceed 30 feet in width.
- H. Property that constitutes required off-street parking area may not be separated, through sale or other means, from the property containing the principal use for which the parking area is required.
- I. Signs located in any parking area necessary for orderly operation of traffic movement, shall be in addition to accessory signs.
- J. Existing off-street parking spaces upon the effective date of this Ordinance shall not be reduced in number unless said remaining number exceeds the requirements set forth herein for a similar new use.
- K. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business or manufacturing establishments.
- L. All utilities shall be protected against damage as specified by Franklin's Public Works Director.

Section 6.02. **OFF-STREET PARKING LOCATION.** All required off-street parking facilities shall be located as follows:

- A. One (1) and two (2) family dwellings--on the same lot as principal use served.
- B. Multiple family dwellings--on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
- C. Business and Industrial off-street parking spaces shall not be less than twenty (20) feet from an adjacent lot zoned or used for residential purposes. In all other cases, no off-street parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned or used for residential purposes.
- D. Within eight hundred (800) feet of a main entrance to the principal building served in a business or industrial district.
- E. There shall be no off-street parking space within three (3) feet of any street right-of-way.
- F. Nothing in this section shall prevent the extension of, or addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area or an additional area within the required distance of such building.
- G. Off-street parking space may be located within the required front yard of any "B" or "M" District, but no off-street parking shall be permitted in the required front yard of any "R" District except upon a driveway providing access to a garage, carport or parking area for a dwelling.

Section 6.03. **OFF-STREET PARKING REQUIREMENTS.** In all zoning districts, except (B-2) Central Business District and in connection with all uses, there shall be provided at the time any use or building is erected, enlarged, expanded or increased, off-street parking spaces for vehicles of employees, residents and/or patrons in accordance with the following requirements. For the purpose of this Ordinance, an off-street parking space shall be a minimum of nine (9) feet wide for angle parking and ten (10) feet wide for 90 degree stall parking. It shall also provide proper access to a public street or alley, in which maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when the requirements below are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all applicable ordinances and regulations.

- A. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another.
- B. Loading space shall not be construed as supplying off-street parking space.
- C. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space and fraction up to and including one-half (2) shall be disregarded and fractions over one-half (2) shall require one (1) parking space.
- D. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking

space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.

- E. Floor area in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.
- F. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
- G. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.
- H. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the following table.
- I. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required and shall be irrevocably reserved for such use.

USE	REQUIRED PARKING SPACE
Residential	Two (2) for each dwelling unit; the area of which may include driveways for one (1) and two (2) family dwellings.
Senior Residential Complexes	One (1) per dwelling unit.
Apartments above commercial uses in Central Business District	One (1) per dwelling unit.
Tourist Homes, Bed & Breakfast Inns, Motels, Hotels, Boarding & Rooming Houses	One (1) for each guest or sleeping room or suite, one (1) per employee, plus two (2) if there is a dwelling unit.
Hospital	One and one half (1 1/2) for each bed.
Sanitarium, Convalescent Home, Rest Home, Nursing Home, or Institution	One (1) for each two(2) beds plus one (1) for each three (3) employees, plus one (1) each resident and staff doctor.
Churches, Theaters, Auditoriums, Mortuaries, and Other Places of Assembly	One (1) for each three (3) seats based on maximum design capacity.

Business or Professional Office, and Bank	One (1) for each two hundred (200) square feet of gross floor space.
Medical and Dental Clinic	Three (3) for each doctor or dentist.
Schools, Elementary and Junior High	Two (2) for each classroom plus one (1) additional for each 200 student capacity.
Schools, High School, Colleges and Other Institutions of Higher Learning	One (1) for each seven (7) students based on design capacity, plus two (2) additional for each classroom.
Drive-In Food establishment (No seating for customers)	One (1) for each ten (10) square feet of gross floor area.
Bowling Alley	Five (5) for each alley, plus additional space as may be required herein for related uses such as a restaurant.
Service Garage, Automobile Salesroom, Automobile Repair, Body Shop	Four (4) plus two (2) for each service stall and wash stall.
Gasoline Service Station	One (1) for each employee, plus one (1) for the owner and/or management plus two (2) for each grease, service or wash stall.
Automobile, Truck, Boat or similar Vehicle Sales or Rental Establishment	One (1) for each two (2) employees during time of maximum employment plus one (1) space for each 2000 square feet of lot and building area used to display or storage of vehicles.
All Retail Stores, except as otherwise specified	One (1) for each one hundred (100) square feet of gross floor area.
Furniture and Appliance Stores, Personal Service Shops (not including beauty or barber shops), Household Equipment or Furniture Repair Shops, Clothing, Shoe Repair or Service Shops, Wholesale Stores and Machinery Sales	One (1) for each five hundred (500) square feet of floor area.
Beauty Parlors and Barber Shops	Two (2) for each barber and/or beauty shop chair.

Dance Hall, Pool and Billiard Rooms, Assembly Halls and Exhibition Halls, Community Centers, Civic Clubs, Fraternal Orders, Union Halls, and Similar Uses	One (1) for each four (4) people allowed within the maximum occupancy load as established by the State Fire Marshall.
Establishments for Sale and Consumption on the Premises of Alcoholic Beverages, Food or Refreshments	One (1) for each seventy-five (75) square feet of floor area.
Industrial Establishments including Manufacturing, Research and Testing Laboratories, Creameries, Bottling Works, Printing and Engraving Shops, Warehousing and Storage Buildings	One (1) for each two (2) employees on maximum shift or one for each five hundred (500) square feet of gross floor area, whichever is the larger.

Section 6.04. **LOADING SPACE.** On the premises with every building, structure, or part thereof, erected and occupied for manufacturing, or commercial use storage, receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys. Such loading berths shall be constructed and maintained subject to the following regulations:

- A. **Size.** Unless otherwise specified in this Ordinance, the minimum dimensions allowable for a loading space or truck berth shall be fifteen feet (15') in width and fifty feet (50') in depth. Such space shall be sufficient for the proposed use as determined by the Planning Commission and approved by the Planning Commission and the City Council.
- B. **Location.** All required loading berths shall be off street and shall be located on the building or use to be served. A loading berth shall not be located less than one hundred feet (100') from the intersection of two (2) street right of ways, nor less than fifty feet (50') from a residential district unless within a building. Loading berths shall not occupy the required front yard setback space.
- C. **Access.** Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
- D. **Surfacing.** All loading berths and accessways shall be improved with a durable material to control dust and drainage.
- E. **Accessory Use.** Any space allocated as a loading berth or access drive so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or be included as part of the space requirements necessary to meet the off-street parking area.
- F. **Required Loading Berths.**
 - 1. Institutional Uses having over twenty (20) units shall have one (1) loading space twenty-five feet (25') in length minimum for the first twenty thousand (20,000) square feet of gross floor area plus one (1) for each forty thousand (40,000) square feet thereafter.

2. Retail Sales, Office, shall have one (1) loading space twenty-five feet (25') in length minimum for the first six thousand (6,000) square feet of gross floor area plus one (1) for each ten thousand (10,000) square feet thereafter.
3. Manufacturing, Fabrication, Warehousing, Storing and Servicing in a facility over three thousand (3,000) square feet shall have at least one (1) loading space, with additional berths as needed to adequately serve the establishment without interfering with off street parking or flow of traffic in public streets or alleys.

**ARTICLE VII
MANUFACTURED HOMES/MOBILE HOME PARKS**

Section 7.01. **PARK PERMIT REQUIRED.** It shall be unlawful for any person to establish, maintain or operate a manufactured home/mobile home park or the facilities therein unless such person shall first procure a permit from the City. Compliance with the provisions of this Ordinance is necessary to obtain said special use permit.

Section 7.02. **PROCEDURE.** The following procedure shall be followed for a park permit application.

A. Application.

1. An application for a special use permit shall be filed with the zoning administrator and shall contain the following information: Name and address of developer and landowner. Location and legal description of the proposed park property. Survey and engineering information including distances with angles, bearings, lengths and legal descriptions of property involved. This shall be shown on drawings not to exceed one (1) inch equals fifty (50) feet and including the following information:
 - a. Location and size of the park.
 - b. Location and size of each lot with dimensions and boundary lines.
 - c. Limits and location of proposed or existing streets, cartways, curbs, driveways, sidewalks, easements and rights-of-way.
 - d. Location of off-street parking facilities.
 - e. Plans for sanitary sewer collection, water systems and storm water drainage system.
 - f. Plans for electrical services, telephone services, fuel systems and garbage collection.
 - g. Detailed landscaping plans and specifications.
 - h. Location and construction plans for park structures such as auxiliary sanitary facilities, laundries and utility buildings.
 - i. Location of required park and/or recreation site including type of equipment.
 - j. Such other information as may be requested by the zoning administrator to enable him to determine if the proposed park will comply with all legal requirements including this Ordinance.
2. The following general design requirements shall be incorporated into the park site plan.
 - a. General location and size.
 - 1) Each park shall comply with applicable ordinances and codes of the City and the laws of the State of Minnesota. The developer shall provide evidence that the plans have been approved by the Minnesota Department of Health before the special use permit will be issued.

- 2) The park shall be located on a well-drained site suitable for the purpose, and so the drainage of the park area will not endanger any water supply. All plans for the disposal of surface storm water must be approved by the City.
- 3) The park shall be located on a minimum lot size of fifty thousand (50,000) square feet, shall contain not less than fifteen (10) home spaces and shall not exceed a gross density of eight (8) units per acre.
- 4) Each park shall have frontage to and access to a public street which is deemed adequate to serve the anticipated traffic needs of the park. Access to parks shall be as approved by the City.

b. Roads and parking.

- 1) Each park shall contain all-weather hard surfaced interior roadways free from dust and mud and includes adequate provisions for surface drainage. This requirement shall be applicable no later than one (1) year following the initial construction of said interior private roadways. Such streets shall be private streets.
- 2) An adequate entrance road of forty-four (44) foot pavement width shall be constructed to the municipality's street or road specifications capable of handling heavy service vehicles such as fire and garbage trucks without injury to surface or base.
- 3) Interior roads shall be not less than forty-four (44) feet in width for two (2) lane roads.
- 4) Off-street (or road) parking for the park shall be provided in the ratio of two (2) spaces per unit with an all-weather, permanent, hard surfaced area for each home site.
- 5) Provisions shall be made for each home site to have access on an approved roadway.
- 6) Streets approved for dedication to the City shall be constructed in accordance with applicable City standards.

c. Bulk and space requirements.

- 1) Each home space shall have a minimum area of forty-eight hundred (4,800) square feet exclusive of roadways and common space.
- 2) Each home space shall have a minimum width of not less than fifty (50) feet.
- 3) No home shall be placed closer than thirty (30) feet to any adjacent mobile home, except that when awnings, porches or cabanas are attached, the minimum distance between each mobile home shall be twenty (20) feet.
- 4) No home shall be located closer than twenty (20) feet to the traveled portion of an interior street.

- 5) No home shall be placed closer than fifteen (15) feet from the side lot line, closer than fifteen (15) feet from the rear lot line.
 - 6) No building or structure hereafter erected or altered in a park shall exceed twenty-five (25) feet or one and one-half (1.5) stories in height.
 - 7) No home shall be located nearer than twenty (20) feet to any property line of the park and adjacent properties.
 - 8) The occupied area of a home site shall not exceed seventy-five (75) percent of the total area of the site the individual home sites.
- d. Utilities and essential services.
- 1) Each park shall be served by a sanitary sewer system as provided by this Ordinance.
 - 2) Each park shall be served by a central water supply system as provided by this Ordinance and shall include fire hydrants located in accordance with generally accepted practices.
 - 3) Where bottled gas is used, the container shall be firmly connected to the appliance by tubing or copper of suitable metallic material. Cylinders containing bottled gas shall not be located within five (5) feet of any manufactured home door. The container shall not be installed or stored even temporarily inside any manufactured home. No container may be permitted to stand free, but must be firmly mounted in an upright position.
 - 4) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five (5) feet from any manufactured home exit. All fuel oil containers shall be mounted upon a stand or rack constructed of a non-combustible material.
 - 5) All electrical and telephone or any other cable service shall be underground facilities from the existing city's distribution system.
 - 6) All utility connections shall be approved by the City.
 - 7) No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
 - 8) The proposed method of garbage, waste, and trash disposal must be as approved by the City.
 - 9) Fire protection shall be provided in accordance with the requirements of the State Fire Marshall.
- e. Landscaping and parks.

- 1) A boundary of fifteen (15) feet around the entire park site shall be provided. This boundary area shall be landscaped and screened as may be required by the Planning Commission.
- 2) The front yard of each site shall be landscaped except for driveways and parking needs.
- 3) Landscaping shall provide for at least one (1) tree on each site.
- 4) At least ten (10) percent, with a minimum of ten thousand (10,000) square feet of the land area within each park shall be designed for development into a recreational space. Such space shall be of appropriate design and provided with appropriate equipment and maintained by the owner of the park.
- 5) The corners of each home site shall be clearly marked and each site shall be numbered.
- 6) A compact hedge, wood fence, or landscaped area shall be installed around each park and be maintained in first class condition at all times as approved.
- 7) Additional requirements as to screening, landscaping and space reserved for recreation and playground may be required by the Planning Commission for proper development and protection of the park's occupants and that of the surrounding area.

B. Processing.

1. At least five (5) copies of the application and park site plan shall be filed with the zoning administrator.
2. The zoning administrator shall forward the application and park site plan to the Planning Commission and to other agencies as deemed necessary.
3. After Planning Commission review, the City Council shall consider the application in accordance with its procedures for acting on special exception use permits as provided in this Ordinance.

C. Permit issuance.

1. Subsequent to City Council approval, the zoning administrator shall be instructed to issue a special use permit, providing all other provisions of this Ordinance have been met.

D. Compliance required.

1. It shall be the duty of the zoning administrator to ensure that the approved special use permit is followed by the owner and/or developer.
2. No departure from the approved special use permit shall be made without the express written permission of the City. The procedure for review and approval or disapproval of changes shall be the same as for the initial application.

3. No building or site shall be used or occupied until all requirements and provisions of this Ordinance and any special conditions as provided by this article have been complied with.
4. The City may require performance bonds or other forms of security for reasons and in amounts as specified in the City's special assessment policies.

Section 7.03. **ADDITIONAL REGULATIONS.** The following additional regulations shall apply to manufactured homes/mobile homes and manufactured homes/mobile home parks.

- A. Other than what is allowed under the "Home Occupations" section of this Ordinance, no commercial operation shall be conducted within the park other than those necessary to the operation thereof. Commercial sales lots for homes are prohibited within the home park.
- B. Any enlargement or extension to any existing park shall require application for a special use permit as if it were a new establishment.
- C. A request for transfer of the permit shall be treated in the same manner as an original application for a permit.
- D. No additions, building or other structure shall be attached to a home without a city permit and approval of the park operator. Such additions shall not encroach upon the setbacks herein provided.
- E. All manufactured homes as defined by M.S. 327.31-327.35 shall be anchored in accordance with the MINNESOTA CODE OF AGENCY RULES - BUILDING CODE DIVISION - SECTION 2 MCAR - 1.904.50 "Stabilizing System for Mobile Homes".
- F. Skirting for homes is required and shall be in accordance with the decor of the home and in good repair. Each home shall be parked upon a jack or block approved by the park operator.
- G. One accessory building not to exceed one hundred (100) square feet in floor area shall be allowed for each home space. Accessory buildings shall be located within the rear yard five (5) feet from lot lines.
- H. In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of each park as it may deem necessary for the protection of adjacent properties and the public interest.
- I. The park grounds shall be lighted as approved by the City from sunset to sunrise. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, and the like.
- J. Advertising the home park shall be limited to one sign not to exceed six (6) square feet, with lighting, height and location as approved by the City.
- K. There shall be no outdoor camping anywhere in the park.
- L. No public address or loud speaker shall be permitted.
- M. The operator of every park shall maintain a registry of the park showing both the name and address of the residents and the make, type, and license number of each home.

- N. All dwellings within the park shall contain a minimum gross area of 800 square feet.
- O. The park must meet all licensing, rules, and regulations from the Minnesota Department of Health. See Minnesota Statutes Chapter 327, “Hotels, Motels, Resorts, and Manufactured Homes” for details.

ARTICLE VIII SIGNS

Section 8.01. **DEFINITIONS OF SPECIFIC TERMS AND PHRASES.** Within this Ordinance, the following additional definitions of terms and phrases used under this Article for signs shall govern. Other applicable definitions found in this Ordinance shall continue to apply.

- A. **AWNING.** A shelter, of canvas or other material, projecting from and supported by the exterior wall of a building, constructed on a supporting framework.
- B. **BANNER.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.
- C. **BEACON.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotates or moves.
- D. **FESTOON.** A string or garland of leaves, flowers, ribbons, tinsel, small flags, pinwheels, ornamental windsocks, or other like ornaments.
- E. **MARQUEE.** A permanent, roof-like structure of rigid materials supported by and extending from the facade of the building and projecting over its entrance.
- F. **NAMEPLATE.** A non-electric on-premise identification sign limited to the name, address and occupation of an occupancy or a group of occupancies.
- G. **SIGN.** A structure or device designed or intended to convey information to the public in written or pictorial form.
- H. **SIGN, AWNING, OR CANOPY.** A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.
- I. **SIGN AREA.** Sign area shall be measured as follows:
 - 1. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
 - 2. When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, or a fascia panel integrated into the building, canopy, marquee or other covered structure, the total area of such sign shall be deemed the area of the smallest triangle, rectangle or circle within which all of the matter such sign consists may be inscribed.
- J. **SIGN, BILLBOARD.** A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
- K. **SIGN, FLASHING.** Any directly or indirectly illuminated sign which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

- L. **SIGN, FREE STANDING.** A sign supported by one or more upright poles, columns, posts, pylons or braces placed in or on the ground and not attached to any building or structure.
- M. **SIGN, ILLUMINATED.** A sign illuminated in any manner by an artificial light source.
- N. **SIGN, INCIDENTAL.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, such as a credit card sign or a sign indicating hours of business. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading zone,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- O. **SIGN, PROJECTING.** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/marquee sign.
- P. **SIGN, TEMPORARY.** A sign or advertising display constructed of cloth, canvas, fabric, plywood or other temporary light material and designed or intended to be displayed for a short period of time.

Section 8.02. **PURPOSE.** The purpose of this section of the Ordinance is to coordinate and regulate the type, placement and physical dimensions of signs within the City’s various zoning districts. The City Council considers the standards and regulations in this Ordinance to be reasonable and necessary to attain the purpose listed below:

- A. That such public and private investments in improving the quality of life are protected.
- B. That the economic vitality of the community is maintained.
- C. That the integrity of residential areas and the dignity of public facilities and open space are preserved.
- D. That the general appearance of the City and an attractive business environment is improved.
- E. That attractively designed, appropriately placed, soundly constructed and well maintained signs enhance both the public and private investments and increase the property values.
- F. That proper regulation of signs encourages the innovative use of design, promotes both renovation and proper maintenance, allows for special circumstances, and guarantees equal treatment under the law through accurate record keeping and consistent enforcement.
- G. This Ordinance is not intended to regulate official traffic signs and signals, government signs the City Council has no jurisdiction to regulate, the copy or message of signs, produce dispensers, point of purchase displays, scoreboards on athletic fields, flags, religious symbols, commemorative plaques, holiday decorations, display of street numbers, or any display or construction not defined herein as a sign. This Section shall not apply to building design unless said sign incorporates a sign as defined in this ordinance, in which case that part of such design which is a sign shall be subject to the provisions of this Section of the Ordinance.

H. General Regulations.

1. Signs Exempt From Regulation Under This Ordinance. The following signs shall be exempt from regulation under this Ordinance:
 - a. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.
 - b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel or which such sign is located.
 - c. Works of art that do not include a commercial message.
 - d. Holiday lights and decorations with no commercial message.
 - e. Traffic control signs on private property, such as Stop, Yield and similar signs, the faces of which meet Department of Transportation standards and which contain no commercial message of any sort.
2. Prohibited Signs. All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:
 - a. Abandoned signs.
 - b. Flashing signs.
 - c. Hazardous signs. (Signs that are in danger of falling, breaking off or collapsing)
 - d. Billboards and other off-premise advertising signs. Any billboard or off-premise advertising sign that exists at the time of the adoption of this Ordinance may keep such signs as long as such signs are structurally sound and are well maintained.
 - e. Signs imitating or resembling traffic signs or signals or governmental signs.
 - f. Signs attached to trees, telephone or utility poles, public benches, streetlights or placed on any public property or street or highway right-of-way by any person other than the one having a permit from the a government to place such a sign.
 - g. Signs which obstruct access to fire escapes, exits, doors, standpipes, or ventilating systems, or which interfere with the view of traffic signals or signs by those to whom such signs or signals are directed.
 - h. Strings of lights not permanently mounted to a rigid background, except those exempt from regulation under this Ordinance.
 - i. Signs for which a permit is required under this Ordinance, which were constructed before such ordinance was adopted, and as to which no procedures provided by this Ordinance have been initiated to bring such signs into compliance with the provisions of this Ordinance.

3. Signs permitted only through the issuance of a special sign permit.
 - a. Types of signs requiring a special sign permit:
 - 1) Off-premise directional sign that are no larger than four (4) square feet in size.
 - 2) Temporary sign in place for more than seven (7) days.
 - 3) Portable sign.
 - 4) Banners, festoons and pennants in place for more than seven (7) days.
 - 5) Searchlights.
 - 6) Animated signs.
 - 7) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
 - 8) Inflatable signs and tethered balloons.
 - 9) Any other signs not specifically prohibited or allowed in other sections.
 - 10) Signs covered by grandfather clause.
 - b. Nothing in this Ordinance shall prevent the city Council from granting temporary permits for lights, banners, signs, or decorations relating to civic or community celebrations, subject to such conditions as the City Council may see fit to impose.
4. Signs in the Public Right-of-Way. No sign shall be allowed in the public right-of-way, except for the following:
 - a. Permanent signs, including:
 - 1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
 - 2) Bus stop signs by a public transit company.
 - 3) Informational signs of a public utility regarding its poles, lines, pipes or facilities.
 - 4) Awning, projecting and suspended signs projecting over a public right-of-way in conformity with this ordinance.
 - b. Temporary Signs. Temporary signs for specific or special events shall be issued only for signs meeting the following requirements. Signs are limited to a seven (7) day period, unless permission from the City grants a longer specific period of time.
 - 1) Such signs shall contain no commercial message.
 - 2) Such signs shall be no more than four (4) square feet in area each.

- c. Emergency Signs. Emergency warning signs erected by a governing agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- d. Other Signs Forfeited. Any sign installed or placed on public property, except in conformity with the requirements of this section, shall be forfeited to the public hereunder, the City shall have the right to recover from the owner or person placing such a sign the costs of removal and disposal of such sign.

I. Zoning Classifications.

- 1. Residential Districts. In all classes of residence districts, no sign, business sign, nameplate sign or advertising sign shall be erected except for the following.
 - a. A nameplate sign identifying the owner or occupant of a building or dwelling unit; provided, that the surface area does not exceed two (2) square feet. This sign may be placed in any front yard, but in no case may it be placed in any side yard. The sign may not be for the purpose of identifying a home occupation business.
 - b. A sign pertaining to the lease or sale of a building or property; provided, that such sign shall not exceed twelve (12) square feet in surface area and shall not be illuminated.
 - c. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:
 - 1) One sign not to exceed ninety-six (96) square feet in surface area, no more than fifteen (15) feet in height.
 - 2) One sign not to exceed twelve (12) square feet in surface area, no more than fifteen (15) feet in height.
 - 3) Directional signs not to exceed two (2) square feet in surface area; provided, that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed on minor residential streets.
 - 4) Temporary non-illuminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building; provided, that such signs shall not exceed thirty-two (32) square feet each in surface areas and are no more than fifteen (15) feet in height; and provided, that such signs are removed prior to occupancy of the building.
 - d. One identification sign, not to exceed thirty (30) square feet in area, for the following uses: Church, school, college, club, library, or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated, but not flashing.
 - e. Directional signs not to exceed four (4) square feet in surface area for the following uses: Church, school, college, hospital, club, library or similar use; provided, that

each shall be limited to one such sign per major thoroughfare approach. No such sign shall be allowed on minor residential streets.

- f. One nameplate sign for a dwelling group of four or more units not exceeding twenty-four (24) square feet in surface area. Such sign may indicate the names and addresses of the buildings or it may be a directory for occupants.
 - g. Professional nameplate sign: one identification sign not to exceed twelve (12) square feet may be illuminated.
 - h. Directional signs in any area necessary for the orderly movement of traffic; provided, that such signs shall not be used as advertising space and shall not be illuminated.
 - i. Temporary signs advertising garage, rummage, or household auction sales and placed on the premises where the sale is held.
 - j. Political signs.
 - k. Public signs or notices placed by any agency of government.
 - l. Emergency signs, or signs warning of hazards, whether placed by public or private persons or agencies.
 - m. Setback and Height: Unless otherwise noted, the maximum height of all freestanding signs shall be six (6) feet and all signs shall have a minimum setback of eight (8) feet from any property line.
 - n. Signs not specifically addressed under this ordinance require a variance.
2. Business and Industrial Districts. Business and industry signs and nameplate signs are permitted subject to the following regulations:
- a. Allocation of sign area for wall signs on multiple occupancy buildings shall be controlled by the building owner, who shall be directly responsible for seeing that all signs are in compliance with this Ordinance.
 - b. All freestanding, projecting, awning, canopy and marquee signs shall have a minimum setback of two (2) feet from any vehicle use area, and a minimum clearance of 7.5 feet over any pedestrian use area and 15 feet for vehicular areas.

J. Construction and Maintenance Standards

- 1. Maintenance. All signs shall be maintained so that exposed surfaces are clean and painted if painting is required, defective parts are replaced, and broken or non-functioning parts are repaired or removed.
- 2. Lighting. Unless otherwise provided by this ordinance, all signs may be illuminated, provided that no sign may utilize:
 - a. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded, or directed that the light intensity of brightness shall not adversely affect surrounding or facing residential districts, or adversely

affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.

- b. Any lamp throwing light on the sign, in which the direct light from the lamp is visible from any public street or public sidewalk.
- c. Any revolving beacon light.
3. Changeable Copy. Unless otherwise provided by this ordinance, any sign permitted by this ordinance may use changeable copy, changed either manually or electronically.
4. Anchoring.
 - a. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
 - b. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
 - c. All portable signs on display shall be braced or secured to prevent motion.
5. Any sign containing electrical components shall conform to current UL, ETL, CSA, or ULC standards and display a label from one of these recognized testing labs.

K. Nonconforming Signs

1. Signs existing on the effective date of this ordinance which do not conform to the regulations set forth in this ordinance shall become a nonconforming use.
2. Nonconforming signs existing for at least six months prior to the effective date of this ordinance which do not conform to their respective zoning classifications standards will automatically qualify for a special exception permit under the grandfather clause of this ordinance. This special exception permit will be issued upon application following adoption of this ordinance and be good for a term of five years, if such sign is kept in good repair.
3. All hanging grandfathered nonconforming signs shall be required to meet the minimum height requirements of 7.5 feet for pedestrian areas and 15 feet for vehicular areas with a minimum setback of 2 feet from all vehicular traffic areas. Alteration of these nonconforming signs to meet these requirements will not jeopardize their grandfather status in this ordinance.
4. A non-conforming sign may not be:
 - a. Changed to another non-conforming sign
 - b. Structurally altered except to bring it into compliance with the provisions of this Ordinance.
 - c. Expanded.

- d. Re-established after its discontinuance for fourteen (14) days.
 - e. Repaired or otherwise rehabilitated, except to bring it into compliance after damage more than fifty percent (50%) of the sign market value.
5. Nothing in this Ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding the construction and maintenance standards found in this section. Provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign shall lose its legal non-conforming status.
6. Except as otherwise provided herein, the provisions of this Ordinance are not intended to alter, diminish, increase or otherwise modify any rights or liabilities imposed upon non-conforming or prohibited signs existing prior to the adoption of this Ordinance. Any act done, offense committed, or signs existing prior to the date of the adoption of this Ordinance are not affected by its enactment.

**ARTICLE IX
PUD PLANNED UNIT DEVELOPMENT REGULATIONS**

Section 9.01. **PURPOSE.** The purpose of the Planned Unit Residential Development regulations is to encourage flexibility in the design and development of land in order to promote the most efficient use of land and preserve natural features and open space.

PUDs are intended to provide an alternative to the conventional approach to zoning by permitting flexibility and innovation in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas to encourage a more creative approach in the utilization of land. A PUD District permits a more efficient, aesthetic, and desirable development characterized by special features of the geography, topography, size or shape of a particular piece of property while simultaneously providing a compatible and stable environment in harmony with the surrounding area.

Under the provisions of a PUD District, the City Council has the right to allow deviations from any standards set forth in this Ordinance. However, rezonings to a Planned Development District shall not be allowed merely as a convenience or benefit to the applicant or as a means of circumventing the requirements of this Ordinance. Rather, the PUD District shall be used to create a development having greater public benefit than would otherwise have been possible.

Section 9.02. **USE REGULATIONS.** The PUD district permits any use or combination of uses allowed in the zoning districts established by this Ordinance in accordance with the procedures, requirements, and standards set forth herein.

Section 9.03. **PROCEDURES, REQUIREMENTS, AND STANDARDS.** An application for a planned unit development district shall meet and follow the same procedures, requirements, and standards as that of a rezoning request. In addition, the application shall include a development plan that meets the following requirements and standards set forth herein.

- A. **Ownership.** The tract shall be under unified ownership or control at the time of application and shall be planned as a whole. If the tract is not to be developed as a whole, a phasing schedule shall be provided showing the chronological order in which portions of the tract are to be developed.
- B. **Conformance with the City's Long Range Plans.** The proposed PUD shall be consistent with the long range goals, Comprehensive Plan, etc., that the City has developed in terms of land use, density, streets, and traffic.
- C. **Lot Area Regulations.** A proposed residential planned unit development or a residential planned unit development mixed with commercial and/or industrial uses shall consist of an area that is not less than three (3) acres in size. A proposed commercial and/or industrial planned unit development shall consist of an area that is not less than two (2) acres in size.
- D. **Density.** In a residential planned unit development, where a variety of housing types may be provided, the total number of dwelling units allowed shall be determined by the density standard of the original zoning district classification of the area that is now proposed for the PUD District. The planned unit development may exceed these maximum density standards by fifty (50) percent if it can be demonstrated by the applicant that such an excess will not adversely affect public facilities nor the enjoyment of adjacent property.

- E. **Setback Regulations.** Building setbacks from all property lines which form the perimeter of the total area devoted to the planned unit development shall blend well adjacent developments by matching the setback requirements of the original zoning district classification of the area that is proposed for the PUD district or the setback requirements applicable to the adjacent zoning districts.
- F. **Height Regulations.** Heights of buildings and structures shall result in a development that will blend well with adjacent developments by matching the height requirements of the original zoning district classification of the area that is now proposed for the PUD district or the height requirements applicable to the adjacent zoning districts.
- G. **Open Space.** Common open space, varying in amount and location, shall be provided to offset any substantial increase in dwelling unit density or building height or any substantial decrease in interior building setback distance.

A minimum of twenty (20) percent of the land of a planned residential development shall be devoted to private outdoor passive or active recreation. Such space shall be effectively separated from automobile traffic and parking and be readily accessible. Provisions shall be made for the permanent private maintenance of such land. The term “open space” shall not include space devoted to streets and parking. Such private outdoor recreation space shall not be a substitute for the dedication of land and/or cash for public parks as may be required by another City ordinance.

- H. **Streets, Utilities, Services, and Public Facilities.** Because of the uniqueness of each planned unit development proposal, the specifications and standards for streets, utilities, services, and public facilities may be different from those normally required in this Ordinance and other ordinances if it can be demonstrated by the applicant that such modification of specifications and standards will not adversely affect the interests of the general public or the entire City. In addition, the planned unit development proposal shall illustrate how the streets, utilities, services, and public facilities, and traffic circulation will function and serve the entire development.
- I. **Off-Street Parking.** The proposed planned unit development and the land use therein shall provide the necessary amount of off-street parking areas and shall illustrate how such areas will adequately serve the entire development.
- J. **Architecture.** Architectural style of buildings shall not solely be a basis for the denial or approval of a PUD Development Plan. However, the overall appearance and compatibility of the individual buildings to other site elements or to the surrounding development will be primary considerations in the review of such application.
- K. Any other information which the City Planning Commission and/or the City Council deems necessary to properly assess the request for the planned unit development district.

Section 9.04. APPROVAL AND REQUIREMENTS PRIOR TO CONSTRUCTION.

- A. **Approval.** The planned unit development request may be approved after a public hearing has been held. Additional conditions may be imposed to insure the public interest.
- B. **Building Permit.** A building permit shall be issued only if the building or structure, for which the permit is to be issued, is in conformance with the approved development plan and only if

all site and facility improvements are in place adjacent to and in front of the location of the building or structure.

ARTICLE X SITE PLAN

Section 10.01. **EXEMPT USES.** The following shall be exempt uses and shall not have to comply with the site plan requirements described herein.

- A. Temporary uses (not to exceed six (6) months) of land different from its existing state.
- B. One and two-family dwellings.

Section 10.02. **SITE PLAN REQUIRED.** All planned buildings and/or structures or uses of land unless exempted, whether they be new, substantially changed, converted or reconstructed, must secure approval of a site plan from the Planning Commission. No land use permit shall be issued prior to approval of the site plan. The site plan need not be drawn by an architect or engineer.

Section 10.03. **PROCEDURE.** The following procedure shall be followed in the preparation of site plans.

- A. Preparation of site plans.
 - 1. The person, developer, contractor or builder shall be responsible for preparation of the site plan.
 - 2. The site plan shall contain the following information as is pertinent to the proposed use of the land.
 - a. Name and address of the developer and property owner
 - b. Small key (location) map
 - c. Zoning classification of the land and names of adjoining land owners and zoning classification of adjacent lands
 - d. Proposed buildings and/or land use
 - e. Area of land in square feet
 - f. Survey and engineering information including distances with angles, bearings, lengths and legal description of property involved shall be shown on drawings at a scale not to exceed one (1) inch equaling fifty (50) feet and including the following information:
 - 1) Proposed buildings with location dimensions, building area and height.
 - 2) Distances on all sides from buildings to property lines and between buildings.
 - 3) Location, dimensions and area of existing buildings not to be razed.
 - 4) Location and use of all buildings and adjacent lands that are within fifty (50) feet of the property line in question.

- 5) Existing and proposed contours or spot grades at no more than two (2) foot intervals.
 - 6) Drainage design for roof areas, parking lots and driveways showing area for or method of disposal of surface run-off waters.
 - 7) Existing and proposed street curb cut radii and curb cut width.
 - 8) Limits and location of proposed or existing streets, cartways, curbs, sidewalks, easements and rights-of-way.
 - 9) Location, size and elevation of proposed or existing sanitary sewerage facilities, storm sewers, catch basins and drywalls.
 - 10) Location and approximate diameter of proposed or existing trees and other woody stemmed plantings together with the common names of the plantings.
 - 11) Limits and location of plantings or physical structures designed for screening.
 - 12) Limits, location and size of retaining walls and the type of material to be used in construction.
 - 13) Limits and location of parking lots, driveways, parking bays, outside storage, garbage areas, loading and unloading areas and surfacing and screening thereof.
 - 14) Directions of vehicular traffic flow to, from and within the area, together with traffic control signs and markings.
 - 15) Locations, height, candle power and type of all outside lighting including street lighting and sign lighting.
 - 16) Locations, size, height and overall dimensions of outside signs.
 - 17) Location of underground utilities, e.g. wells and fuel tanks.
 - 18) Such other or different information as may be required by the design standards set forth hereinafter or as required elsewhere in this ordinance.
3. The following general principles of design shall be incorporated into the site plan.
- a. Landscaping
 - 1) All front yards shall be landscaped to soften the effect the building creates at ground level.
 - 2) Existing trees shall be preserved where possible.
 - 3) Surface denuded of vegetation shall be seeded or sodded to prevent soil erosion.

b. Light glare from vehicles

- 1) When a building, parking lot or driveway adjoins or is within two hundred (200) feet of a residential area, provision shall be made to screen all vehicle lights so as to curtail direct illumination of the residential area. Screening provided on the land may be provided by the use of closely spaced evergreen trees, shrubs or physical structures which will harmonize with the developed use of the land and with the residential area.
- 2) Vehicle lights need not be screened on that portion of a site bounded by and parallel to a street.

c. Surface water, sewage disposal and erosion control

- 1) Storm water and sanitary sewage systems shall be laid out by a professional engineer.
- 2) Run-off water from parking lots, roofs and driveways shall not be allowed to cross sidewalks or to run onto private property that is not a part of the site unless easements have been obtained.
- 3) Surface run-off waters shall be directed into municipal facilities where such facilities are available. Where municipal facilities are not available, a drywell or drainage area owned or controlled by the owner or developer shall be provided.
- 4) Sanitary sewage shall be directed into municipal facilities where such facilities are available. Where municipal facilities are not available, other disposal methods approved by the Planning Commission may be used.
- 5) Retaining walls shall be constructed where necessary for land stabilization.

d. Parking lots

- 1) Parking lots shall be designed to avoid creating large open expanses.
- 2) Parking lots shall be designed to avoid the problem of vehicles backing onto streets, alleys and sidewalks.
- 3) Vehicular traffic flow to, from and within land containing a parking lot shall be controlled by appropriate traffic control signs and surface markings.
- 4) Adequate provision shall be made for vehicular ingress and egress.
- 5) Provisions shall be made for a safe and convenient circulation pattern within any parking lot.
- 6) Proposed curb cut widths shall be kept to a minimum consistent with vehicular and pedestrian safety. Curb cut radii shall allow safe ingress and egress of vehicles from and to the proper lane of traffic on the street which they adjoin. Existing curb cuts and curb radii shall be used only if they comply with appropriate standards for proposed curb cuts and curb cut radii.

e. Parking lot lighting

- 1) A parking lot shall be lighted for vehicular and pedestrian safety.

B. Processing

1. Adequate copies of the complete site plan shall be filed with the Zoning Administrator.
2. The Zoning Administrator shall forward the site plan to the Planning Commission and to applicable reviewing agencies as instructed by the Planning Commission.
3. The Planning Commission or a delegation thereof shall view the area being considered within the site plan.

C. Decision

1. The Planning Commission shall review the site plan and any written comments from reviewing agencies and recommend notification as necessary within forty-five (45) days from the time it is filed.
2. Decisions and recommendations of the Planning Commission shall be filed and recorded with the Zoning Administrator. Copies shall be sent to the applicant and/or his representative.

D. Compliance required

1. It shall be the duty of the Zoning Administrator or other appointed City staff to ensure that the approved site plan is followed by the owner and/or developer.
2. The land area of a site developed pursuant to an approved site plan shall not thereafter be reduced in size, and no departure from the approved site plan shall be made without the express written permission of the Planning Commission. The procedure for review and approval or disapproval of changes shall be the same as for the initial application.
3. No building or site shall be used or occupied until all requirements and provisions of this Ordinance and any special conditions have been complied with.

Section 10.04 **PERFORMANCE.** To ensure performance that development proposed in the plan submitted abides by all conditions of the City and that all tasks planned and all development proposed are completed within the established time frame, the City may require a warranty, and be given security, through performance bond or other security means.

**ARTICLE XI
ADMINISTRATION, PERMITS AND FEES**

Section 11.01. **ZONING ADMINISTRATOR DUTIES.** The City Council shall appoint a Zoning Administrator. It shall be the duty of the Zoning Administrator to:

- A. Administer the requirements of this Ordinance for land use permits and issue or deny each application in accordance with the provisions of this Ordinance.
- B. Conduct inspections of buildings and the use of land to determine compliance with the terms of this Ordinance.
- C. Publish and attend to the service of all notices required under the provisions of this Ordinance.
- D. Receive, file and forward applications for appeals, variances, conditional use permits, amendments or other action to the appropriate official bodies.
- E. Maintain permanent and current records pertaining to this Ordinance including, but not limited to, maps, amendments, conditional uses, variances, appeals and applications thereof.
- F. Provide technical assistance to the Planning Commission and the Board of Adjustments.
- G. Make recommendations to the City Council, Planning Commission and Board of Adjustments as necessitated by this Ordinance.
- H. Refer to the City Attorney all violations of this Ordinance which can not be handled administratively.
- I. Maintain permanent and current records of this Ordinance, including maps, amendments, conditional uses, and variances.
- J. Keep current records of all non-conforming uses.
- K. Notify County Recorder of all variances and conditional use permits granted so they can be attached to the deed.

Section 11.02. **LAND USE PERMITS REQUIRED.** No building or structure shall be erected, reconstructed, moved or structurally altered to increase the exterior dimensions, height or floor area or remodeled to increase the number of dwellings or accommodate a change in use of the building and/or premises or part thereof without a land use permit issued by the Zoning Administrator.

Section 11.03. **LAND USE PERMIT APPLICATIONS.** All applications for land use permits shall be accompanied by the fee as set by the City Council and shall be made on forms furnished by the Zoning Administrator and shall include the following where applicable:

- A. Names and addresses of the 1) applicant, 2) owner of the site, 3) architect, 4) professional engineer or contractor.
- B. Description of the site by lot, block and record subdivision or by metes and bounds and the address of the proposed site.

- C. Site plans as appropriate and required by this Ordinance.
- D. Type of structure, existing and/or proposed operation or use of the structure or site and the zoning district in which the site is located.
- E. Where applicable, the number of housekeeping units, families, rental units or employees the proposed building is designed to accommodate.
- F. Additional information as may be required by the City Planning Commission, Zoning Administrator or other city office or officials.

Section 11.04. **COMPLIANCE REQUIRED.** The Zoning Administrator shall examine all applications for land use permits and the necessary site plan to determine whether the proposed construction, alteration, extension, repair and proposed use shall comply with the provisions of this Ordinance. Upon examination, a land use permit shall be issued or denied.

Section 11.05. **APPROVAL OR DENIAL OF LAND USE PERMIT.** Upon approval or denial, the Zoning Administrator shall attest to same by his signature on the land use permit. If the land use permit is approved, one (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Zoning Administrator. If the land use permit is denied, the Zoning Administrator shall, in addition to the above, notify the applicant with a memorandum stating the reason for denial of the land use permit.

Section 11.06. **EXPIRATION.** A land use permit shall become void if the work described therein has not begun within six (6) months from the date of issuance. If the work described in any land use permit has not been substantially completed within one (1) year of the date of issuance, said permit shall expire and be canceled by the Zoning Administrator. Further work shall not proceed unless and until a new land use permit has been obtained.

Section 11.07. **CONSTRUCTION AND USE TO BE SAME AS APPLICATION AND PLANS.** Land use permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only that use, arrangement and construction set forth in such approved site plan and applications and for no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided herein.

Section 11.08. **VIOLATIONS.** If it is found that any of the provisions of this Ordinance are being violated, it shall be the duty of the Zoning Administrator to take the following action:

- A. Document the violation in writing, with photographs, historical records and dates of information.
- B. Notify in writing the person responsible for such violations indicating the nature of the violation and outlining action necessary to correct it.
- C. Order the discontinuance of illegal use of land, buildings or structures.
- D. Order the removal of illegal buildings or structures or of illegal additions, alterations or structural changes.
- E. Order discontinuance of any illegal work being done.

F. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

Section 11.09. **APPEAL.** It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustments only on appeal from the decision of the Zoning Administrator.

Section 11.10. **FEES.** The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for land use permits, appeals, amendments, conditional uses, variances and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XII CONDITIONAL USES

Section 12.01. **CONDITIONAL USES.** A Conditional Use is any use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare. What Conditional Uses that may be permitted in a given zoning district are shown in this Ordinance in the zoning district chapters. Any proposed conditional use permitted by the provisions of this Ordinance shall be submitted to the Planning Commission and the City Council for review and determination of its applicability to the district in which it is proposed. The following procedure shall be followed for conditional use permit application:

A. Application

1. The applicant requests proper form for a conditional use permit from the Zoning Administrator.
2. The application shall be filed with the Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:
 - a. The legal description and local address of the property.
 - b. The names and addresses of the owners of all property within three hundred fifty (350) feet of the property for which the conditional use permit is being applied.
 - c. Detailed description of the proposed conditional use.
 - d. Detailed plans of all buildings, roadways and any other structural or cultural improvements.
 - e. A map showing the locations, dimensions and use of all property within three hundred fifty (350) feet of the applicant's property including streets, alleys, railroads and other physical and cultural features.
 - f. A statement describing the reasons for the request of the conditional use permit.
 - g. Other information or exhibits as required by the Planning Commission and City Council in making recommendations, determinations and dispositions on the application.

B. Application processing

1. Upon receipt of the application by the Zoning Administrator, a copy of the completed application and attachments shall be forwarded immediately to the Planning Commission and City Council.

2. The Mayor shall set the date for a public hearing and instruct the Zoning Administrator to give notice of time, place and purpose of the public hearing in the following manner:
 - a. Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing.
 - b. Give public notice in a newspaper of general circulation in the city at least ten (10) days prior to public hearing.
 - c. Notify individuals, other jurisdictions and other agencies as instructed or deemed necessary.
3. The Planning Commission or delegation thereof shall view the area being considered for a conditional use permit.

C. Public Hearings

1. The Planning Commission shall set and conduct the public hearing.
2. The applicant and/or his representative shall appear before the Planning Commission and answer any questions relative to the proposed conditional use permit.
3. An accurate record of all testimony shall be kept by City staff. This record shall include the names of all persons who participated in the meeting.

D. Recommendation

1. The Planning Commission shall consider all possible adverse effects of the proposed conditional use permit and what, if any, additional requirements may be necessary to prevent such adverse effects.
2. The Planning Commission, in considering an application for a conditional use permit, shall make findings on the following criteria and report these findings in its recommendation to the City Council:
 - a. That the establishment, maintenance or operation will not be detrimental to or endanger the public health, safety or general welfare and is not contrary to established standards, regulations or ordinances of other governmental agencies.
 - b. That each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the city and of the district wherein proposed.
 - c. That the use will not be substantially injurious to the permitted uses nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the area.
 - d. That the establishment of the use will not impede the orderly and normal development and improvement of the surrounding property for uses permitted in the zoning district.
 - e. That adequate water supply and sewage disposal facilities are provided and in accordance with applicable standards.

- f. That adequate access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided.
 - g. That adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion on public roads.
 - h. That the use will not be in major conflict with the Comprehensive Plan.
 - i. That the use will conform to all other applicable regulations as required in this Ordinance.
3. The Planning Commission shall make a decision and forward its report and recommendations to the City Council within thirty (30) days from the date of public hearing.

E. Decision

1. Upon receipt of the report and recommendations from the Planning Commission, the City Council shall place the consideration of the application for a conditional use permit on the agenda for its next regular meeting.
2. The City Council shall make a decision on the application for a conditional use permit within forty-five (45) days following the receipt of the report and recommendations from the Planning Commission.
3. The concurring vote of a majority of the full Council membership shall be necessary for the approval or denial of an application for a conditional use permit.
4. Decisions of the City Council shall immediately be filed and recorded with the City Clerk's Office. Copies shall be sent to the applicant and/or his representative.
 - a. The Council shall detail its reasons for denial or approval.
 - b. Upon approval of an application, the Council may impose any additional special conditions considered necessary to protect the public health, safety and welfare.

F. Issuance of Permit

1. The Zoning Administrator shall issue a conditional use permit for a particular use on a particular tract of land.
2. The conditional use permit, if granted, shall also be recorded with the County Recorder and become a part of the title to the property.
3. A conditional use permit shall become void one (1) year from the date of issuance if significant construction has not been undertaken.

**ARTICLE XIII
CHANGES AND AMENDMENTS**

Section 13.01. **ANNUAL REVIEW.** The Planning Commission, in cooperation with the Zoning Administrator, shall annually prepare and file with the City Council a report on the operations of the Zoning Ordinance as amended, including when necessary, recommendations as to the enactment of amendments or supplements thereto. This report shall include, but not be limited to, the study of the following:

- A. Development of property uses.
- B. Nature of population trends.
- C. Commercial and industrial growth, both actual and prospective.
- D. Effect upon the community as whole in view of the City's Comprehensive Plan and how the Ordinance has assisted in implementing the Plan.

Section 13.02. **AMENDMENT PROCEDURE.** The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed. No such action may be taken unless it shall have been proposed by, or shall have been first submitted to the Planning Commission for review and recommendation in the following manner:

- A. Application
 - 1. Applicant requests the proper form for zoning amendment from the Zoning Administrator.
 - 2. Application shall be filed with the Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:
 - a. The legal description and local address of the property.
 - b. The present zoning classification and the zoning classification requested for the property.
 - c. The existing use and proposed use of the property.
 - d. The names and addresses of the owners of all property within three hundred fifty (350) feet of the property for which the change is requested.
 - e. A statement of the reasons why the applicant believes the present zoning classification is no longer valid.
 - f. A map showing the locations, dimensions and use of the applicant's property and all property within three hundred fifty (350) feet thereof, including streets, alleys, railroads and other physical features.
 - 3. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

B. Application processing

1. Upon receipt of the application by the Zoning Administrator, a copy of the completed application shall be forwarded immediately to the Planning Commission for study and recommendation.
2. After the Planning Commission makes a recommendation to the City Council, the Planning Commission shall schedule a date for public hearing within thirty (30) days of receipt of application and instruct the Zoning Administrator to give notice of time, place and purpose of the public hearing in the following manner:

The Zoning Administrator shall:

- a. Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing.
 - b. Give public notice in a newspaper of general circulation in the city at least ten (10) days prior to the public hearing. The public notice shall also be posted at the City Office and the public access channel.
 - c. Notify individuals and other agencies as instructed and deemed necessary.
3. The Planning Commission or delegation thereof shall view the area being considered.

C. Public hearing

1. The Planning Commission shall set and conduct the public hearing.
2. Any person with legitimate interest in the application may present his or her views to the Planning Commission either verbally or in writing.
3. An accurate record of all testimony shall be kept by City staff. This record shall include the names and addresses of all persons who participated in the meeting.

D. Planning Commission decisions and recommendations

1. The Planning Commission shall, prior to making a recommendation, consider the following:
 - a. All relevant facts and findings brought out in public hearings.
 - b. Physical inspection of property in question by all members or a delegation of members of the Planning Commission.
 - c. The following items should be considered in reaching a decision:
 - 1) Would the granting of the rezoning request conform to the presently accepted future land use plans for the city as well as present land uses.
 - 2) Is it in the community's best interest for additional land space to be zoned to the class requested.

- 3) If it is in the community's best interest for additional land to be zoned as requested, should the rezoning be done in areas requested or would the community's interest be better served if the rezoning were done in other areas of the city.
 - 4) Would the granting of the rezoning request adversely affect property values of adjacent landowners to an unreasonable degree.
 - 5) If the request was granted, what additional public services would be required.
 - 6) Is the capacity of existing roads and sewer and water facilities sufficient to accommodate this proposal.
 - 7) Was there an error or oversight in preparing the original zoning map which indicates that this zoning should have been included at that time.
 - 8) Is this change beneficial to the community or is it merely a convenience to the applicant.
2. The Planning Commission shall make a written recommendation with reasons for approval or denial of the application to the City Council.

E. City Council decisions

1. The City Council may approve or deny the application by simple majority vote of the entire City Council when concurring with the Planning Commission's recommendation.
2. The City Council may override the recommendation of the Planning Commission and thereby approve or disapprove an application. Such action shall require a concurring simple majority vote of the entire City Council. In cases where the City Council is approving changing all or part of a zoning district from residential to commercial or industrial, the voting requirement shall be two-thirds majority of the entire body.

F. Approval

1. The City Council officially adopts the Ordinance change.
2. The Zoning Administrator shall forward a certified copy to the County Recorder and make map and/or Ordinance changes.

G. Denial

1. If the application is denied by the City Council, a period of not less than one (1) year is required between presentation of the same petitions for a change or amendment applying to a specific piece of property unless there has been a substantial change of facts.

ARTICLE XIV
VIOLATION, PENALTIES, CLAIMS, CONFLICTS OF LAW AND SEVERABILITY

Section 14.01. **COMPLIANCE REQUIRED.** It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the erecting, altering, changing or remodeling of any building or structure including mobile homes, before beginning or undertaking any such work, to see that such work does not conflict with and is not a violation of the terms of this Ordinance. Any such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing or remodeling and in violation of, or in conflict with the terms of this Ordinance, shall be deemed guilty of a violation hereof in the manner and to the same extent as the owner of the premises or the person or persons for whom such buildings are erected, repaired, altered, changed or remodeled in violation hereof and shall be held accountable for such violation.

Section 14.02. **VIOLATIONS.** Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or site hereafter erected or maintained, or land use made or permitted in violation of this Ordinance, is hereby declared unlawful. In the event of violation or threatened violation of this Ordinance or other official control adopted under Minnesota Statutes 394.21 to 394.37, in addition to other remedies, the City Council or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violations and it is the duty of the City Attorney to institute such actions.

Section 14.03. **PENALTIES.** Any person, firm, corporation or entity who violates any of the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment as defined by law for each offense, plus the costs of prosecution. Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance, and the City may pursue, by appropriate actions or proceedings, any or all additional remedies.

Section 14.04. **RELIEF FROM PERSONAL RESPONSIBILITY.** Any claim based upon an act or omission of an officer or employee exercising due care in the execution of any valid or invalid portions of this Ordinance and any claim based upon the performance of the failure to exercise or perform a discretionary function or duty whether or not the discretion is abused, are hereby enumerated as exceptions to Minnesota Statutes, Section 466.02 and said Section does not apply. The City shall defend, save harmless and indemnify any of its officers or employees whether elective or appointed, against any tort claim or demand whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of duty in the enforcement and administration of this Zoning Ordinance except as provided in Minnesota Statutes, Section 466.07.

Section 14.05. **CONFLICTS OF LAW.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 14.06. **SEVERABILITY.** This Ordinance and the various articles, sections, paragraphs, sentences and clauses herein are hereby declared to be severable. Should any of the contents or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, the decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than that part declared to be unconstitutional or invalid.

**ARTICLE XV
CITY COUNCIL**

Section 15.01. **POWERS AND DUTIES.** It is the intent of this Ordinance that the duties of the City Council shall include the following:

- A. Review formulation and adoption of this Ordinance and applicable maps as empowered by the Minnesota Statutes 1974, 462.357, Subdivision 2, as amended.
- B. Appoint members to and delegate certain powers and duties to the City Planning Commission, Board of Adjustments and Zoning Administrator for the purpose of implementing and enforcing the requirements of this Ordinance in a fair, conscientious and intelligent manner.
- C. Review all applications for changes and amendments and make disposition of applications as provided in this Ordinance.
- D. Review all applications for conditional use permits, hear and make disposition of applications as provided in this Ordinance.
- E. Review all appeals from decisions of the City Planning Commission.
- F. Establish a schedule of fees and charges as relating to this Ordinance.
- G. Serve as the City's Board of Adjustments. See Section 16 of this Ordinance for the powers and duties of the City Council as the Board of Adjustments.

Section 15.02. **DECISIONS.** All actions and recommendations of the City Council pertaining to this Ordinance, with one exception shown below, shall require the vote of a majority of the members of the Full City Council. The one exception is when cases where all or part of the zoning district is proposed to go from residential to commercial or industrial. In such cases the action shall require at least a two-thirds majority of all members of the City Council.

**ARTICLE XVI
BOARD OF ADJUSTMENTS**

Section 16.01. **ESTABLISHMENT.** The City Board of Adjustments is responsible for hearing appeals and granting variance under the provisions of this Ordinance. The City Council has established themselves as the Board of Adjustments, which is allowable under Minnesota Statutes Section 462.354, Subd. 2.

Section 16.02. **RECORDS.** Minutes shall be kept for all Board meetings. The minutes shall include all important facts pertaining to each meeting which will include, but not be limited to, names and addresses of all persons appearing before the Board, a record of all hearings and testimony, all exhibits presented to the Board, a copy of each resolution acted upon by the Board, the vote of each member upon each question, the reasons for the Board's determination and the members absent or failing to vote. These records shall be immediately filed in the office of the Zoning Administrator and shall be a public record.

Section 16.03. **POWERS AND DUTIES.** The Board of Adjustments shall have the following powers and duties with regard to this Ordinance:

- A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement and interpretation of this Ordinance.
- B. Variances. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

As used in this Ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Under no circumstances shall a variance be granted to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. The presence of nonconformities in the district or uses in an adjoining district shall not be considered as grounds for a variance.

Section 16.04. **PROCEDURE.** The following procedure shall be followed for appeals and applications for variances:

A. Application

- 1. Appeal. An appeal may be taken by any aggrieved person or by any city officer, department, board or commission. Such an appeal shall be filed within thirty (30) calendar days after the date of the decision or determination of the Zoning Administrator.

The appeal shall be made in the following manner:

- a. The applicant requests the proper form from the Zoning Administrator

- b. The application shall be filed with the Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:
 - 1) The applicant's name, address and phone number
 - 2) The section of the Zoning Ordinance in question
 - 3) The nature of the difficulty encountered with the Zoning Ordinance
 - 4) The nature of the action by the Zoning Administrator
 - 5) The manner in which it is believed that an error in action, determination or decision has occurred
2. Variance. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustments unless and until a written application for a variance is submitted in the following manner:
 - a. The applicant requests the proper form for a variance from the Zoning Administrator
 - b. The application shall be filed with the Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:
 - 1) Applicant's name and address
 - 2) Legal description and local address of the property
 - 3) A map showing the locations, dimensions and use of the applicant's property and all property within three hundred fifty (350) feet thereof including streets, alleys, railroads and other physical and cultural features
 - 4) Statement on what is intended to be done on or with the property which does not conform with this Ordinance
 - c. The following requirements shall be addressed within the application:
 - 1) That there are exceptional or extraordinary circumstances or conditions which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - 2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
 - 4) That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

- 5) That the special conditions and circumstances do not result from the actions of the applicant.

B. Application processing

1. Upon receipt of the application by the Zoning Administrator, a copy of the completed application (appeal or variance) shall be forwarded immediately to the City Planning Commission for review and recommendation to the Board of Adjustments. After a recommendation has been made by the City Planning Commission the application materials and the recommendation of action shall be sent to the Board of Adjustments for action.
2. In the case of an application to the Board for the granting of a variance, the Board shall set the date for a public hearing within thirty (30) days from the submittal date of the application. The Zoning Administrator shall be instructed to give notice of time, place and purpose of the public hearing in the following manner:
 - a. Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing.
 - b. Give public notice in a newspaper of general circulation at least ten (10) days prior to the public hearing.
 - c. Notify the appropriate individuals and other agencies as instructed or deemed necessary.
3. In the case of an appeal, all proceedings in furtherance of the action appealed are stayed, unless the Zoning Administrator certifies to the Board of Adjustments after the application for appeal is filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life and property.

C. Public hearing

1. The Board of Adjustments shall conduct the public hearing.
2. The applicant and/or his representative shall appear before the Board of Adjustments and answer questions relative to the application for variance.
3. An accurate record of all testimony shall be kept by the Secretary of the Board of Adjustments. This record shall include the names of all persons who participated in the meeting.

D. Decision

1. In the case of an appeal, the Board of Adjustments shall adopt a resolution stating its interpretation and determination of the provisions of this Ordinance being appealed through the application.
2. In the case of an application for a variance, the Board of Adjustments shall make a finding that the reasons set forth in the application justify the granting of the variance as the minimum variance that will make possible the reasonable use of the land, building or

structure. The Board of Adjustments may further attach any condition to the grant of the variance as it shall determine is necessary and desirable to bring it within the purpose and intent of this Ordinance. Violations of such conditions shall be deemed a violation of this Ordinance and punishable hereunder.

3. The Board of Adjustments shall make a decision on the application within sixty (60) days of receipt of the application. Such decision shall show the reasons for the determination and may reverse or affirm, wholly or in part, or may modify the order or determination appealed. Such decision shall also state in detail, in the case of variances, any exceptional difficulty or unusual hardships upon which the appeal was based and which the Board found present. The decision shall also state in detail what, if any, conditions and safeguards are required.
4. The concurring vote of a majority of the members of the Board of Adjustments shall be necessary for the approval or denial of an application for appeal or variance.
5. Decisions of the Board of Adjustments shall immediately be filed and recorded with the Zoning Administrator. Copies shall be sent to the applicant and/or his representative by United States mail.

E. Issuance

1. The Zoning Administrator shall issue a variance or modify the order or determination appealed from.
2. Unless otherwise stated in the decision, any order or decision of the Board of Adjustments shall become void if significant construction has not been undertaken within twelve (12) months.

F. Rehearing

1. An application for a rehearing shall be made in the same manner as for an original hearing. The application for a rehearing shall be denied by the Board if from the record it shall appear that there has been no substantial change in facts, evidence or condition.

ARTICLE XVII
CITY PLANNING COMMISSION

Section 17.01. **POWERS AND DUTIES.** It is the intent of this Ordinance that the duties of the City Planning Commission shall include the following:

- A. Review all applications for appeals and variances to this Ordinance and report the findings and recommendations to the City Council as provided in this Ordinance.
- B. Review or initiate applications for amendments and changes to this Ordinance and report the findings and recommendations to the City Council as provided in this Ordinance.
- C. Review, hear and make recommendations of all applications for conditional use permits as provided in this Ordinance.
- D. Conduct appropriate public hearings as regards to this Zoning Ordinance.
- E. Prepare, in cooperation with the Zoning Administrator, an annual review related to the effectiveness of this Ordinance as provided in this Ordinance.

Section 17.02. **DECISIONS.** All actions and recommendations of the City Planning Commission pertaining to this Ordinance shall require a simple majority of those members attending official Commission meetings.

ARTICLE XVIII
AG - AGRICULTURAL DISTRICT

Section 18.01. **PURPOSE.** The AG Agricultural District is intended to preserve for a limited time those lands devoted to agricultural enterprises located within the city where urban expansion is planned to take place. In this manner, conflicts between agricultural and non-agricultural land uses shall be minimized. Its effect is to control the infiltration of urban development into areas generally devoted to agriculture until the City Council determines that it is financially and economically feasible to provide public services and facilities, thereby promoting orderly urban development.

Section 18.02. **PERMITTED USES.** The following uses shall be permitted in the AG Agricultural District:

- A. Agricultural crops
- B. Publicly owned parks, playgrounds and community buildings
- C. Single-family and two-family dwellings for resident land owners
- D. Home occupations
- E. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property

Section 18.03. **CONDITIONAL USES.** The following uses may be permitted in the AG Agricultural District upon recommendation of the Planning Commission and approval of the City Council.

- A. Livestock
- B. Game refuge and preserve areas
- C. Churches, chapels and similar places of worship
- D. Public schools and similar private education institutions
- E. Public utility buildings such as substations, transformer stations and regulator stations without storage yards
- F. Cemeteries
- G. Temporary produce stands on premises used for agricultural purposes provided there is adequate off-street parking
- H. Commercial radio, television and telephone towers and transmitters
- I. Stables
- J. Veterinary and animal clinics

- K. Mining, quarrying or excavating of sand and gravel
- L. Parks, campgrounds, golf courses, golf driving ranges, historical sites and museums
- M. Carnivals, outdoor circuses and migratory amusement enterprises
- N. Airports and landing fields
- O. Migratory Labor camps
- P. Raising of forbearing animals or kennels provided no cage or pen housing such animals is located nearer than two hundred (200) feet to any lot lines except that kennels may be within one hundred (100) feet of the lot line
- Q. Accessory buildings and structures and uses customarily incidental to any of the above listed uses when located on the same property

Section 18.04. **BULK REGULATIONS.** The following minimum requirements shall be observed:

A. Lot area, width and yard requirements

Use	Lot Area Sq. Ft.	Lot Width	Yards		
			Front	Side	Rear
Single-Family Dwelling	30,000*	150'	25'	25'	25'
Other Uses	One (1) Acre	150'	25'	25'	25'

* The 30,000 square feet lot size minimum is if the single family dwelling is hooked up to city sewer and water. For Lots not served by city sewer and water the minimum lot size for a single family dwelling shall be determined by the topography of the property, the ability to locate the principal dwelling, any accessory buildings, and two individual sewage treatment systems that meet state guidelines, which all meet applicable setback requirements.

B. Height restrictions. The following height restrictions shall be observed:

1. No residential building hereafter erected or altered shall exceed thirty-six (36) feet or two and one-half (2½) stories in height.
2. Public or semipublic buildings, churches, schools, and similar uses may be erected to a height of sixty (60) feet.
3. Agricultural uses and accessory buildings shall be exempted from height requirements.

C. Building dimension requirements. The main exterior walls of each residential structure shall not be less than twenty (20) feet wide at the narrowest point of the structure.

D. All principal dwellings and principal structures shall be placed on a permanent foundation.

ARTICLE XIX
R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section 19.01. **PURPOSE.** The R-1 District is intended to provide for low density residential development with a limited number of institutional and recreational uses permitted. The district is designed to protect residential areas now developed and to regulate the efficient use and orderly development of vacant land designated for residential uses. The regulations are designed to promote a suitable environment for family life.

Section 19.02. **PERMITTED USES.** The following uses shall be permitted in the R-1 Residential Districts:

- A. Single-family dwellings
- B. Two-family dwellings
- C. Publicly owned parks and playgrounds
- D. Home occupations as regulated by this Ordinance.
- E. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.

Section 19.03. **CONDITIONAL USES.** The following uses may be permitted in the R-1 Residential District upon recommendation of the Planning Commission and approval of the City Council.

- A. Churches, chapels and similar places of worship, parish homes, rectories and convents
- B. Public schools and similar private education institutions
- C. Hospitals, medical clinics, nursing, rest or convalescent homes and similar institutions
- D. Public utility buildings such as substations, transformer stations and regulator stations without storage yards
- E. Day care or nursery schools
- F. Community buildings
- G. Golf and country clubs
- H. Bed and breakfast inns as regulated by this Ordinance
- I. Other residential or government service uses determined by the City to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety and welfare.

Section 19.04. **BULK REGULATIONS.** The following minimum requirements shall be observed:

A. Lot area, width and yard requirements

Use	Lot Area Sq. Ft.	Width		Front Yard	Rear Yard	Side Yard	
		At Street	At Bldg. Setback Line			Least Width	Sum
Dwellings:							
Single-Family	8,000	45'	75'	25'	25'	6'	16'
Two-Family	15,000	50'	80'	25'	25'	6'	16'
Other Uses	1 Acre	100'	100'	25'	45'	12'	24'

- B. Building height. No residential building hereafter erected or altered shall exceed thirty-six (36) feet or two and one-half (2½) stories in height. Provided, however, public and semipublic buildings, churches, cathedrals, temples, hospitals or schools may be erected to a height of sixty (60) feet when set back from all lot lines not less than one (1) foot, in addition to required yard dimensions, for each foot such building exceeds thirty-six (36) feet in height.
- C. Corner lot, special requirements. On any corner lot or lot fronting on more than one street, no building or structure shall be placed or erected closer than twenty-five (25) feet to any property line abutting and paralleling a street. All corner lots shall be at least ten (10) percent larger in lot frontage at the building line and lot area than is required above for one (1) and two (2) family dwellings.
- D. The area of the lot covered by buildings or roofed areas, excluding permitted projecting eaves, shall not exceed thirty-five percent (35%).
- E. Building dimension requirements. The main exterior walls of each residential structure shall not be less than twenty (20) feet wide at the narrowest point of the structure.
- F. All principal dwellings and principal structures shall be placed on a permanent perimeter foundation.
- G. All principal dwellings shall have an earth covered, composition, shingled, tiled, or metal roof, not including galvanized tin. (*Amended December 14, 2009, see attached Affidavit.*)
- H. All structures, either principal or accessory, shall be constructed in conformance with the Minnesota State Building Code or the applicable manufactured housing code.
- I. Unattached garages and parking spaces accessory to single and two family residential structures, may be located anywhere on the buildable area, except that garages may be located to within five (5) feet of an interior side lot line and to within eight (8) feet of a rear lot line. No unattached garage accessory to a residential structure on a corner lot or other similar situation shall be located outside a required buildable area abutting a street except by conditional use permit.

J. Minimum floor area per dwelling unit (square feet)

- | | |
|-----------------------------------|------|
| 1. One-family homes | 1000 |
| 2. Two-family homes (Two Stories) | 1000 |
| 3. Two-family homes (One Story) | 1200 |

K. Zero lot line requirements. When interior units of townhouses are placed on interior side property lines with zero (0) setbacks, the structure setback for end units shall be a minimum of sixteen (16) feet.

All developments using the zero (0) lot line provision must submit a site plan according to the provisions of this Ordinance. The site plan shall include a plat drawn to the specifications of the City's Subdivision Ordinance.

Each structure shall be located on its own individually platted lot. The plat shall indicate the zero (0) lot lines, easements and provisions for common areas and their maintenance.

L. Distance From A Residential Building. The following structures shall be located not less than three hundred (300) feet from a structure on a zoning lot used for residential purposes.

1. Mausoleums, Crematories and Columbariums
2. Stadia, Auditoriums and Arenas
3. Radar Installation and Towers, Telephone Transmission Equipment Buildings and Micro-Wave Relay Towers and Radio and Television Towers (Please see Section 3.28 for Telecommunication Towers and Antennae Performance Standards)
4. Animal Shelters and Kennels

ARTICLE XX
R-2 HIGH DENSITY RESIDENTIAL DISTRICT

Section 20.01. **PURPOSE.** The R-2 High Density Residential District is intended to provide for high density residential development. It is designed to accommodate single-family and multiple-family structures in an acceptable relationship with one another and to regulate the efficient use and orderly development of vacant land designated for such use. Mobile home parks and institutional uses which are compatible with residential areas are also permitted on parcels of adequate size to allow required parking and building needs.

Section 20.02. **PERMITTED USES.** The following uses shall be permitted in the R-2 Residential District:

- A. Any permitted use as permitted in the R-1 and R-2 Residential District
- B. Dwellings in groups of not more than four (4) housekeeping units in any one (1) building.
- C. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property

Section 20.03. **CONDITIONAL USES.** The following uses may be permitted in the R-2 Residential District upon recommendation of the Planning Commission and approval of the City Council.

- A. Any conditional uses permitted in the R-1 Residential District
- B. Mobile home parks
- C. Institutions of a philanthropic or charitable nature
- D. Bed and breakfast inns
- E. Funeral homes and mortuaries with adequate parking
- F. Boarding and rooming house for up to five (5) persons
- G. Dwellings in groups of five (5) or more housekeeping units in any one (1) building

Section 20.04. **BULK REGULATIONS.** The following minimum requirements shall be observed:

- A. Lot area, width and yard requirements

Use	Lot Area Sq. Ft.	Width		Front Yard	Rear Yard	Side Yard	
		At Street	At Bldg. Setback Line			Least Width	Sum
Dwellings:							
Single-Family	5,000	45'	50'	25'	25'	6'	16'
Two-Family	5,000	50'	50'	25'	25'	6'	16'
Three-Family	6,000	55'	70'	25'	25'	8'	20'
Four-Family	8,000	60'	70'	25'	25'	8'	20'
Apartments over 4	10,000 + 2,000 for each unit	70'	85'	25'	40'	10'	20'
Row Houses	7,000/unit	16'/unit	16'/unit	25'	30'	10'	20'
Other Uses	16,000	100'	100'	25'	45'	12'	24'

- B. Building height. No building, hereafter erected or altered, shall exceed four (4) stories or sixty (60) feet. When set back from all lot lines not less than one (1) foot, in addition to required yard dimensions, for each foot such building exceeds thirty-six (36) feet in height.
- C. Corner lot. On any corner lot or lot fronting on more than one street, no building or structure shall be placed or erected closer than forty (40) feet to any property line abutting or paralleling a street. All corner lots shall be at least ten (10) percent larger in lot frontage at the building line and lot area than is required for one (1) and two (2) family dwellings.
- D. The area of the lot and common area covered by buildings or roofed areas, excluding permitted projecting eaves, shall not exceed thirty-five percent (35%).

Ground Floor Area per Dwelling Unit Minimums:

One-family homes	1000
Two-family homes (One Story)	1200
Two-family homes (Two Story)	1000

Floor area per dwelling unit minimums:

Three (3) or More Family Homes: (Each Unit)	
Efficiency	500 Square feet
1-Bedroom Unit	600 Square feet
2-Bedroom Unit	720 Square feet

- F. With the exception of manufactured/mobile homes located within a mobile home park, all principal dwellings and principal structures shall be placed on a permanent perimeter foundation.

- G. With the exception of manufactured/mobile homes located within a mobile home park, all principal dwellings shall have an earth covered, composition, shingled, tiled, or metal roof, not including galvanized tin. *(Approved December 14, 2009, see attached Affidavit.)*
- H. All relevant structures, either principal or accessory, shall be constructed in conformance with the applicable manufactured housing code.
- I. Zero lot line requirements. When interior units of townhouses are placed on interior side property lines with zero (0) setbacks, the structure setback for end units shall be a minimum of sixteen (16) feet.

All developments using the zero (0) lot line provision must submit a site plan according to the provisions of this Ordinance.

Each structure shall be located on its own individually platted lot. The plat shall indicate the zero (0) lot lines, easements and provisions for common areas and their maintenance.

- J. Building dimension requirements. The main exterior walls of each residential structure shall not be less than twenty (20) feet wide at the narrowest point of the structure. These dimensions shall not apply to dwellings located within mobile home parks.
- K. Distance From A Residential Building. The following structures shall be located not less than three hundred (300) feet from a structure on a zoning lot used for residential purposes.
 - 1. Mausoleums, Crematories and Columbariums
 - 2. Radar Installation and Towers, Telephone Transmission Equipment Buildings and Micro-Wave Relay Towers and Radio and Television Towers (Please see Section 3.28 for Telecommunication Towers and Antennae Performance Standards)
 - 3. Animal Shelters and Kennels

ARTICLE XXI
B-1 CENTRAL BUSINESS DISTRICT

Section 21.01. **PURPOSE.** The B-1 Central Business District is intended to provide for a wide variety of retail activities and could act as a banking and financial center, entertainment center, or as a center for business and professional offices. The district comprises the "downtown" section of the city. The use of land is intensive. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of the Central Business District.

Section 21.02. **USES PERMITTED.**

- A. Business services including banks, offices and postal stations
- B. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, tailorshops, shoe repair shops
- C. Equipment services including radio and television shops, electrical appliances shops, show room of a plumber, decorator or similar trade
- D. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops and bakeries
- E. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes
- F. Retail services including drug stores, hardware stores, stationery and book stores, news shops, apparel shops, show room for articles to be sold at retail, and flower shops
- G. Buildings used for storage
- H. Any similar commercial establishment or professional service or commercial service
- I. Residence when included as an integral part of the principal building
- J. Rental residential units may be maintained above the ground floor but not on the main floor. Minimum apartment space shall be the following:

Efficiency Unit	500 square feet
1-Bedroom Unit	600 square feet
2 or more bedroom	750 square feet

Residential garages or carports shall have a minimum setback ten (10) feet from rear property lines and ten (10) feet from side yard.

- K. Buildings and uses customarily necessary to any of the above uses

Section 21.03. **COMMERCIAL RESTRICTIONS.** The uses permitted shall be subject to the following conditions:

- A. Such businesses and sales or display or storage areas shall be confined within a building beyond normal business hours except that the City Council by resolution or by ordinance may allow an exception for City-wide promotions and activities.
- B. A public entrance to such businesses shall be from the principal street upon which the property abuts. Additional rear entrance may be provided from a public parking area.

Section 21.04. **CONDITIONAL USES.** The following uses may be permitted upon recommendation of the Planning Commission and approval of the City Council:

- A. Automobile service including auto equipment sales, car wash service, new and used car sales lots, trailer sales areas, gasoline service stations and auto repair garages
- B. Recreation services including theaters, bowling alleys, pool and billiard rooms, dance halls, roller and iceskating rinks
- C. Hotels, motels, private clubs and lodges; wholesale establishments, night clubs, and on and off liquor stores
- D. Drive-in restaurants, drive-in banks and other drive-in services
- E. Open air display areas for the sale of products such as garden furniture, hardware items, nursery stock or automobiles or areas used to display rental equipment such as tools or trailers
- F. Wholesale businesses
- G. Transportation terminals and distributing stations
- H. Buildings and uses customarily incidental to any of the uses listed in this section when located on the same property and which will not be detrimental either by reason of odor, smoke, noise, dust, or vibration to the surrounding neighborhood.

Section 21.05. **BUILDING HEIGHT.** No building or structure hereafter erected or altered shall exceed sixty (60) feet in height, or more than four (4) stories.

Section 21.06. **LOT AREA, FRONTAGE, LOT COVERAGE, YARD SIZE AND LOADING SPACE.** For allowed (non-residential) uses there will be no requirements for lot area, frontage, lot coverage, yard sizes or loading space. For uses requiring special exception permits, lot area, frontage, lot coverage, yard size, parking and loading space shall be specified by the City Council.

ARTICLE XXII
B-2 HIGHWAY BUSINESS DISTRICT

Section 22.01. **PURPOSE.** The B-1 Highway Business District is established to encourage the functional grouping of those commercial enterprises which cater primarily to either "local" or "through" motorists. Typical uses offer accommodations and services to motorists, specialized outlets and commercial amusement enterprises. The requirements of this district are developed to minimize traffic hazards.

Section 22.02. **USES PERMITTED.**

- A. Automobile service including auto equipment sales, car wash service, new and used car sales lots and trailer sales areas, gasoline service stations and auto repair garages. All businesses under this sub-section shall have a principal building with a permanent foundation.
- B. Business services including banks, offices and postal stations.
- C. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking and tailor shops and shoe repair shops.
- D. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.
- E. Medical services including clinics, hospitals, and animal clinics.
- F. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops and bakeries
- G. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes
- H. Retail services including drug stores, hardware stores, stationery and book stores, news shops, apparel shops, show room, flower shops and commercial greenhouses
- I. Recreation services including theaters, bowling alleys, pool and billiard rooms, dancing academies and roller and ice skating rinks and miniature golf courses
- J. Motels, private clubs and lodges, wholesale establishments, night clubs, on and off liquor stores, sales rooms, public utility buildings and transformer stations without storage yards
- K. Residence when included as an integral part of the principal building to be occupied by the owner or his employee
- L. Any similar commercial establishment or professional service or commercial service
- M. Drive-in restaurants, drive-in banks and drive-in services or businesses not herein strictly prohibited
- N. Open air display areas for the sale of manufactured products such as garden furniture, hardware items and nursery stock, or rental of manufactured products or equipment

- O. Buildings used for storage, distributing stations, but not including fuel yards, junk yards or used automobile parts or wrecking establishments or businesses handling waste or junk and those businesses which are offensive by reason of sight, odor, noise, smoke or vibration to the surrounding neighborhood
- P. Buildings and uses customarily necessary to any of the above permitted uses, but which will not be detrimental either by reason of sight, odor, smoke, noise, dust or vibration to the surrounding neighborhood
- Q. Rental residential units may be maintained above the ground floor. In such buildings the ground floor must be commercial space only
- R. Lumber yards

Section 22.03. **CONDITIONAL USES.** The following may be permitted upon recommendation of the Planning Commission and approval of the City Council:

- A. Recreational camping areas
- B. Open sales lot (Must have a principal building with a permanent foundation)
- C. Used auto parts
- D. Commercial kennels
- E. Broadcasting or reception towers or antenna over forty-five (45) feet in height
- F. Truck or bus terminals.
- G. Adult Businesses (See The City of Franklin’s Adult Business Ordinance)

Section 22.04. **BUILDING HEIGHT.** No building or structure hereafter erected or altered shall exceed sixty (60) feet in height, and a maximum of four (4) stories.

Section 22.05. **LOT AREA AND YARD REQUIREMENTS.** The following minimum requirements shall apply:

Lot Area Sq. Ft.	Lot Width at Bldg. Setback Line	Front Yard	*Side Yard		Rear Yard**
			Least Width	Sum	
5,000	50'	45'	0'	20'	30'

*A minimum side yard of thirty (30) feet shall be required on that side of the property abutting any AG or Residential District.

** Where alleys exist, the measurements of the rear yard may include one-half (1/2) the width of the alley.

Section 22.06. **LOT COVERAGE.** The area of the lot and common area covered by buildings or roofed areas, excluding permitted projecting eaves, shall not exceed forty percent (40%).

ARTICLE XXIII
M-1 MANUFACTURING/INDUSTRIAL

Section 23.01. **PURPOSE.** The M-1 Manufacturing Districts are intended to provide for areas for manufacturing, warehousing and related commercial operations. All activities in the district shall be carried on in a manner not injurious or offensive to the occupants of adjacent premises.

Section 23.02. **PERMITTED PRINCIPAL USES.** Within a M-1 District, unless otherwise provided by this Ordinance, no uses are permitted except for the following:

- A. Manufacturing. Any light manufacturing or process including repairs, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging, or bottling; except any use or process hereinafter specifically excluded or which would not be in keeping with the purpose of the District as stated above. Such determination shall be made by the Planning Commission upon review of the building permit application. Manufacturing includes the storage of goods or materials related to the manufacturing process.
- B. Offices.
- C. Office-showroom buildings.
- D. Warehousing, Storage and Wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except any hazardous combustible materials and/or flammable liquids or gases. The determination of "hazardous" materials shall be made by the Zoning Enforcement Officer following the standards and guidelines. This classification does not include truck terminals, which are defined as warehouse and distribution businesses specializing in the shipment of goods or materials and which generate significant numbers of semi-trailer trucks.
- E. Vocational and technical schools.

Section 23.03. **PERMITTED ACCESSORY USES.** The following shall be permitted accessory uses within an M-1 District:

- A. Any accessory use, building or structure customarily incidental to a principal use permitted above, and located on the same lot therewith.
- B. Specialized freight and yard equipment, private utility structures, secondary processing structures and similar specialized structures.
- C. Parking and loading facilities.
- D. Signs as regulated.

Section 23.04. **CONDITIONAL USES.** The following uses may be permitted upon recommendation of the Planning Commission and approval of the City Council:

- A. Any production, processing, assembly, manufacturing, cleaning service, repair, testing or storage of goods or products excepting those which may be injurious or offensive to the occupants of adjacent premise by reason of the emission of or creation of noise, vibration, smoke, dust, odors or noxious materials.

- B. Motor vehicle body shops, dog kennels, open sales lots, building material sales, auto and truck washes, motor fuel stations and retail sales.
- C. Bulk storage of liquid, construction storage yards, open storage as a primary use, broadcasting or reception towers or antenna over forty-five (45) feet in height, contractors storage yards and grain and feed storage
- D. Airports and heliports.
- E. Adult Businesses (See The City of Franklin’s Adult Business Ordinance)

Section 23.05. MANUFACTURING DISTRICT SPECIAL REQUIREMENTS.

- A. Storage, auxiliary to the permitted use, is permitted in the open, but not within twenty-five (25) feet of the property lines.
- B. Open storage of lumber, metals, machinery or other non-waste or non-scrap materials shall be neatly stored in an orderly fashion.
- C. Waste materials incidental to the principal operation shall be kept in neatly stored containers screened from public view and shall be removed and emptied periodically so no wastes shall be piled on open grounds. Storage of waste materials must be in accordance with all applicable state and federal regulations and laws.
- D. Screening shall be provided at lot boundaries abutting a residential district, and may consist of solid fencing or dense hedge or shrub to a minimum of eight (8) feet in height.

Section 23.06. BULK REGULATIONS. The following requirements apply:

- A. Lot area, width and yard requirements

Sq. Ft.	Lot Width at Bldg. Setback Line	Yards			
		Front	Side* (Interior)	Side (Street)	Rear**
20,000	100'	75'	20'	40'	50'

* A minimum side yard of two hundred (200) feet shall be required on that side of the property abutting any Ag or Residential District.

**If a railroad siding is available, no rear yard is required. When the use backs up to a residential or Ag district, a rear yard of two hundred (200) feet shall be required.

- B. Height restrictions

No building or structure hereafter erected or altered shall exceed sixty (60) feet in height provided, however, such height may be increased by one (1) foot for each five (5) feet by which the building is set back in excess of one hundred (100) feet from all property lines.

C. Lot coverage

1. The area of the lot covered by buildings or roofed areas, excluding permitted projecting eaves, shall not exceed fifty percent (50%).

D. Lot Depth

1. Minimum lot depth shall be one hundred-twenty (120) feet.

APPENDIX A

DEFINITIONS

Captions, headings, titles and the key words used in Sections and Articles are inserted herein for convenience and to facilitate the use of this Ordinance.

For the purpose of this Ordinance, certain words and terms are herein defined.

Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory and not merely directory.

ABANDONMENT. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING. Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

ACCESSORY BUILDING. A subordinate building or structure on the same lot or a part of the principal building, occupied by or devoted exclusively to an accessory use.

ACCESSORY USE. A use clearly and customarily subordinate and incidental to the principal permitted use of the premises.

ADULT BUSINESS. Any establishment having as a substantial or significant portion of its stock in trade or business actively in a use such as, but not limited to the following: Adults-Only Bookstores, Adult-Only Motion Picture Theaters, Adult Entertainment Centers, Massage Parlors, Rap Parlors, Adults-Only Cabarets or Adult-Only Saunas, where explicit sexual conduct is depicted and or sexual activity is explicitly or implicitly encouraged or tolerated. See Franklin Adult Business Ordinance for definitions used in this definition.

AGRICULTURE. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to the normal agricultural activities.

AIRPORT. Any area of land or water designated and set aside for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to land or structures on a property whose principal frontage is on a street.

ALTERATION. Any change, addition or modification in construction or occupancy of an existing structure.

APARTMENT. A single room or set of rooms occupied as a dwelling unit which is part of a multiple-family dwelling.

BASEMENT. That portion of a building which is one-half(2) or more below grade. If the height of the ceiling is five (5) feet or more above grade such basement shall be considered a story.

BED AND BREAKFAST INN. A house, or portion thereof, where short-term lodging rooms and meals are provided. The owner or manager of the inn shall live on the premises.

BLOCK. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines or county lines.

BOARD, LODGING OR ROOMING HOUSE. Any residential building, or portion thereof, containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis. Motels, hotels, bed and breakfast inns or apartment hotels are not included in this category.

BUILDABLE AREA. The part of a lot not included within the yards required by this Ordinance.

BUILDING. Any structure, permanently affixed to a lot, used for the support, shelter, protection or enclosure of persons, animals, equipment, machinery, materials or property of any kind. When any portion of a building is completely separated from every other part by division walls from the ground up and is without openings, each portion of such building shall be deemed as a separate building. The connection of two (2) buildings by means of an open porch, breezeway, passageway or other such open structure, with or without a roof, shall not be deemed to make them one (1) building.

BUILDING, DETACHED. A building surrounded by an open space on the same lot as another building.

BUILDING HEIGHT. The vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

BUILDING, PRINCIPAL. A nonaccessory building in which a principal use of the lot on which it is located is conducted.

CHILD DAY CARE. Child day care means the provision of supplemental parental care and supervision:

- A. For a nonrelated child or children;
- B. On a regular basis;
- C. For less than 24 hours a day; and
- D. Under license by the Minnesota State Department of Human Services.

As used in this ordinance, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective domiciles.

CHILD DAY CARE FACILITY. A building or structure wherein an agency, person or persons regularly provides care for a group of children for periods of less than 24 hours a day. Child day

care facilities include family day care homes, group family day care homes and child day care centers. They do not include preschools or nursery schools.

- A. "Family day care home" means a licensed family abode of a person or persons who regularly provides direct care of children during part of a 24-hour day. There may be no more than ten (10) children at one time, of which no more than six (6) are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- B. "Group family day care home" means a licensed facility for no more than fourteen (14) children at any one time, of which no more than ten (10) are under school age. The total number of children includes all children of any caregiver when the children are present in the residence. The direct care of the children is for part of a 24-hour day.
- C. "Child care center" means a facility in which a child care program is operated when the facility is not excluded by Minnesota Statutes, Section 245A.03, Subd. 2, and is not required to be licensed under parts 9502.0315 to 9502.0445 as a family or group family day care home.

CHURCH or PLACE OF RELIGIOUS WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC. A public or proprietary institution providing diagnostic or preventive treatment for ambulatory patients by a group of doctors or dentists, or both, who have their offices in the same building.

CLUB OR LODGE. Structures and facilities owned and/or operated by an association of persons, for a social, educational or recreational purpose but not primarily for profit and not primarily to render a service which is customarily carried on as a business. Said persons shall be bona fide members paying annual dues and the use of such premises is restricted to members and their guests. It shall be permissible to serve food, meals and beverages on such premises provided it is secondary and incidental to some other common objective of the organization and all applicable local and state laws are complied with.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

CONDITIONAL USE. A use of such variable nature as to make control by rigid regulation impractical. After due consideration in each case, by the City Council, upon receiving a report and recommendation of the Planning Commission relative to the requirements of this Ordinance, approval of a conditional use may or may not be granted by the City Council.

DEVELOPMENT. The division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbances; and any use or extension of the use of land.

DOG KENNEL. See Kennel.

DRIVE-IN RESTAURANT. Any place or premises used for sale, dispensing or serving of food, refreshments, or beverages in automobiles including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DWELLING. Any building or portion thereof designed or used exclusively for residential occupancy but not including a tent, cabin, trailer, hotel or motel.

DWELLING, MULTIPLE FAMILY. A residence designed for or occupied by three (3) or more families, in separate dwelling units.

DWELLING, SINGLE FAMILY, ATTACHED (GROUP, ROW, and TOWNHOUSES). One of two or more residential buildings having a common or party wall separating dwelling units.

DWELLING, SINGLE FAMILY, DETACHED. A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

DWELLING, TWO FAMILY. A residence designed for or occupied by two (2) families only, in separate dwelling units.

DWELLING UNIT. One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Independent cooking facilities, permanently installed and individual sanitary facilities shall always be included for each "dwelling unit".

EASEMENT. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

ESSENTIAL SERVICES. Utilities such as underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by public utilities or governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY. A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides thereon as though a member of the family including the domestic employees thereof. Any group or persons not so related but inhabiting a single house shall, for the purpose of this Ordinance, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in each such group.

FARMING. An area which is used for the growing of the usual farm products such as vegetables, fruits and grains and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activity.

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLOOD. The temporary overflowing of water onto land which is usually devoid of surface water.

FLOODPLAIN. Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.

FLOODWAY. The channel of a river or other water course and the adjacent land areas that must be reserved in order to reasonably carry and discharge the 100-year flood.

FLOODWAY FRINGE. All that land in a floodplain not lying within the delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

FLOOR AREA, GROSS. The sum of the areas of the several floors of a building, measured from the exterior faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of seven feet, six inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies; and mezzanines.

FLOOR AREA RATIO. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

GARAGE, COMMUNITY. An accessory building or series of structures for the storage of motor vehicles by two (2) or more occupants of property or dwellings in the vicinity and having no public shop or service therein.

GARAGE, PRIVATE. An accessory building designed or used for the storage or shelter of vehicles by the occupants of the building to which it is accessory.

GARAGE, PUBLIC. A building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE, REPAIR. A building or space for the repair or maintenance of motor vehicles but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

GLARE. A sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GREENBELT. A planting strip of grass, trees or shrubs established and maintained for the purpose of screening or limiting the view of certain property uses from surrounding uses and the general public.

HOME OCCUPATION. An occupation which is customarily and traditionally conducted within a dwelling by its occupants and is clearly incidental and secondary to the principal use of the dwelling.

HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and which is open to transient guests. Customary hotel services such as maid service, furnishing and laundering of linen, telephone and desk service, and the use and upkeep of furniture shall be provided.

INCOMPATIBLE USE. A use or service which is unsuitable for direct association with other uses because it is contradictory, incongruous or discordant with respect to sight, sound, odor, vibration or any other injurious or offensive variable.

INSTITUTION. A building or premises occupied by a non-profit corporation or establishment for public use.

JUNKYARD. Any open area of any lot or parcel where waste, discarded or scrap materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles or other vehicles, or parts thereof. A "junkyard" does not include uses established entirely within enclosed buildings.

KENNEL. Any lot or parcel of land where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.

LAND USE. A description of how land is occupied or utilized.

LAND USE PERMIT. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the zone in which it is to be located.

LIVESTOCK. Cattle, horses, sheep, goats, poultry, swine and large wild and/or exotic animals.

LINEAR BLOCK. That property abutting one side of a street between the two nearest intersecting or intercepting streets, natural barrier, or between such cross-street and the end of a dead end or cul-de-sac. Where a street curves so that any adjacent 100 foot chords thereof form an angle of 120 degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when off-street parking spaces are filled.

LOT. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

LOT AREA. The area of horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a recorded lake or river.

LOT, CORNER. A lot situated at the intersection of two (2) streets with two (2) adjacent sides abutting a street for their full length.

LOT, COVERAGE. The part of percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT, DOUBLE FRONTAGE. A lot having two (2) opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "double frontage lot" both lot lines abutting the street shall be deemed front lot lines.

LOT, INTERIOR. Any lot which is not a corner lot.

LOT DEPTH. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

LOT, THROUGH. A lot that 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 lot lines shall be deemed front lot lines.

LOT LINE, FRONT. Any lot line which is along an existing or dedicated public street.

LOT LINE, REAR. A lot line which is most distant from, and is, or is most nearly, parallel to the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet long, lying most distantly from the front lot line and wholly within the lot. With the exception of a double frontage lot, every lot shall have a rear lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT SIZE. The total area within the lot lines of a lot, excluding any street right-of-way.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder or a lot described by metes and bounds, the deed to which has been recorded in the office of the County Recorder.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. (NOTE: See Yard Definitions Also)

MINI-WAREHOUSE. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

MOBILE HOME/MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the state of Minnesota and complies with the standards established under Minnesota Statutes, chapter 327.

MOBILE HOME PARK. A lot, parcel or tract of land upon which two (2) or more occupied mobile homes are sited either free of charge or for revenue purposes, including any building, structure, or enclosure used or intended for use as a part of the equipment of such mobile home park.

MOTEL. Any building or group of buildings containing guest rooms primarily for the temporary occupancy for use by transient guests. Such building or group of buildings may include quarters for the use of the operating personnel.

MOTOR VEHICLE. Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

NON-CONFORMING BUILDING OR USE. Any building or use or building and use which does not comply with all of the regulations of this Ordinance or of any amendment hereto for the zoning district in which it is located.

NURSING HOME. A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent or physically disabled or injured persons, in which three (3) or more persons not of the immediate family are received, kept and provided with food and shelter for compensation.

OFF-STREET LOADING SPACE. A space accessible from a street, alley or driveway for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling new or secondhand passenger cars and/or trucks, motor cycles, motor scooters, farm and lawn equipment, boats, trailers, ATV's, golf carts, aircraft construction equipment and monuments and for the storage of same prior to sale. Open sales lots shall have a principal building.

OPEN SPACE. Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

PARCEL. A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

PARKING LOT. A parcel of land devoted to unenclosed parking spaces.

PARKING SPACE. A graded and surfaced are of not less than two hundred (200) square feet plus necessary maneuvering space for the parking or storage of a motor vehicle, which affords satisfactory ingress and egress to a street or alley.

PARTY WALL. A common shared wall between two separate structures, buildings, or dwelling units.

PERMITTED USE. A use which may be lawfully established in a particular zoning district provided it conforms with all applicable requirements and regulations of such district and this Ordinance.

PRINCIPAL USE. The main use of land or structures as distinguished from an accessory use.

PERSON. Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law.

PLANNED UNIT DEVELOPMENT (PUD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PREMISES. A tract of land together with all structures hereon.

PORCH, UNENCLOSED. An entrance to a building which may include steps, a landing, railings and a roof but not enclosed either partially or completely above the landing by windows, screens or siding.

PUBLIC USES. Municipal, county, school district, state, federal and other public uses.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing to the public under governmental regulation electricity, gas, steam, water, sewage disposal, communication or transportation facilities.

RECREATIONAL CAMPING VEHICLE. The words "recreational camping vehicle" shall mean any of the following:

- A. Travel trailer means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational or vacation use.
- B. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- C. Motor home means a portable temporary dwelling to be used for travel, recreation and vacation and constructed as an integral part of a self-propelled vehicle.
- D. Camping trailer means a folding structure mounted on wheels and designed for travel, recreation and vacation use.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

ROADSIDE STAND. A temporary and unenclosed structure for the display and sale of agricultural products, produced or grown on the premises.

SERVICE STATION. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

SETBACK, BUILDING. The horizontal distance between the front line of a building or structure and the front lot line.

SITE PLAN. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.

STREET. A public way which affords the principal access to abutting property excepting a public alley. The term street shall include road, avenue, highway, boulevard, drive, lane, circle, place, court, parkway or other similar designation.

STRUCTURE. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things structures include buildings, walks, fences, billboards and poster panels.

STRUCTURAL ALTERATION. Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls, beyond ordinary repairs and maintenance.

SWIMMING POOL. A water-filled enclosure, permanently constructed ~~or portable~~, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing. (*Amended October 8, 2007, see attached affidavit.*)

TOWNHOUSE/ROWHOUSE. A building comprised of single-family dwelling units erected in a row as a single building on adjoining lots, each unit having its own front and rear access to the outside, separated from the adjoining unit or units by one or more common fire walls extending from the basement floor to the roof along the dividing lot line and having a yard space on the front, rear and both sides.

TRUCK STOP. A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

USE. The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used or for which they are occupied or maintained.

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 of such district.

USE, SPECIAL. See conditional use.

VARIANCE. Permission to depart from the literal requirements of a zoning ordinance. A relaxation of the requirements of this Ordinance regarding height, area, size of structure or size of

yards. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance. Variances are granted only through the Board of Adjustments.

WAREHOUSE. A building used primarily for the storage of goods and materials. See Mini-Warehouse.

WAREHOUSING. Terminal facilities for handling freight with or without maintenance facilities.

WHOLESALE. The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

YARD. A required open space not occupied by a building or buildings, open to the sky and on the same lot as the principal building. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the applicable zoning district.

YARD, FRONT. A yard extending across the full width of the lot and lying between the front lot line and a line at a distance therefrom as specified by the regulations.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear lot line and a line at a distance therefrom as specified by these regulations.

YARD, SIDE. A yard between the side lot line and a line at a distance therefrom as specified by the district regulations. Interior side yard is a side yard which is located adjacent to another lot. Street side yard is a side yard which adjoins a public street. (NOTE: See Lot Definitions also)

ZONING ADMINISTRATOR. The individual appointed by the City Council to administer and enforce the provisions of this Ordinance.

ZONING DISTRICT. An area or areas within the limits of the City for which the regulations and requirements governing land use are uniform.

ZONING MAP. The areas comprising these zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance being designated as the Official Zoning Map for the City with all proper notations, references and other information shown thereon.

ZONING ORDINANCE. Part of an adopted local government code which establishes the type and amount of development that is permissible within defined zoning districts.

APPENDIX B
CITY OF FRANKLIN ZONING MAP

City of Franklin Zoning Map

